

Housing appeal decisions for w/c 31 October 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Milland, Thorpe Lea Road, Egham TW20 8JL	APP/Q3630/W/22/3290930	Erection of a total of 10 new dwellings comprising 2 detached three bedroom, 6 terraced three bedroom and 2 detached four bedroom houses	Runnymede Borough Council	Turnbull Land	Dismissed	Housing allocation policy in the Local Plan set out specific requirements for a minimum of 55 net additional dwellings and 1 net additional gypsy pitch. Proposed density to be at lower end of policy requirement and no other permissions in place for other parts of the allocated site. The proposal would prejudice the overall delivery of adopted policy and would not make effective and efficient use of land. Affordable provision did not take into account alternative scenarios, including any costs of delivering, operating, transferring or potential returns and it was concluded that inadequate provision was made.
Lea Halls, Bute Street, Luton LU1 2WJ	APP/B0230/W/22/3294931	Change of use of student accommodation (Sui Generis) to 132 flats (52 one bedroom, 40 two-bedroom, 36 three bedroom and 4 four-bedroom)	Luton Borough Council	Luton Halls Properties Ltd	Allowed	The site lay in the town's 'creative quarter' where a local plan policy aimed to provide a thriving mixed-use area that included new housing and uses that promoted a café culture. In contrast to other sites, it was not allocated for any site-specific development. It was vacant and was generating no vitality or activity. While there would be some conflict with the council's masterplan, that was a corporate document rather than a planning document, and overall the principle of residential conversion was in compliance with the development plan when considered as a whole. The proposal would be an efficient use of land in terms of the number of dwellings created and there was little likelihood or proven viability of other uses. Moreover, the proposed changes to the buildings and their setting were positive and would not harm the town centre.
Land to the north of Whychurch Farm and to the south of Filands, Malmesbury	APP/Y3940/W/22/3290305	Outline planning application (all matters reserved except means of access) for residential development	Wiltshire Council	Gleeson Strategic Land	Allowed	Proposal outside but adjacent to the town's defined settlement boundary and was not allocated for development. However, three neighbouring sites had been recently granted permission for housing, so the principle of residential development had been firmly established in the immediate locality. The proposal would, in effect, consolidate the area of already established housing and, notwithstanding any conflict with the development plan, should be considered in that context. While resulting in the loss of open agricultural land and urbanisation of the countryside, the site had a rather nondescript character and made little contribution to the wider landscape, which was not subject to any special designation in respect of its value. The site would be an obvious and logical location for housing, and the overall impact on the character and appearance of the area, including the landscape, would be minimal. The council was unable to demonstrate a five-year supply of deliverable housing land, so the tilted balance was engaged. The existing housing shortfall and provision of new market and affordable housing were considerations sufficient to outweigh any conflict with development plan policies and the overall minimal harm to the local landscape.

