

Housing appeal decisions for w/c 7 November 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Yarm Riding Centre, Glaisdale Road, Yarm TS15 9RN	APP/H0738/W/22/3296940	Outline planning permission for demolition of existing bungalow (no. 68) and erection new residential dwellings	Stockton-on-Tees Borough Council	Mr D Anderson	Dismissed	Proposal on land formerly used in association with an equestrian centre on the outskirts of a town. The buildings and a manège appeared largely disused, although the land was still being used for the grazing of horses. While the site lay within a green wedge straddling a river, subject to future design and planning conditions the proposal would maintain its character and appearance. However, the proposed access would result in harm to the quality of the occupiers' living conditions from additional noise and disturbance. The site was also located near a wetland that was a Special Protection Area and Ramsar site recently been found to be in unfavourable condition due to the impact of nutrient pollution. Even taking into account the reduction in nutrient pollution from ceasing the grazing of the land, there would be an impact on the waterbody, acknowledging that a recently published Nutrient Neutrality Budget Calculator indicated that there would be a net gain in nitrates. Therefore, when considered alone or in combination with other similar projects and proposals, the proposed development would result in likely significant effects on the habitats sites.
493-499 Bath Road, Brislington, Bristol BS4 3JU	APP/Z0116/W/21/3283037	Redevelopment of the site for 146 residential units, including apartments and houses (Use Class C3)	Bristol City Council	Sovereign Housing Association	Dismissed	Redevelopment of a vacant industrial building located in a predominantly residential area with some commercial buildings nearby. The proposal would significantly harm the character and appearance of the area, result in unacceptable living conditions for future residents and fail to accord with national and local planning policy for sustainable energy use. The proposed use of direct electric systems would not accord with the heat hierarchy element of a development plan policy and it had not been adequately demonstrated that the incorporation of heat hierarchy compliant systems would not be feasible or would necessarily render the scheme financially unviable. The proposal therefore failed to also comply with the environmental objective of the NPPF. While also finding that the council was unable to demonstrate a five-year housing land supply and that the proposal's cumulative benefits would be substantial, overall such considerations did not outweigh the identified harm and resulting conflict with the policies of the development plan.
Land at Redlands, Reading Road, Sherfield on Loddon, Basingstoke RG8 0PL	APP/H1705/W/22/3298464	Outline application for up to 57 no. new dwellings	Basingstoke & Deane Borough Council	Cooper Estates Strategic Land Limited	Allowed	Proposal on greenfield land on the edge of a town, comprising the outermost part of an allocated housing site but lying beyond the area within the allocation indicated for housing by the local plan and where 150 homes were under construction. Policy supporting the allocation confirmed that the appeal site should remain undeveloped to limit visual impacts of development and maintain a green buffer to the wider countryside. The self-contained appeal site was of limited landscape importance and the proposals included a generous multi-functional green space corridor around the outer edges of the site, which would be much more effective in mitigating visual impacts and creating a green buffer and strong settlement edge than the approved housing scheme. There would be no material harm and the scheme satisfied the overarching objectives of the allocation policy. Limited conflict with allocation policy did not outweigh the benefits of housing.

