

Housing appeal decisions for w/c 12 and 19 December 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Secretary of State Decision	Issues Summary
Land to the south of Wilburton Road, Haddenham, Ely CB6 3UU	APP/V0510/W/21/3283920	Residential development for up to 70 dwellings	East Cambridgeshire District Council	Land Allocation Ltd	Dismissed		Proposal on the edge of a village in an elevated position and highly visible within an open agricultural landscape would be in conflict with the locational strategy of the development plan and would have a major adverse effect on the character and appearance of the area. The site was in a reasonably accessible location but would be outside the development envelope of the village and would not comprise one of the excepted forms of developments needed to be located in the countryside. Whilst there were considerable material considerations, including a clear need for more affordable housing, biodiversity benefits and economic benefits, these were not sufficient to outweigh the harm identified and the conflict with the development plan.
Land at and to the rear of 240 Nine Mile Ride, Finchampstead	APP/X0360/W/22/3295631	Up to 32 dwellings	Wokingham Borough Council	Kingacre Estates Ltd	Allowed		Proposal on suburban village site comprising less than half of an allocated site of around 40 dwellings. In terms of character and appearance, the proposal would have a very localised impact because of the site's self-contained nature. The proposal would cause some limited harm to the landscape and would result in the loss of a significant number of trees, as well as an area of woodland and would conflict with certain policies of the development plan. The proposal would accord with an allocation within the development plan. The council accepted that the deliverable supply of housing was likely to be marginally less than five years, such that the additional housing would be a very weighty benefit for the area.
Site to the west of the A1237 and south of North Lane, Huntington, York	APP/C2741/W/21/3282969	Residential development of circa 970 dwellings	City of York	Redrow Homes (Yorkshire) Limited	Allowed	Allowed	The Secretary of State has granted outline permission for a major housing development in the green belt. The agricultural land had been identified for housing in an emerging local plan but this had not progressed sufficiently for the allocation to be given more than limited weight, although the Secretary of State did consider that it was a material consideration to be taken into account in judging whether very special circumstances existed to justify the inappropriate green belt development. With regard to the benefits of the proposed development, these were the delivery of much-needed housing and 30 per cent affordable housing in the context of a less than five-years housing land supply of between 2.79 years and 3.45, along with provision of a new primary school and early years facility and a new country park to offset recreational pressure on a special area of conservation. Collectively these benefits, along with the emerging allocation, clearly outweighed the harm to the green belt, and other harm such that there were very special circumstances justifying permitting the development. The presumption in favour of sustainable development applied.

* Showing decisions relating to appeals for over 10 units

Finsbury Court, Parkside, Waltham Cross	APP/W1905/W/22/3296357	Development of the site to provide a building of up to four storeys accommodating 10 new homes	Broxbourne Borough Council	RG Airspace Developments Ltd	Allowed	Appeal allowed subject to an amended section 106 agreement which excluded six disputed contributions sought by the council. The council claimed the basis for requesting contributions from non-strategic sites, including towards transport and healthcare, was clearly set out in the local plan and an infrastructure delivery plan. The inspector, however, found it was almost impossible to work out how the contributions sought had been calculated, or to which projects they related; the council's approach appeared to have been partially founded on what it was reasonable to request rather than what was necessary and relied on a planning officer's professional judgement. As this approach was inconsistent with NPPF paragraphs 55 and 57, the obligations were necessary to make the development acceptable in planning terms. The inspector made an award of cost to the appellant on the grounds of the council's unreasonable approach to infrastructure contributions.
Land at The Telephone Exchange, Goldbridge Road, Newick BN8 4QP	APP/P1425/W/22/3300813	Erection of 36 dwellings (including 40% affordable)	Lewes Council District	Constantia Estates Ltd	Allowed	Proposal on transitional village edge location allocated for thirty houses. Taking into account an only slight exceedance over local plan density figures for village development, variation in densities in the village and the lesser built footprint of flats compared to individual houses aiding the provision of soft landscaped spaces within the development, the proposed density was acceptable in principle. Regarding intensity, the overall height of the flats would not be incongruous and no harm to the character and appearance of the area was found. There would be suitable mitigation of recreational effects on a forest special area of conservation.
