

Housing appeal decisions for w/c 2 January 2023*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land off Cork Lane, Glen Parva	APP/T2405/W/22/3302956	Development proposed is a residential development (max 165 dwellings)	Blaby District Council	Glen Parva JV LLP	Allowed	The Council had refused the application on the grounds that it had not been satisfactorily demonstrated that the proposed layout could enable remediation and mitigation works to be undertaken to address the risk posed to the future occupants and the surrounding residents as a result of the site's previous use as a landfill site. It was concluded that the proposal would not have an unacceptable effect on the public health of the future occupiers of the proposal and the occupiers of nearby residential properties by way of land contamination.
Land at 'Venn House', Tenterfields, Great Dunmow CM6 1HH	APP/C1570/W/21/3289650	Construction of 12 residential dwellings (Use Class C3)	Uttlesford District Council	Woolbro Homes	Allowed	Redevelopment of large Victorian dwelling and outbuildings within a substantial settlement would result in no harm to the character and appearance of the area and would be of an acceptable design quality. Proposed highway arrangements would be adequate to provide safe and convenient access to the site. Sufficient and satisfactory provision would be made for local infrastructure, including public transport infrastructure, by way of a planning agreement.
Land to the North Gratton Chase, Dunsfold, Surrey GU8 4NW	APP/R360/W/22/3293777	Erection of 21 dwellings (including 8 affordable)	Waverley Borough Council	Kitewood Investments Limited	Dismissed	The proposal would involve clearing a small plantation of broadleaved trees outside the village settlement boundary and within Area of Great Landscape Value. Site allocated for 12 dwellings in draft neighbourhood plan and was supported by planning officers. The site would be an unsuitable location for housing given its harm to the character and appearance of the area. It would also fail to provide suitable access to a Local Area for Play. As that would disadvantage the health and wellbeing of young children and their parents the development would provide unacceptable living conditions for some of its likely future occupants. Minor shortfall in 5-year housing land supply and scheme's benefits insufficient to justify identified harm.
Land off Sketchley Lane, Burbage, Hinckley	APP/K2420/W/22/3301735	A residential development of up to 150 dwellings	Hinckley & Bosworth Borough Council	Barwood Development Securities Limited	Allowed	Proposal on the semi-rural edge of a large village. A previous proposal relating to the appeal site comprising of former agricultural buildings and adjoining land, for the extension of an adjoining business park and the erection of 140 dwellings had been dismissed at appeal, an inspector concluding that the development would result in the loss of a sense of separation and openness between industrial and residential uses, in a fundamental and adverse change to the landscape. The current proposal successfully addressed this harmful impact, by setting aside key fields as a large area of public open space, which could be landscape designed at reserved matters stage to retain a semi-rural character rather than appearing as a municipal park with an urbanising influence. In an overall tilted balance triggered by a five-years housing land supply shortfall, the benefits of housing including 20 per cent affordable housing outweighed any landscape and visual harm, loss of best and most versatile agricultural land and some ridge and furrow earthworks.

