

Housing appeal decisions for w/c 5 December 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land at Brook Meadows, Colchester Tiptree,	APP/A1530/W/22/3301862	Development proposed is the erection of up to 221 dwellings	Colchester Borough Council	Kler Group Ltd	Dismissed	Proposal on a countryside site would conflict with adopted development plan policies. There was no prematurity argument in relation to an emerging plan and the proposal was assessed on the basis of adopted development plan policies. The proposal would be a significantly sized windfall development and would not lie within any future preferred growth directions or comply with criteria for development outside the settlement boundary. The council demonstrated a marginal excess of a five-year supply of housing. The proposal would not cause significant harm to biodiversity, but would provide an opportunity to improve the resilience of the ecological features that gave the site its ecological value. It would also provide a modest benefit in formalising rights of access across the site. There would be a moderate adverse impact on the rural character and appearance of the site, although much more limited in wider landscape terms, contrary to local plan policies. The proposal would clearly be in conflict with key policies in an up-to-date development plan and would not represent sustainable development. Whilst some benefits would arise, most of these would arise from any similarly-sized development plan-compliant development and therefore attracted only limited weight.
Alma Mill, Crompton Road, Macclesfield SK11 8DX	APP/R0660/W/22/3291801 & APP/R0660/W/22/3291801	Development proposed is extension and change of use of vacant mill into 24 self-contained apartments	Cheshire East Council	Alma Mill Development Ltd	Allowed	The building was in an advanced state of decay and residential use was the only viable use. Whilst most of the shell of the building would survive, the scheme would involve radical change which would involve an inevitable loss of historic character and integrity and would at the very least result in less than substantial harm to the significance of the building. However, the conservation benefits of securing the optimum viable use of the building would be substantial and would clearly outweigh the harm to the significance of the listed building. The proposal would not fundamentally alter the nature of the relationship between the mill and first floor bedroom windows of nearby residential properties, and would be unlikely to result in any noticeable reduction in living conditions or any adverse effect in relation to light. In relation to parking, it would be neither possible nor appropriate for the development to provide more than four off-street parking spaces but that any increased on-street parking demand would be modest.
Colchester Institute, Church Road, Clacton on Sea, Essex CO15 6AP	APP/P1560/W/22/3295313	Demolition of existing buildings and redevelopment for retirement living accommodation comprising 61 retirement living apartments	Tendring Council District	Churchill Retirement Living Ltd	Dismissed	The proposal was within a seafront conservation area. The architectural detail and finish and proportions of the proposal were not considered to preserve or enhance the character or appearance of the conservation area and the harm was found to be less than substantial. The harm was balanced against the public benefits of the scheme. These included the re-use of a previously developed site for the provision of specialist housing that attracted significant weight and the regeneration benefits which attracted moderate weight, however these benefits did not outweigh harm to the heritage asset.

* Showing decisions relating to appeals for over 10 units

Weston, Beckermert CA22 2NX	APP/Z0923/W/22/3296195	Development proposed is outline planning permission for redevelopment of builders yard to residential	Copeland Council	Borough	B Atkinson	Dismissed	The proposal was outside any defined settlement boundary but within a hamlet and was not isolated in terms of paragraph 80 of the NPPF. However, the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities.
Land South of Coles Lane, Ockley, Dorking	APP/C3620/W/21/3272057 & APP/C3620/W/21/3288318	Outline planning permission for a residential scheme of up to 60 dwellings	Mole Valley Council	District	Inland Homes	Allowed	Proposal in the countryside with a footpath link to a nearby station in the green belt. The proposed footpath link would preserve the openness of the green belt and would not conflict with the purposes of including land within it. The housing scheme located in the countryside beyond the green belt, lying close to an AONB, was not in a location supported by the development plan. Subject to detailed design, a suitable development of the highly enclosed site surrounded by an embankment and trees and vegetation could be provided without landscape harm. The scheme was adequately accessible and promoted sustainable transport. With the council's deliverable housing land supply at 2.9 years, in a tilted balance the adverse impacts of the development did not outweigh its benefits and overall it benefitted from the NPPF presumption in favour of sustainable development.
Land North of Kennel Lane, Billericay CM12 9RR	PP/V1505/W/22/3298599	Erection of up to 200 homes	Basildon Council	Borough	Gleeson Land	Allowed	Green belt urban extension on the edge of a town adjoining existing built development. The development would result in a moderate level of harm to openness. In light of the appeal site's edge of settlement location and undeveloped nature, the site contributed to green belt purposes by checking the unrestricted sprawl of large built-up areas and in part to prevent neighbouring towns merging into one another. It also assisted in safeguarding the countryside from encroachment. The proposal was inappropriate development which is harmful by definition. The appeal scheme would also cause a moderate level of harm to the openness of the area and limited harm to the purposes of including the site within it. The council could demonstrate less than two years' supply of housing land and the government's housing delivery test results demonstrated that such inadequate housing delivery had been persistent. Furthermore, there were no other more suitable sites for housing development either in the green belt or elsewhere. On this basis the persistent unmet housing need together with the social and economic benefits associated with the scheme amounted to the very special circumstances.
Land at Steart Bushes, Wedmore Road, Cheddar, Somerset BS27	APP/V3310/W/21/3286963	Development proposed is the erection of 19 dwelling houses	Sedgemoor Council	District	Highbridge Construction Limited	Allowed	Proposal on site enclosed by boundary vegetation and surrounded by commercial. 30 percent affordable provision would render the scheme unviable and concluded none was required. Site within 2km of bat SAC with hedgerows and light spill; no harm to bats or other species subject to mitigating conditions. A left hand splay would affect land outside the site boundary, but within appellant ownership; considered acceptable subject to Grampian condition. Proposed housing acceptable as proposal of modest size and price. Proposed Local Area for Play could be secured by negative condition rather than an obligation.

<p>Land south of Bovingdon Road, Bocking, Braintree CM7 5JR</p>	<p>APP/Z1510/W/22/3295902</p>	<p>Development proposed is up to 70 dwellings</p>	<p>Braintree Council District</p>	<p>Mr Andrew Allocca of Eastlight Community Housing and George Tanner (Shalford) Ltd</p>	<p>Allowed</p>	<p>Proposal on former industrial site. Due to its relatively low level and screening by trees outside the site it lacked prominence in views from either direction. Having been the subject of various industrial uses for more than a century, including the accommodation of one or more sludge lagoons, recent use for inert landfill had provided the site with an unnatural, raised profile. In its current degraded state, the site did not present itself as countryside. Although the council's settlement fringes study identified the site as having 'low' capacity for change, the inspector disagreed, concluding that it had little affinity with the countryside. Scope would exist for a satisfactory level of tree planting without compromising the provision of private amenity space and overall the development would have a positive effect on the character and appearance of the area. With regard to the impact on the setting of a village church and conservation area, the impact on its setting and the conservation area would be conserved. The council could not demonstrate a five-year supply of housing land.</p>
---	-------------------------------	---	---------------------------------------	--	----------------	---