Hills Garden Centre, London Road, Allstock, Northwich	APP/A0665/W/22/3293862	Development proposed is erection of 16 dwellings	Cheshire West and Chester Council	Altin Homes	Dismissed	Redevelopment of a disused garden centre adjacent to a village would have a greater impact on the Jodrell Bank Observatory than a reopened garden centre. The appeal site lay within the buffer zone and setting of the Jodrell Bank observatory and world heritage site, where local plan policy did not permit development that would impair the efficiency of the radio telescope. The main parties agreed the housing scheme would exceed an agreed international threshold for harmful interference to radio astronomy. The appellant, however, provided a business plan for re-opening the garden centre and sought to demonstrate that the garden centre would be overall more harmful in terms of electromagnetic interference. It was found that the fallback would be less harmful to the operation of the observatory than the appeal proposal. The proposal conflicted with the development plan as a whole.
Danecroft Nurseries, Station Road, Hellingly BN27 4EU	APP/C1435/W/22/3297388	Erection of No.80 dwellings	Wsealden Council District	Danecroft Developments Ltd	Allowed	Proposal outside the settlement boundary of a village. The local plan sought to restrict development in the open countryside and the neighbourhood plan aimed to protect the rural character of the area and ensure the parish remained essentially rural. The development would urbanise the greenfield site and detract from the semi-rural appearance of the surrounding area. However, with the council's latest published figure of deliverable housing land supply showing a considerable shortfall, triggering the tilted balance, the important contribution the scheme would make to addressing this sizeable shortfall in a sustainable location close to the facilities and services of a town, outweighed the harm to the character and appearance of the area and conflict with out-of-date local pan policies.

Land Adjacent to Sussex Road, Sussex Road, St Leonards on Sea, East Sussex TN38 0BS	APP/B1415/W/22/3297705	Construction of 15 dwellings	Hastings Borough Council	Gallium Homes Ltd	Dismissed	Proposal on disused, derelict land in an urban conservation area and with three storey listed buildings set adjacent to the site. The proposal would infill a frontage gap. The scale, siting and design of the proposal would fail to reflect or respect the local context or urban grain of the surrounding area and would harm the listed buildings, conservation area and area character and appearance. The proposal would harm outlook from rear of frontage dwellings such that existing occupiers would likely experience an unacceptable sense of enclosure and overlooking privacy loss from proposed upper floor occupiers. Proposed balconies as outdoor amenity space would require privacy screening by condition to prevent overlooking harm. Affordable housing provision would not be viable following appellant's updated assessments. Although a housing shortfall, the proposal would not benefit from presumption in favour due to harm to conservation Area and listed buildings.
Land south east of Bridge Close, Appledore Road, Woodchurch, Kent	APP/E2205/W/21/3289740	Development proposed is 31 dwellings	Ashford Borough Council	Millwood Designer Homes	Dismissed	Proposal on an allocated site at the edge of a village for 30 dwellings which the proposal broadly accorded with. The proposal would appear cramped compared to the rest of the village. Large areas of hardstanding and poor layout would have an unsatisfactory public realm. The design and palette of materials was out of character with the village. The lack of tree planting would result in inadequate landscaping. The existing boundary would be maintained and enhanced so the neighbour's privacy and outlook would not be harmed. The quantum of affordable housing was policy compliant but the tenure mix was not, but that could have been altered. The provision of self-build plots was policy compliant. Highway access and visitor parking arrangements could be secured by condition. The water authority was satisfied that the surface water drainage arrangements could be secured by condition.
