

Housing appeal decisions for w/c 21 November 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
66-70 High Street, Bromley BR1 1EG	APP/G5180/W/21/3285586 & APP/G5180/W/21/3285586	Development proposed is described as 'demolition of existing buildings (No.66 to 70 High Street), construction of 12 storeys to provide 256.4 square metres retail floorspace on the ground floor and 47 residential units	London Borough of Bromley	Matterhorn Capital	Partly Allowed, Partly Dismissed	The proposal would contribute positively to the character and appearance of the nearby town centre conservation area. Whilst the building would be the tallest in the immediate area, its overall effect would be reduced by a number of factors. It would be sited amongst other tall structures, retain the frontage of the existing buildings and be set back from the high street. The building would also be assimilated by its simple design and use of materials and colour. A planning agreement provided agreed affordable housing units; commuted sums in regard to energy, highways and children's play space; the establishment of a car club and a restriction on the application by future residents for parking permits. An alternative scheme was dismissed as it would have caused harm to the character and appearance of the area, fail to preserve or enhance the setting of the conservation area and would result in the unacceptable loss of a non-designated heritage asset.
Land at Broyle Gate Farm, Lewes Road, Ringmer, East Sussex BN8 5NA	APP/P1425/W/22/3298993	Development proposed is up to 100 residential dwellings (40% affordable)	Lewes District Council	Croudace Homes Limited	Allowed	Proposal on an open site between villages. The proposed development would conflict with a number of policies in the development plan. This included spatial policy as the site was located outside any settlement boundary, while the scheme would have moderate harmful effects upon the landscape, character and appearance of the area. It would cause minor harm to the setting of and views from a national park and moderate harm to the setting of heritage assets. In the planning balance, substantial weight was given to the public benefits of the scheme in making a contribution of 100 dwellings with 40 per cent affordable housing in the context of a large housing shortfall and under-provision of affordable housing. Significant benefits would also arise from the provision of outdoor sports and recreational facilities and moderate benefits from the proposed biodiversity enhancements and economic benefits. The adverse impacts were not significantly and demonstrably outweighed by the benefits of the scheme.
Land at 4-6 Broad Street, Chesham HP5 1HR	APP/X0415/W/22/3291033	Development proposed is construction of a four-storey block containing 10 flats	Buckinghamshire Council	Cairnpark LBS Properties	Dismissed	Proposal on the edge of a town centre would integrate well with its surroundings and would not appear overly prominent, large or bulky and would not harm the character and appearance of the area. However, there would be possible harm to a SAC as suitable mitigation had not yet been fully agreed and no S106 was available.

* Showing decisions relating to appeals for over 10 units

Land Opposite Wilminstone Industrial Estate, Old Exeter Road, Tavistock, Devon PL19 0FD	APP/Q1153/W/21/3289369	Development proposed is for the erection of 10 dwellings	West Devon Borough Council	New Homes South West Ltd (Mr C Speed)	Dismissed	Proposal on a field outside town with no defined boundary, where the area character had changed from urban to rural such as to indicate site was within the countryside. However, as there was housing and an industrial estate nearby, the site was not 'isolated' but was poorly accessible to services and facilities. Walking and cycling particularly would be difficult in hours of darkness, resulting in likelihood of car reliance. The proposal was not sustainably located and therefore contrary to local plan policies and harmful to rural character and landscape. Limited weight given to extant permission for employment use of site as fallback.
719-727 London Road, Hounslow TW3 1SE	APP/F5540/W/22/3298720	Development proposed is demolition of existing building and redevelopment of the site to provide residential units (Class C3)	London Borough of Hounslow	Origin Investors (Hounslow) Limited	Allowed	The proposal included the demolition of an existing vacant building outside the town centre and redevelopment of the site. The scheme would not be overbearing or disproportionate to its location and setting and would not have a harmful effect on the character and appearance of the surrounding area or conflict with local planning policies. The appeal was allowed subject to conditions which included ensuring there were no adverse effects of living conditions of neighbouring occupiers, and to relevant terms of the legal agreement securing the affordable housing provision and a number of highway matters. A partial award of costs was awarded regarding the mixture of accommodation as this was only raised as an issue during the appeal process.
Land East of Newgate Lane East, Fareham, Hampshire	APP/A1720/W/22/3299739	Outline application with all matters reserved (except access) for residential development of up to 375 dwellings	Fareham Borough Council	Miller Homes Ltd and Bargate Homes Ltd	Dismissed	Proposal on agricultural land within a strategic gap between settlements. A recent appeal decision had sanctioned housing on open land nearby, also within the strategic gap, and the council had considered but rejected allocating the appeal site for housing in an early version of an emerging plan. Little weight was given to this draft allocation as the examination inspector had indicated that the plan could be made sound without including the site. The council could not demonstrate a five-years supply of housing land, triggering a local plan policy supporting the release of land in the countryside including within the strategic gap, subject to minimisation of adverse impacts. The proposed development would significantly urbanise the rural character of the area and, unlike the permitted housing scheme nearby, the appeal site was of a significant size. The proposal would conflict with policy as it would significantly affect the integrity of the gap, individually and cumulatively, as well as its function in maintaining the physical and visual separation of settlements.
Land at Kingsland, Marlton Road, Torquay TQ2 7JH	APP/X1165/W/22/3291368	Redevelopment to provide up to 90 dwellings,	Torbay Council	Woodford Group Developments Limited and Tilia Homes	Dismissed	Proposal on land allocated for employment uses outside a town and within a critical drainage area designated by the Environment Agency, where local plan policy required development proposals on sites over one hectare in low flood risk zone one to provide a fully detailed flood risk assessment. The appellant had provided only a basic assessment. The appellant had not provided sufficient evidence to conclude that a planning condition would be effective in making the development acceptable in flood risk terms. In the overall planning balance, whilst additional market and affordable housing carried significant weight in favour of the proposal in light of an undisputed housing land supply shortfall, flood risk represented a clear reason for refusing the development.

