

Housing appeal decisions for w/c 13 February 2023\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land to the west of Park Farm, Thornbury, South Gloucestershire	APP/P0119/W/21/3288019	Erection of up to 595 dwellings (Use Classes C3) land for a primary school, up to 700m2 for a retail and community hub and a network of open spaces	South Gloucestershire Council	Barwood Development Securities Ltd	Allowed	The council's core strategy was adopted in 2013 but no review of the strategic housing market assessment had been undertaken and the housing requirement and the settlement boundaries that depended on it were not compliant with the NPPF and out of-date. Therefore the fact that the proposed development would be within the countryside and outwith the settlement boundary was a matter of limited weight. In terms of the impact on a listed castle which was also a scheduled monument, it would lie at the lower end of less than substantial harm as it would in relation to a number of other heritage assets in play. The council could not demonstrate an adequate supply of housing land and a policy-led solution to housing needs could not be achieved because the housing required could not all be accommodated within the confines of the settlement boundaries. Thus the conflict with the spatial strategy was not determinative. The loss of some 25 hectares of best and most versatile agricultural land would be harmful but the weight to be given to it had to reflect the relatively small quantum, the limited loss in terms of the value to food production, the constraints on development in the district due to the Green Belt and flood zones and the fact that much of the land around the town had similar agricultural value. The shortcomings in terms of accessibility and that journeys would continue to be made by car, was attributed moderate weight. The adverse impacts would not significantly and demonstrably outweigh the very substantial benefits.
Former Odeon Cinema, 16 Crouch Street, Colchester CO3 3ES	PP/A1530/W/22/3293060	Erection of a new apartment block in place of the auditorium to provide 55no. apartments	Colchester Borough Council	Blumarble Property Management Limited	Dismissed	Redevelopment of a cinema in a conservation area. The cinema was a non-designated heritage asset in a poor state and boarded-up, but there was no clear evidence of neglect. Its appearance added significance to the town centre conservation area and its loss would be detrimental. The new building would be significantly larger, at six-storeys tall, and of contemporary design. It would be obvious in the skyline, and make the nearby historic buildings appear diminutive. Although the chances of a return to a use as a cinema seemed remote, other less harmful options for the site were not unviable.
Former Holcombe Bridge, Ramsbottom OBS	APP/T4210/W/22/3302543	Development proposed is the erection of 72 dwellings	Bury MBC	Eccleston Homes Limited	Dismissed	Proposal within a Flood Zone 3 with limited areas within Zones 2 and 1. Housing was classified as a More Vulnerable use and the development was to be built on a raised platform to reduce the risk of flooding. The scheme involved an area of compensatory storage open space next to the river. Inconclusive evidence about the risk of foul drainage overflowing from the system during a storm surge weighed against the proposal. The Flood Plan was also inadequate as there was a lack of detail about how the residents in single storey buildings would be evacuated, with an over reliance on the emergency services to support residents. Although the council could only demonstrate a 1.7 year housing land supply, this was outweighed by the flood risk.