* Showing decisions relating to appeals for over 10 units

<p>Mill House Farm, Maresfield, Uckfield, East Sussex TN22 2ED</p>	<p>APP/C1435/W/22/3292552</p>	<p>Phased development of up to 49 houses. All matters reserved apart from the access, which will use the existing approved access and existing internal road</p>	<p>Wealden Council</p>	<p>District</p>	<p>Messrs SJ, NM, PA and RP Flittner</p>	<p>Dismissed</p>	<p>Proposal on field adjoining a small town with no development boundary. The proposal would conflict with settlement policies generally preventing housing outside development boundaries and would have a discordant visual impact and harm the rural character. There was a failure to demonstrate how appropriate opportunities to promote sustainable transport modes could be taken up and doubts over whether safe or suitable pedestrian access would be secured. Requests for financial contribution towards local bus services were rejected and not shown to be fairly and reasonably related in scale and kind to the development. There were satisfactory provision for financial contributions towards mitigating recreational impacts on a Special Protection Area. A lack of five-year housing land supply and other benefits would not outweigh overall harm.</p>
<p>Esher Place, 30 Esher Place Avenue, Esher KT10 8PZ</p>	<p>APP/K3605/W/21/3275789</p>	<p>Change of use from conference centre (D2) to residential (C3) to provide 21 flats with associated single and two-storey extensions to east wing, parking, bin and cycle stores, landscaping and alterations to fenestration following removal of existing external staircase</p>	<p>Elmbridge Council</p>	<p>Borough</p>	<p>Birchwood Homes Ltd</p>	<p>Dismissed</p>	<p>Proposal for the conversion of a grade II listed building and former grand country house. The building had most recently been used as a residential conference and training centre (Class D2), with previous use as a children's home. Despite these changes of use, the building retained a high degree of historic, artistic, and architectural significance and the internal subdivision necessary to convert the building into flats would undermine its spatial integrity. While the development plan required affordable housing, the submitted viability appraisal aggregated the scheme with three other applications relating to land and buildings on the wider site, making it impossible to conclude that the proposal should not make a financial contribution to affordable housing. The benefits of securing the long-term occupation and maintenance of the listed building and of providing housing in the context of a five-years supply shortfall would not outweigh the very considerable harm to the significance of the listed building and its setting, and the conflict with the development plan.</p>
<p>Land at Foxbridge Village North, Wanborough Road, Swindon, SN4 0AB</p>	<p>APP/U3935/W/22/3298100</p>	<p>Erection of up to 220 dwellings, commercial facilities up to 300sqm (Use Classes A1, A2, A3, A4, A5, B1 and D1) and a primary school (on a site of 2.2ha) with associated parking, landscaping, drainage and heritage trail; access to Southern Connector Road not reserved</p>	<p>Swindon Council</p>	<p>Borough</p>	<p>Danescroft (Swindon PCDF IV) LLP</p>	<p>Allowed</p>	<p>Proposal on land part of a planned urban extension. The local plan set out an expectation for a primary school to be provided. It was found that neither the appeal scheme nor the wider village development justified provision of a primary school in practice, in a departure from development plan policy. The scheme could also viably provide just 15 per cent affordable housing rather than meeting the full policy requirement of 30 per cent, and contribute only a considerably reduced sum towards other infrastructure than had been calculated by the council. The benefits of the scheme in the context of a five-years housing shortfall outweighed the development plan policy conflict and disadvantage of the shortfall in infrastructure contributions, and overall the scheme was a sustainable development which the NPPF indicated should be granted permission.</p>

<p>Site 46a010, Rear of 89-169 Tunnel Road, Galley Common, Nuneaton, Warwickshire</p>	<p>APP/W3710/W/22/3301839</p>	<p>Up to 70 dwellings with all matters reserved except for access</p>	<p>Nuneaton and Borough Council</p>	<p>A R Cartwright Limited</p>	<p>Dismissed</p>	<p>Proposal on a site which was an example of an early phase of the enclosure of open fields from the medieval period and constituted a non-designated heritage asset, the council alleged, and formed part of the wider historic landscape. The inspector agreed that there were small elements left on the site which made a modest contribution to the site's significance. In addition, piecemeal enclosure was rarer locally which warranted treating the site as a non-designated heritage asset. As planned, the scheme would give rise to a substantial residential estate which would extend noticeably into the open countryside. It would also materially affect the historic significance of the site. The supply of housing land stood at 4.9 years, and the inspector afforded this significant weight along with the provision of 25 per cent affordable housing. Moderate benefits would accrue from construction but overall the harm was not significantly outweighed by the benefits.</p>
<p>Land at Maitland Lodge, Southend Road, Billericay CM11 2PT</p>	<p>APP/V1505/W/22/3296116</p>	<p>Demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works</p>	<p>Basildon Borough Council</p>	<p>Inland Homes</p>	<p>Allowed</p>	<p>Proposal on equestrian facilities including buildings and paddocks in the green belt considered as previously developed land. The site was largely visually self-contained and although the scheme would spread development across it, it would be viewed in the context of housing on two sides. Further, it could only be considered inappropriate if substantial harm was inflicted and the scheme fell below this threshold. The council accepted that housing delivery had been persistently poor over several years and the inspector agreed that there was little likelihood of an improvement over the short to medium term. The open market and affordable homes would be very substantial benefits and there would be limited impact on the character and appearance of the area.</p>