* Showing decisions relating to appeals for over 10 units

<p>Land to the east of Harrow Lane and west of 777 and 779 The Ridge, St Leonards on Sea, Hastings</p>	<p>APP/B1415/W/21/3285744</p>	<p>Development proposed is erection of 67 dwellings</p>	<p>Hastings Borough Council</p>	<p>Park Lane Homes Ltd</p>	<p>Allowed</p>	<p>Proposal on elevated grassland site close to the edge of the settlement and allocated for housing in the local plan, with a policy indicating that it had a possible net capacity of 50 dwellings. Outline permission was granted for 50 homes on the site. The scale of the homes proposed would not be out of character with their surroundings. Visibility of the site would also not amount to harm. Relevant local plan policies on densities did not set a maximum figure or limit the amount of housing that should be provided on the site and no substantive evidence had been submitted to suggest that the proposed density of 36 dwellings per hectare would significantly exceed the densities of the surrounding area. Since the council could not demonstrate a five-year supply of housing land, the tilted balance was engaged. A full award of costs in favour of the appellant was made as the council had failed to apply its policies correctly within the context of the wider basket of policies forming the local plan and the NPPF.</p>
<p>Land off Hog Lane, Ashley Green HP5 3PW</p>	<p>APP/X0415/W/21/3283709</p>	<p>Development proposed is an affordable housing development</p>	<p>Buckinghamshire</p>	<p>Rutherford Homes Limited</p>	<p>Dismissed</p>	<p>Proposal on the edge of a village would cause harm through inappropriateness and result in significant harm to the openness of the green belt within which it was located. The appellant had not demonstrated that there was an identified local community need for the proposed affordable homes, as required by a development plan policy. Neither had substantive evidence been submitted to suggest that the scheme would conform to the definition of a rural exception site given in the NPPF, in terms of addressing the needs of the local community. Furthermore, the appellant had failed to complete a unilateral undertaking to secure the level of affordable homes required to meet the relevant exception to inappropriate development. Consequently, the development would not fall within the exception to inappropriate development so would constitute inappropriate development in the green belt. The inspector also found that the proposed development would cause significant harm to the openness of the green belt in both spatial and visual terms. However, there would be no conflict with the objectives of the NPPF in relation to sustainable transport, or to those of the National Design Guide. Overall, the benefits of the proposed development did not outweigh the harm that would be caused to the green belt.</p>
<p>Land west of Wokingham Road, Sandhurst</p>	<p>APP/R0335/W/21/3287383</p>	<p>Development proposed is erection of up to 150 dwellings</p>	<p>Bracknell Forest Borough Council</p>	<p>Bloor Homes Limited</p>	<p>Dismissed</p>	<p>Proposal on the edge of a town comprised undulating grassland in a locally designated area of special landscape importance. The proposal would represent a significant local incursion of development into the countryside beyond the town's readily identifiable built-up area. It would have a harmful urbanising effect and was unlikely to integrate successfully with its surroundings. The council could not demonstrate a five-year supply of housing land, so the most important development plan policies for determining the application were to be treated as being out-of-date. This meant that the tilted balance should be applied to the presumption in favour of sustainable development. While the development would otherwise be acceptable, the level of harm to the area's character and appearance was such that it was not outweighed by the proposal's benefits.</p>

Land off Coombe Road, Norbiton KT2 7QB	APP/Z5630/W/22/3293957	Redevelopment of land off Coombe Road, Norbiton including the demolition of existing buildings to provide Extra Care Accommodation	Royal Borough of Kingston upon Thames	Advanced Living (Kingston) Limited	Allowed	Proposal a tall building on the site of a redundant Victorian hospital wing. While the site lay close to tall large-scale hospital buildings, it bounded the rear gardens of traditional Victorian houses on one side. Although it was not in an identified location for tall buildings it satisfied other policy criteria. There was support from an independent review panel and the council's own design officer. The proposal complied with the development plan overall and effects on non-designated heritage assets including loss of the hospital wing were outweighed by the contribution to meeting a general housing shortfall and need for specialist elderly accommodation.
Land at Ivy Cottage, Leigh-on-Mendip, Somerset BA3 5QG	APP/Q3305/W/21/3284378	Development proposed is up to 40 dwellings	Mendip District Council	T & A Land Associates Ltd	Dismissed	Proposal on greenfield land adjacent to a small village would be out of keeping with the strongly linear settlement pattern and would also detract from the setting and significance of a grade I listed church. A fallback of a Class Q conversion of an agricultural building on the site to three dwellings, with its associated domestication, would not have anything like the same effect. In weighing whether the claimed public benefit of providing housing would outweigh this heritage harm, paving the way for a tilted overall balance, the cumulative effect with other permissions would be well in excess of a guideline 15 per cent growth set out in the local plan for the village and twelve affordable homes far exceeded an identified need for two. The growth would be disproportionate and housing on this scale should be provided in more sustainable locations. The proposal would conflict with development plan spatial strategy and heritage policy.
Crown Place, Chertsey Road, Woking GU21 5AJ	APP/A3655/W/20/3259819	Redevelopment of site to provide a new building ranging from 5x to 28x storeys plus basement level comprising up to 366x residential units (Use Class C3)	Woking Council	Borough Watkin Jones Group Plc & McKay Securities Plc	Allowed	Tall building scheme in a town centre remitted decision. The previous inspector had refused the mixed use scheme, finding the height of the up to 28-storey towers excessive in the context of smaller scale buildings in this part of the town centre and harmful to the setting of a listed church, concluding the public benefits were limited by a lack of affordable housing and insufficient to outweigh the scheme's harm. Following a successful legal challenge, a different inspector decided to allow the remitted appeal. While the tall towers would undoubtedly be highly visible and would not reflect their immediate surroundings, this part of the town centre was uninspiring and would be improved by the distinctive and high quality development, creating a landmark at the easterly approach to the town centre and enhancing townscape character overall. A diminishment in the focal prominence of the church spire would have limited effect on its heritage significance and setting. The scheme accorded with the development plan and even if it didn't, the significant public benefits and quality of the proposed development outweighed any conflict.
34A and 34B Arkwright Road and rear section of 34 Arkwright Road, South Croydon	APP/L5240/W/22/3299357	Erection of building containing 19 flats	London Borough of Croydon	Mr Martin Avery - Chartwell Property Group	Dismissed	Proposal on urban backland site would have a significantly harmful effect on the character and appearance of the area. The housing mix would also conflict with the minimum requirements of the development plan. The proposal would result in a loss of privacy to neighbouring occupiers.