\* Showing decisions relating to appeals for over 10 units

14 Oakwood Avenue, Purley CR8 1AQ	APP/L5240/W/22/3299832	Demolition of 1 no. detached family house and erection of 1 no. apartment blocks, comprising of 20 new apartments	London Borough of Croydon	Mayle Developments Ltd	Dismissed	The proposal, while only increasing height and width by a limited degree, would result in a significant increase with extensive massing above ground floor level and a bulky roof design and would be visually overwhelming and conspicuously larger than any nearby dwelling. The proposal would fail policy requirement for a high quality scheme, harming area character and appearance. The proposal would also appear visually dominant and restrict outlook from garden, resulting in an unacceptable sense of enclosure.
Land to the rear of Whernside Road, Watery Lane, Lancaster LA1 2TA	APP/A2335/W/22/3305545	Erection of 78 dwellings (C3)	Lancaster City Council	Oakmere Homes	Allowed	Proposal on the urban edge of a city on unallocated land removed from the green belt, where the principle of new housing development was not in dispute and where housing land was acknowledged by the council to be in short supply. Local residents strongly contested development of one of the last meadows in the area which they valued for walking and far-reaching landscape views. The site was not a valued landscape, with the weight that could be afforded to the value the community placed on it diminished by the lack of authorised public access. Once the proposed landscaping had reached maturity the development would result in only limited harm to the landscape character of the area. The housing and other benefits of the scheme outweighed any adverse effects of development.
Land at Windacres Farm, Church Street, Rudgwick RH12 3EG	APP/R3650/W/22/3301692	Erection of 37 dwellings	Waverley Borough Council	William Lacey Group Ltd	Dismissed	An outline proposal on the site for 57 dwellings had been dismissed at appeal in 2019 and the current scheme proposed a lower density layout and excluded an adjoining field. The urbanising effect of the more informal and lower density layout proposed would still result in irreversible landscape and visual harm to the attractive rural setting of the village and a wider area of valued landscape. Despite accepting that the site was in a relatively sustainable location, the proposal would meet more than local housing needs and was of a scale better suited to a larger village and conflicted with adopted spatial strategy. In an overall tilted balance, engaged by an identified housing land supply of only four years, the housing and other benefits of the scheme did not outweigh considerable harm to local landscape character and moderate harm to heritage assets.
Land south of Chester Road, immediately west of 613 Chester Road to the north of Kennel Wood, Sandiway	APP/A0665/W/22/3299613	Development proposed is the development of 14 no. residential units, including 4 no. affordable dwellings	Cheshire West and Chester Council	Tabley Homes Ltd and Renew Land Sandiway Ltd	Dismissed	Proposal on open land between a main road and a ribbon development. The main road formed the settlement boundary of a village which the site was beyond. The council could demonstrate a five-year supply of housing land. Although there was development on multiple sides of the proposal the built form would harm openness and rural character. The affordable element would not be dispersed about the site as required by local policy. It was also unclear how a buffer to a neighbouring Local Wildlife Site could be provided.
Land west of Marston Lane, Frome BA11 4DL	APP/Q3305/W/22/3306827	Development proposed is the demolition of existing outbuildings and erection of up to 150 residential dwellings including affordable housing	Mendip District Council	Gleeson Land Ltd	Dismissed	Proposal on green field on the edge of a town, unaffected by the nutrient neutrality constraints that were severely restricting housing development elsewhere. Housing land supply stood at less than three years. Expansion of the town was inevitable and conflict with spatial strategy was therefore only a technical breach, making housing on the appeal site acceptable in principle. Although the housing and other benefits of the scheme were substantial, these were significantly and demonstrably outweighed. Good design is a key component of both national and local planning policy and the tilted balance does not justify development that would cause significant harm to the character and appearance of an area.

Land to the west of Reading Road, Hook	APP/N1730/W/21/3289388	Development proposed is the erection of 20 affordable dwellings on an entry-level exception site	Hart District Council	Falcon Developments (SE) Ltd, Malcolm Gately and Vanessa Trillia	Dismissed	Proposal in the countryside outside a small town. There was strong local support for the scheme, including from the parish council and the council's housing officer, which would provide affordable housing in an area of acute need for such housing. The proposal would not be a rural exception site because the large settlement was designated as a local service centre in the settlement hierarchy, resulting in conflict with spatial strategy. The area was meeting its housing requirements with no shortfall in housing supply, and affordable housing completions showed progress towards meeting entry-level housing requirements. The relevant policies of the development plan were not out of date.
The Woodrisings, 10 Branksome Wood Road, Bournemouth BH2 6DB	APP/V1260/W/22/3294594	Erection of a block of 50 flats	Bournemouth, Christchurch & Poole Council	Fayrewood Property Consulting Ltd	Dismissed	The site contained two-storey dwellings to be demolished and the proposal would take the form of a single, five-storey block, substantially taller than the existing houses. The result would dominate the street scene and be out of character with the area. With regard to car parking, the council's standards required 55 spaces but only 35 were proposed. Although the site was reasonably accessible, there was a significant risk that the scheme would give rise to inconsiderate and illegal parking to the detriment of the safety and convenience of existing residents and road users. This would be compounded by a sub-standard access which would also compromise highway safety.
Land North East Of Ashby Road, Markfield	APP/K2420/W/22/3300552	Outline planning application for residential development of up to 93 dwellings	Hinckley & Bosworth Borough Council	Penland Estates Limited, RV Millington Limited, Sarah Higgins and Gavin Higgins	Allowed	Outline application for housing which straddled two local authority areas, one of whom had resolved to grant planning permission for the development. The balance of 7 per cent of the appeal site was located in an adjoining authority which opposed the scheme, contrary to officer advice. In accordance with practice guidance, the appellant had submitted identical planning applications to both local authorities. The PPG was, however, silent on a case where the two authorities did not agree on whether permission should be granted. In addition, the main parties disagreed as to whether the determination of the planning application, and therefore the appeal, should encompass consideration of the development on the 7 per cent land area in the opposing local authority area only or the entire development site including the 93 per cent in the local authority area which had resolved to support it. There was no available caselaw on a scenario like this and legal opinions provided by both sides supported their opposing views. In certain views, the proposed housing would introduce a built urban form which would be in contrast to the distinctly rural form that presently exists, the council asserted. However, the council was not able to refuse planning permission on land which lay outside its administrative area. On that basis, the dismissal of the appeal because of the impact of the proposed housing development that was located outside of the opposing council's area, would be outside his powers, and would have no effect on that land. Thus, assessing the impact of the whole scheme was not a sound approach.