

Housing appeal decisions for w/c 9 January 2023\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land at Witney Road, Ducklington, Oxfordshire	APP/D3125/W/22/3297487	Development proposed is up to 120 dwellings	West Oxfordshire District Council	Ainscough Strategic Land	Allowed	Local plan policy sought to avoid coalescence and a loss of identity of settlements. The council and local residents considered that the appeal site formed a gap between settlements, thereby maintaining the separate identity and character of both settlements. However, an inspector reporting on the local plan had concluded that such a gap was not clearly defined and other policies were in place which sought to ensure that development protected the character of the area. The proposal would lead towards a greater sense of coalescence, but this was not particularly significant due to the extensive development on the opposite side of the site. Nor would the proposal materially impact on the sense of openness. In terms of impact on the scale and shape of the settlement, the local plan sought to limit development to that which was a proportionate and of an appropriate scale to its context including taking into account the potential cumulative impact of development. The council argued that the proposal would be of an inappropriate scale, contravening this policy. However, a master plan showed up to 120 dwellings could be accommodated on the appeal site. The impact on the setting of a conservation area would be limited. The council could not demonstrate a five-year supply of housing land and in the tilted balance the benefits outweighed the harm.
Diageo, 1 Lakeside Drive, London NW10 7HQ	APP/F5730/W/22/3294781	Proposed change of use from offices (Use Class B1a) to provide 200 residential units (Use Class C3)	Old Oak and Park Royal Development Corporation	Diageo Great Britain Ltd	Dismissed	It was accepted that the unamended appeal plans and supporting information did not accord with the NDSS. In addition, an option for reduced levels of car parking provision would also represent a further substantial change away from the plans initially considered and consulted upon.
Land West Of Mens Institute, Shute Hill, Breage TR13 9PU	APP/D0840/W/22/3298232	Construction of a mixture of 10 open market and 6 affordable housing development	Cornwall Council	Cornish Colours Limited	Dismissed	Proposal on part of a sloping field in countryside adjacent to a village, social club and a dwelling in a conservation area setting. The site is a gap in the village envelope which despite its undeveloped appearance, did not make an important contribution to village or conservation area setting. There would not be a safe and suitable access for all users. There was evidence of a local need for affordable housing in the parish. Subject to a Unilateral Undertaking as mechanism to secure the affordable element, the proposal would meet the Local Plan's definition of a Rural Exception Site. The layout would not harm linear village pattern as other such modern schemes had taken place nearby. However, while the proposal would make a small but important contribution to the provision of badly needed affordable housing, this should not come at the expense of residents having safe access to homes.
Land off Grizedale Close, Johnson Fold, Bolton BL1 5QX	APP/N4205/W/22/3291602	Construction of new four storey apartment block containing 36 flats and 9 two storey houses	Bolton MBC	Mr Iain Watson (Watson Homes)	Dismissed	Proposal on a backland site following demolition of bungalow in a low density residential area. The impact of the proposal on the area would be largely contained and limited, however it would be notably dense in this location, contrasting with the area character. The block would be likely to introduce significant additional lighting into a presently dark space along with significant additional noise during the summer when residents would use the extensively provisioned balconies so as to substantially change the character of the area. Although there was a supply shortfall, the harms outweighed the benefits. Part costs to appellant as the Council had stated it would not defend 3 objections in their entirety only the day before Inquiry.

\* Showing decisions relating to appeals for over 10 units

Land off (Car Park Site), Bishopthorpe Road, York YO23 1LG	APP/C2741/W/21/3289470	Erection of extra care accommodation (70 new dwellings) with associated private amenity space, landscaping, substation, vehicular access alterations, car parking and erection of decked car park for third party	City of York Council	McCarthy and Stone Retirement Lifestyles Ltd & Henry Boot Developments Ltd	Dismissed	Proposal on large car parking area in a largely urban area. The proposed building would appear as an alien feature that would not respond well to, and would appear wholly out of character with, the area, causing significant harm. There was insufficient evidence to demonstrate that the development would have any unacceptable impact on local health care infrastructure with particular regard to GP surgery capacity. A lack of 5-year housing land supply and the scheme's benefits would not outweigh identified harm.
Land to the west of Healds Green, Chadderton, Oldham OL1 2SP	APP/W4223/W/22/3299298	Infill development (16 No. dwellings), new access roads from Healds Green and Heights Lane, provision of community car parking (20 spaces), and double garage for No. 33 Healds Green with extended curtilage	Oldham Metropolitan Borough Council	Mr A Tomlinson	Dismissed	Proposal in a settlement which did not constitute a village in the green belt. Taking into account the size of the grazing land site with its main boundaries abutting open agricultural land, that the new housing would be to the rear of existing built development, and the substantial number of houses relative to the number of dwellings making up the settlement, the proposed development would amount to an extension of the settlement rather than limited infilling. There were no very special circumstances to justify the inappropriate development in the green belt.
The Old Mission Hall, Hookstile Lane, Farnham GU9 8LG	APP/R3650/W/22/3291589	Demolition of The Old Mission Hall and adjacent industrial units to create up to 24 one and two bedroom apartments	Waverley Borough Council	Mr Jon Boyes	Allowed	The proposal would have substandard access to site so as to harm highway safety. Adequate levels of outlook for future occupiers of the proposed development and sufficient levels of outdoor space. No harm to the area's character or appearance. No harm to nearby Special Protection Areas and other European and International sites. Adequate provision for affordable housing to be secured by planning obligation. Lack of play provision identified. However, the Council was unable to demonstrate a five year housing land supply. The harm to highways safety and play provision were outweighed by the scheme's benefits.
Land at Alberta Close, Corby NN18 9HU	APP/M2840/W/22/3302576	Development proposed is a residential development of 14 dwellings	North Northamptonshire Council	Britannia Homes (Midlands) Ltd	Dismissed	The officer report had taken the approach that a fifteen-dwelling threshold for the provision of affordable housing set out in 2016 core strategy policy was overridden by a more recent NPPF policy expectation that major development of ten or more homes should provide at least 10 per cent for affordable home ownership. The inspector disagreed, setting out a clear interpretation of NPPF paragraph 65 by stating that it did not introduce a national threshold for affordable housing, rather it was aimed at increasing the provision of affordable home ownership as part of the overall affordable housing contribution from a site. The inspector found no inconsistency between core strategy policy and the NPPF and attributed full weight to the development plan, concluding the NPPF in this instance did not provide a material consideration that justified a decision other than in accordance with the development plan. Ruling that misapplying national planning policy when the scheme could otherwise have been approved if a correct interpretation had been applied was unreasonable behaviour, the inspector also decided a full award of costs to the appellant was justified.
Holly Lane Farm, Halwill Junction EX21 5UF	APP/W1145/W/22/3301339	Residential development (use class C3)	Torrifield Council	Mrs K Potter	Dismissed	Proposal on low quality pasture on the edge of a small rural settlement in the countryside. No substantive evidence had been submitted that the development of a site outside the settlement was required to meet local economic and social needs. The proposal would result in the urbanisation of the landscape and harm to its rural character and linear form of village. The lack of a five year housing land supply and scheme's benefits would not outweigh the identified harm.