* Showing decisions relating to appeals for over 10 units

Land off Angley Road, Cranbrook TN17 2HF	APP/M2270/W/21/3287392	Development proposed is the development of 35 residential units	Tunbridge Wells Borough Council	Heyworth Properties Ltd	Dismissed	Proposal in an Area of Outstanding Natural Beauty on the edge of a village would not be major development within the meaning of the NPPF. However, although the open grassland site did not typify the special qualities of the AONB landscape, its development would cause modest and localised harm, contrary to local and national AONB policy. Further harm from the insertion of a new road and junction through an established tree belt on the character and appearance of a conservation area and the setting of listed cottages, and potentially on protected bats in the absence of detailed survey work of the trees to be felled was identified. Overall, while neither the degree of harm to the AONB nor to the designated heritage assets individually provided a clear reason for refusing the proposal within the terms of NPPF paragraph 11 engaged by a five-years housing supply shortfall, when taken in combination with the threat to protected species, the adverse impacts of the scheme significantly and demonstrably outweighed its substantial benefits.
Land at Old Nursery House, The Street, Framfield TN22 5PN	APP/C1435/W/22/3301104	Outline application (all reserved matters, aside from principal means of access) for up to 58 new homes (including 35% affordable housing)	Wealden Council	District Inland Ltd	Allowed	Proposal on horse grazing land and stables outside a village. The appellant and council had agreed in a statement of common ground that a single reason for refusal had been addressed and that the appeal should be allowed but the parish council maintained its objections. Some localised harm from the urbanisation of the landscape was identified, but with housing requirements in the highly rural district not currently being met within the built-up areas, this adverse effect was an almost inevitable consequence of development in open countryside. The scheme would make a relatively small but nevertheless important contribution to reducing a housing supply shortfall, and the effects on the integrity of European habitat sites would be addressed through a section 106 mitigating recreational pressure. Although the proposal would conflict with the development plan in terms of location and landscape, the harm would be limited and was outweighed by material considerations.
Phase 4, Land North East of Rectory Lane, Rivenhall	APP/Z1510/W/22/3305099	Development proposed is for up to 230 dwellings including affordable homes	Braintree Council	District Bellway Homes Ltd	Allowed	As a consequence of an updated housing land supply position statement showing supply had dropped to below five years and completion of a section 106 by the appellant, the council chose not to defend its refusal of the scheme at the inquiry, which focused instead on issues raised by interested parties. The appeal site lay outside defined settlement boundaries in a location contrary to the development plan but which was nonetheless an accessible location. Impact on an unremarkable landscape would be localised and visually self-contained and no more than would be expected on any site outside of the defined development boundaries, and loss of best and most versatile agricultural land to development was inevitable. With NPPF paragraph 11dii engaged by a housing supply shortfall and only limited harm, the benefits, which included extensive public open space and transport links also beneficial to the general public as well as future residents, in addition to the provision of market and affordable and custom build homes, outweighed the limited harm.
Land at Fryatts Way, Bexhill, East Sussex	APP/U1430/W/22/3304805	Development proposed is described as 'outline planning application for up to 210 residential dwellings (including up to 30% affordable housing)	Rother District Council	Gladman Developments Ltd	Allowed	Proposal outside the settlement boundary in the countryside conflicted with the spatial strategy. The appeal scheme would not, overall, provide genuine travel choice in large part due to the poor accessibility on foot or by bus. However, there would be moderate harm flowing from this because the impact was offset by the ability to cycle, use local rail services and access a car club, at least in the short term. The moderate harm, and the conflict with national and development plan policies flowing from this attracted moderate weight. In addition, the proposal would result in harm to the character and appearance of the area. Set against these harms, the scheme would significantly boost the supply of open market and affordable dwellings. Overall, the adverse impacts would not significantly and demonstrably outweigh the benefits.

<p>Land south of Badminton Road, Old Sodbury, South Gloucestershire</p>	<p>APP/P0119/W/22/3303905</p>	<p>Development proposed is the erection of 35 dwellings</p>	<p>South Gloucestershire Council</p>	<p>Redcliffe Homes</p>	<p>Allowed</p>	<p>The council accepted that its core strategy had been adopted prior to the initial version of the NPPF in 2012 and that a review had not occurred and the settlement boundaries were out of date. The settlement boundaries were not capable of delivering the requisite growth according to the core strategy's housing requirements and were not capable of meeting development needs and must therefore be considered out of date. Future occupants would have reasonable access to facilities and services. The proposal would help boost the council's supply of deliverable housing sites through a mix of market and affordable units. Of these, 35 per cent would be affordable and would help address a serious and significant shortfall. Most of the affordable units would be social rented which was the best type of provision for those in greatest need and, irrespective of whether the council could demonstrate a five years supply of housing land, this carried significant weight.</p>
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