Land off Front Road, Woodchurch, Kent	APP/E2205/W/21/3289039	Development proposed is the erection of up to 40 dwellings (including affordable housing)	Ashford Council	Borough	Gladman Developments Ltd	Allowed	Proposal on land allocated for eight houses in a village would not be disproportionate to the size of the rural settlement and its services. Local plan policy accepted new housing adjoining the built up confines of the village, subject to the scale of development being proportionate to the size of the settlement and available services, taking into account their capacity to absorb the extra demand. In light of confirmation by education and healthcare services that the needs of the development could be accommodated and noting a regular bus service to nearby towns, there was no reason why a larger-scale development than allocated should be precluded. As the loss of the open, undeveloped field would cause localised harm to area character and erode the countryside setting of the village conservation area opposite, the scheme did not comply with the development plan as a whole. But in a tilted balance engaged by a five-year housing shortfall, the significant social benefit of the mix of market, affordable and self-build homes proposed and other benefits outweighed these moderate adverse impacts.
Land South West of Penwinnick Farm, Penwinnick Road, St Agnes, Truro, Cornwall	APP/D0840/W/22/3292433	Development proposed is the residential development comprising 39 dwellings (22 affordable)	Cornwall Council		Westcountry Land (St Agnes) Ltd	Allowed	Proposal on agricultural land on the edge of a large village was refused by the council due to the impact on a World Heritage Site. However the Inspector concluded that there would be no harm to the WHS and no conflict with national and local policies protecting this irreplaceable resource. The proposal would result less than substantial harm to the agricultural setting of listed farmhouses but in the heritage balance this was outweighed by the substantial public benefit of contributing to meeting an identified need for affordable housing in the village.
Land North West of Station Road, Launton, Oxfordshire	APP/C3105/W/22/3301485	Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis)	Cherwell Council	District	Richborough Estates	Allowed	Proposal on a greenfield site on the edge of a village. The council could only demonstrate a 3.5 years supply of deliverable sites, engaging the presumption in favour of sustainable development. The proposal would cause some limited harm to the character and appearance of the village and its rural setting and would not be an appropriate location for housing having regard to access to facilities and services. In addition, the scheme would intrude into the setting of a listed farmhouse. However, in the planning balance, the benefit of providing a considerable number of market dwellings, irrespective that the housing shortfall was largely due to delays in major schemes elsewhere in the district, plus the affordable and live-work units, outweighed any harm or policy conflict.
Land to the West of Ivy Lane, Bretforton, Evesham, Worcestershire	APP/H1840/W/22/3300326	Erection of up to 29 dwellings (40% affordable housing)	Wychavon Council	District	Beechcroft Land Limited	Allowed	Proposal located on the edge of a village on a site used for grazing horses. It was accepted that some harm would arise as a consequence of the site lying outside the defined settlement boundary. However, the council was unable to demonstrate a five year supply of housing land and 40% of the units would be affordable. Overall, the harm did not significantly and demonstrably outweigh the benefits and the site's location was judged to be sustainable.