Land and Buildings on the south side of Church Lane, Birdham PO20 7AT	APP/L3815/W/22/3291594	Development proposed is the erection of 25 no. dwellings comprising 17 open market and 8 affordable units	Chichester District Council	SBEPi Ltd	Dismissed	Proposal on the outskirts of a village within an AONB. The site would occupy a smaller site than a previously dismissed appeal, but was a substantial area of land compared to the existing settlement pattern in the area. The proposal would fail to conserve or enhance the landscape and would result in significant harm to the natural beauty of the AONB and significant harm to the character and appearance of the AONB, contrary to local plan policies. The council was unable to demonstrate a five-year supply of deliverable housing sites, however the tilted balance was not engaged in this instance. The limited benefits of contributing 25 dwellings, including affordable units to housing supply, and local economic benefits from construction and future residents did not outweigh the significant harm. The proposed development represented major development in the AONB and there were no exceptional circumstances to allow the appeal.
52 Bretforton Road, Badsey WR11 7XQ	APP/H1840/W/22/3293474	Development proposed is for the development of 21 dwellings	Wychavon District Council	Paul Newman New Homes	Allowed	Proposal within a village on a site which the council accepted was suitable for housing and where the housing mix, layout and design of the proposal were acceptable. The S106 Agreement included obligations which were necessary in order to make the development acceptable in planning terms, directly related to the development and reasonable in scale and kind and accorded with the tests set out in the NPPF and the Community Infrastructure Levy Regulations and the policies of the local plan.

Land at Beeches Park adjacent Amersham Road and Minerva Way, Beaconsfield	APP/N0410/W/22/3299849	Outline application with all matters reserved except access for the erection of residential dwellings including affordable housing (Use Class C3)	Buckinghamshire Council	The Portman Estate	Dismissed	Proposal within the green belt would be inappropriate development and would result in the loss of openness in spatial and visual terms. The purpose of checking the unrestricted sprawl of large built-up area would be undermined, but only to a limited extent given the site's physical boundaries. Additionally, there would be conflict with the role of safeguarding the countryside from encroachment. The development could be accommodated without significant adverse landscape and visual impacts. Despite a number of positive attributes including the provision of green infrastructure, the design vision failed to understand the defining characteristics and special qualities of the area and would not add to the overall quality of the area. Established habitats would become fragmented and also compromised by recreational activity. The harm to the green belt by reason of inappropriateness, and a combination of landscape impacts, design and habitat issues would not be clearly outweighed by other considerations; very special circumstances did not exist.
35 Hitchin Road, Luton LU2 0EL	APP/B0230/W/22/3291824	Erection of a 5 storey block of 18 flats	Luton Borough Council	Mr Singh	Dismissed	Demolition of MOT centre in an area with a mix of residential and commercial uses. The building would be much taller than the surrounding area, in particular the neighbouring buildings, making it incongruous. There would be a loss of employment land and it was not demonstrated that the use was unviable or harmful to the neighbours. Although the internal space was marginally smaller than national standards they had not been adopted locally, so the internal space was adequate.
Land to the west of St Anne's Drive and south of London Road, Wokingham RG40 1PB	APP/X0360/W/22/3297645	Erection of 54 units (including 19 affordable homes)	Wokingham Borough Council	Beaulieu Homes South Ltd	Allowed	Proposal within the countryside in an area where the council was unable to demonstrate a five-year supply of deliverable housing sites. The adverse impacts included being located outside development limits and undermining the spatial development strategy for the area, with an adverse impact on the character and beauty of the countryside and local area. The proposed affordable housing would contribute to meeting identified needs in the borough, which attracted significant weight. Moderate weight was attributable to the modest contribution that the appeal scheme would make towards housing land supply. The appeal scheme would make adequate provision for infrastructure, on and off-site services, amenities and financial contributions to accord with local planning policy but as these would be necessary to support and mitigate the potential effects of the scheme these were given neutral weight. The adverse impacts of granting permission would not significantly outweigh the benefits and the presumption in favour of sustainable development weighed in favour of the proposal.