Land east of Bredon Road and Tewkesbury Road, Mitton	A. APP/H1840/W/22/3301732 & B. APP/H1840/W/22/3301742	A. development proposed is a primary school with seven classrooms B. development proposed is up to 500 dwellings (C3 Use Class)	Wychavon Council	District	A. BDW Trading Ltd, Mactaggart and Mickel, Stuart B. Barratt Developments PLC, Mactaggart and Mickel, The North Tewkesbury Landowners Consortium, Stewart Pearman and The Croome Estate Trustees	Dismissed	The appeal site represented a suitable location for the scale of housing proposed which would meet in part the housing need for the adjoining local authority under the duty to co-operate. However, while the appellant had applied a sustainable travel discount to the expected trips arising from the development, the impact on one junction would be likely to be severe. The evidence around the effect on the strategic road network provided was not sufficiently satisfactory to reach a fully informed conclusion about the severity of impacts on the local highway network and the transport assessment did not allow for the likely impacts of the proposal to be assessed. Consequently, there was too much risk of a severe residual cumulative impact to rely on a transport assessment that was not comprehensive or fully robust. In terms of landscape impact, whilst some harm would result to the character and appearance of the area, the appeal proposals clearly recognised the intrinsic character and beauty of the countryside in seeking to minimise the impacts of the development through careful design that had regard to landscape and visual sensitivities. With regard to the impact on the setting of the Cotswold AONB, which had the highest status of protection, great weight should be given to conserving and enhancing its landscape and scenic beauty. The evidence submitted demonstrated that development within the appeal site could be located and designed to minimise adverse impacts on the AONB. Since it was not possible to accurately predict traffic flows on local roads, the inspector was unable to assess whether this would affect the tranquillity of the AONB as a consequence of increased flows of traffic and was unable to reach an informed judgement as to whether the development would result in an unacceptable impact on tranquillity.
44 Common Road, North Leigh, Oxfordshire OX29 6RB	APP/D3125/W/22/3302410	Erection of 10 detached and semi-detached two storey dwellings	West Oxfordshire District Council		Abbeymill Homes Ltd	Allowed	Proposal on sizeable area of land which included a large garden and paddock and lay on the edge of the settlement at a point of transition between the urban edge and the countryside. The village had been subject to significant expansion and there was no universal character in terms of layout or housing design. The proposal would intrude into the local pastoral landscape and harm the rural setting of the village. It would extend beyond the established linear pattern of development and encroach into the open countryside resulting in harm to the landscape character of the area. Set against this harm, the benefits of the scheme justified granting permission. It would involve a small windfall site which could be delivered quickly, which was important since the council's housing supply position was seriously deficient. Whilst the proposal would include only a small area of previously developed land it was necessary for greenfield land to be brought forward for housing development to improve land supply. It would form a natural extension to the settlement, adjacent to existing residential plots on two sides and would consist of housing of good design that would function well.
Land off Park Road, Ketton, Rutland	APP/A2470/W/21/3287674	Residential development of up to 75 dwellings	Rutland Council	County	Vistry Homes Ltd	Allowed	Following the withdrawal of the new local plan from examination a short time after the refusal of the appeal proposal, the council accepted that it was unable to demonstrate a five-year housing land supply and the reason for refusal could not be sustained. Future occupiers of the development would not be wholly reliant on the use of private vehicles to access basic services and amenities. There was little evidence to indicate that local services would be overwhelmed by the development.

<p>Land North of Webbs Court, Lyneham</p>	<p>APP/Y3940/W/22/3299290</p>	<p>Residential development for up to 56 dwellings</p>	<p>Wiltshire Council</p>	<p>Mr John Smith (Gleeson Land Limited)</p>	<p>Allowed</p>	<p>Edge-of-village expansion outside a defined settlement boundary which played a major part in the council's overall spatial strategy and also helped with protecting the countryside. The scale and location of the proposal were not supported by local planning policy and it conflicted with the council's development strategy. The development would urbanise the site and also give rise to less than substantial harm to the setting of a listed building. The latter would be outweighed by the public benefits. In assessing the overall planning balance, conflict with the spatial strategy was an important consideration. However, although the council's housing land supply shortfall was modest, there were considerable benefits in allowing the appeal on the edge of a village which had a range of facilities and a relatively high level of self-containment. Although a number of permissions had been granted within the village and wider policy area, this did not necessarily mean that there was no longer an established need for market and affordable housing in this location, especially in a situation where there was no overall five-year supply of deliverable housing sites. The harm did not significantly and demonstrably outweigh the benefits.</p>
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