

Housing appeal decisions for w/c 26 December 2022\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land south of Buckingham Road, Winslow, Buckinghamshire	APP/J0405/W/22/3303420	Development of up to 60 residential dwellings (a minimum of 50% affordable) with associated open space, landscaping, highway, and drainage infrastructure	Buckinghamshire Council	Thrive Homes Limited	Allowed	Proposal on land allocated for employment uses on the edge of a town. The allocation also sought education uses and a station. A school had already been constructed while a new station was under construction. Although allocated for employment, the site was not considered to be a key employment site. As the site was not a key one, the local plan included some flexibility towards alternative uses. The appellants had been able to demonstrate that there had been a substantial over supply of employment land in the area and that the area of employment land allocated on the site and on a neighbouring site exceeded that which had been taken up in recent years. The site had been marketed for over 12 years, meaning that the prospect of an employment use was not forthcoming and that an alternative use might be suitable. The council's argument that as the site was in Flood Zone 1 it would be inappropriate for housing was undermined by their allocating the land for development. As the scheme was at an outline stage the issue of flooding could be reserved. Through the use of alternative illustrative layouts the appellants were able to demonstrate that the site could accommodate sufficient open space to meet local requirements. The appellants also submitted a legal agreement that meant the scheme would make the necessary infrastructure contributions.
Beeston Reclamation Yard, Whitchurch Road, Beeston, Cheshire CW6 9NJ	APP/A0665/W/22/3299956 and APP/A0665/W/22/3299958	Erection of up to 25 residential dwellings and associated infrastructure works	Cheshire West and Chester Council	One Fine Day Developments Ltd	Dismissed	Two outline appeals, one with 45% affordable dwellings and another for First Home dwellings on a reclamation yard in the open countryside. The council had a robust housing land supply, including for rural and affordable houses. The area had not started with the delivery of First Homes. As a rural exception site it was not sustainably located. A WMS excludes rural areas from exception sites for First Homes. Although previously developed land, the proposals would exceed the volume of built form on the site. The storage yard use of the site had an affinity with the nearby railway. The larger built form and layout of the proposals would intrude on the rural character of the area. Biodiversity was suitable to be considered as a reserved matter.

\* Showing decisions relating to appeals for over 10 units