Land at Satchell Lane, Hamble-Le-Rice	APP/W1715/W/22/3292580	residential development of 61 no. dwellings	Eastleigh Borough Council	FHL Planning	Dismissed	Proposal on a countryside site on the edge of an existing village would not conform to where the local plan intended that new housing development was to be located as it lay outside the defined urban edge and in the countryside and would not be in a suitable location. There would be limited adverse effect on landscape character, and visual impacts were considered to be of an adverse localised nature. The proposal would have an unacceptable effect on the character and appearance of the area, including design quality, contrary to local plan policy. As the council could not demonstrate five-year supply of deliverable housing sites the tilted balance was engaged. The adverse impacts would significantly outweigh the benefits, when assessed as a whole such that the proposal did not benefit from the presumption in favour of sustainable development.

<p>Land corner of Ashfield Road and Grove Lane, Elmswell, Bury St Edmunds, Suffolk IP30 9HJ</p>	<p>APP/W3520/W/22/3305372</p>	<p>Development proposed is the erection of 19 dwellings</p>	<p>Mid Suffolk District Council</p>	<p>Hartog Hutton Limited</p>	<p>Dismissed</p>		<p>Proposal located outside the settlement boundary of a village in designated countryside, conflicting with local plan policies which restricted housing to normally form part of existing settlements. There would be conflict with other local plan policies as housing on the site would not be functionally well-related or connected to the village in order to make use of sustainable transport options and the proposal incorporated no measures to improve connectivity. The site was open, undeveloped and a prominent green gap within a housing area with a semi-rural appearance. The proposal would not address the loss of green space and its contribution to the identity of the area and would result in an urbanising effect, conflicting with local plan policies. There was also considered to be less than substantial harm to the setting of a nearby grade II listed building. This was weighed against the public benefits which included boosting housing supply and affordable housing provision, education and transport contributions and village vitality and was not considered sufficient to outweigh the harm identified.</p>
<p>Land at Home Farm, Pinhoe, Exeter, Devon, EX4 9JG</p>	<p>APP/Y1110/W/21/3287921</p>	<p>Outline planning application for the construction of up to 61 dwellings</p>	<p>Exeter City Council</p>	<p>Waddeton Park Ltd</p>	<p>Dismissed</p>		<p>Proposal on farmland on part of the hills overlooking the city. The appellant drew attention to other approved developments within the same landscape setting and the council's lack of a five-years supply of housing land in support of the proposal. It was found that the importance of the upper slopes to the setting of the city had not been diminished by recent development. The proposal would have a detrimental urbanising effect on the landscape setting of the city and views. The adverse impacts of the scheme on the landscape's strong rural character and role in providing a setting to the city were contrary to development plan policy and outweighed the benefit of market and affordable housing in the tilted balance.</p>
<p>Land Accessed from Siddeley Avenue, Coventry</p>	<p>APP/U4610/W/21/3288560</p>	<p>Erection of residential development (Use Class C3), including affordable retirement units (Use Class C3)</p>	<p>Coventry City Council</p>	<p>Wellington Arch Limited and The Sphinx Club</p>	<p>Allowed</p>		<p>Proposal on a privately-owned long-term vacant and overgrown urban golf course. The proposal density would be appropriate to the surrounding residential area and accord with a local plan policy. The proposed site was in an accessible location and site accesses and additional traffic would not harm highway safety or network capacity. While the site lay within a designated air quality management area, the appellant's assessments satisfactorily demonstrated that air quality impacts would not be significant. The six-hectare overgrown site was of significant value as one of the few large areas of unmanaged habitat within the city but in light of the appellant's professional assessment of site ecology which did not record notable wildlife, subject to mitigation of biodiversity and tree loss, the scheme complied with the development plan overall.</p>