

Housing appeal decisions for w/c 20 February 2023*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land to north east of 2 Marholm Road, Walton, Peterborough, Cambridgeshire PE4 6AY	APP/J0540/W/22/3292383	Development proposed is 10 x 1 bed apartments	Peterborough City Council	Tameer Homes	Dismissed	The proposal would be a discordant feature in the streetscene. A bell mouth entrance could lead to cars entering at high speed to the detriment of highway safety and in particular pedestrians. A small shortfall in car parking, together with poor access to some of the spaces, could lead to on-street parking pressure. There would be a lack of space for refuse and cycle storage.
Abbey Business Park, Monks Walk, Farnham GU9 8HT	APP/R3650/W/22/3292739	Development proposed is conversion of office building to 13 residential (C3) units	Waverley Borough Council	Lady C Caffyn-Parsons	Dismissed	Prior approval sought under Schedule 2, Part 3, Class O of the General Permitted Development Order to convert office to flats. The site was a long one and two storey commercial building that formed an out of town business park. The existing fenestration of the building would not allow for adequate natural light to all of the habitable rooms.
281 Stratford Road, Shirley, Solihull B90 3AR	APP/Q4625/W/22/3306643	Development proposed is a residential based mixed-use development comprising 111 C3 residential apartments, 84 bed C2 Care Home	Solihull MBC	MACC Group	Dismissed	Six-storey proposal on the site of a vacant supermarket in the centre of a town. The appeal scheme had been revised from an initial 12 to 13 storey 'landmark' building through discussion with council planning and urban design officers and recommended for approval. The height and mass of even the reduced scheme did not respect local character or achieve the good design sought by local plan and national policy. In a tilted balance engaged by a housing supply of between 3.02 and 3.6 years, the adverse impacts resulting from unacceptable harm to the character and appearance of the area and the street scene significantly and demonstrably outweighed the benefits of effective use of an unattractive brownfield site to provide much-needed homes and care home places in a highly accessible location.
World of Pets, Thorley Lane, Timperley WA15 7PJ	APP/Q4245/W/22/3306715	Outline planning application for up to 116no. residential dwellings	Trafford MBC	Harlex (RLP Timperley) LLP	Allowed	Very special circumstances, including an acute housing land supply shortfall, were found to justify a proposed housing scheme in the green belt. Around 39 per cent of the appeal site was previously developed land, but that much of this was hardstanding without a three-dimensional effect on green belt openness. A fallback position of a smaller number of houses on the site was a theoretical position given the absence of planning permission. In the final balance, the re-use of a sizeable area of under-utilised and unattractive brownfield land was nonetheless a benefit of the scheme. In combination with the provision of market housing and affordable housing in an area of high need and on a site proposed for release from the green belt in an emerging plan, these benefits clearly outweighed harm to the green belt. Very special circumstances necessary to justify the inappropriate development in the green belt had therefore been demonstrated.

* Showing decisions relating to appeals for over 10 units

White Horse Yard, High Street, Ripley GU23 6BB	APP/Y3615/W/22/3306706	Redevelopment to provide 26 houses and flats	Guildford Council	Borough	Shanly Homes Ltd	Allowed	Development following the demolition of buildings and listed building curtilage wall on the edge of a district centre in a village and by a listed pub. The site had been allocated for development but the proposal did not include the allocated retail element. There were a number of vacant retail units nearby so harm to vitality of town centre limited. Scheme would contribute to housing land supply. Off-street parking provision low but in an accessible location. Appropriate mitigation for nearby Special Protection Area was made. Listed building consent already granted for demolition of the wall.
Existing Car Park Site, Seymour Grove, Old Trafford M16 0UB	APP/Q4245/W/22/3301467	Proposed construction of 12 new townhouses	Trafford MBC		Mr Bowman	Dismissed	The site was a car park between high rise buildings for flats and offices. The scheme would improve the appearance of the area by removing the car park and including planted terraces and gardens, however the car park was not in an untidy state. The density of the proposal would still be high compared to the surrounding area's houses, with insufficient garden space. There would also be a stark contrast with the tower blocks. There was insufficient separation distance to prevent overlooking from the tower blocks.
Marlborough Court, Sunrise Parkway, Linford Wood, Milton Keynes MK14 6DY	APP/Y0435/W/21/3289784 & APP/Y0435/W/21/3289786	Development proposed is prior approval for the change of use from B1(A) Office to C3 Residential (53 or 74 Units)	Milton Keynes Council		Linford Wood Residential Ltd	Dismissed	Two schemes were considered, one for 53 flats and another for 74 flats, noting that a previous appeal for 69 flats had been dismissed. The previous inspector's view that kitchen areas should be required to achieve the same levels of access to natural light penalised open-plan living and argued BRE Guidelines should be interpreted flexibly in considering habitable 'spaces'. The inspector confirmed that the GPDO definition of a 'habitable room' clearly differentiates between rooms solely used for cooking purposes and those which are not. On this basis, the open-plan living room/kitchen/dining room spaces proposed were habitable rooms in their entirety. Neither scheme met the BRE Guidelines even though better levels of natural light would be achieved in the lower density scheme which omitted flats adjacent to the internal lightwells. Furthermore, many of the rooms in both schemes would have particularly poor access to natural light owing to their narrow nature and significant depth.
Land to the North East of St Thomas' Church, Wheatley Lane Road, Barrowford	APP/E2340/W/22/3306363	Development proposed was originally described as residential development. Erection of 79 dwellings and estate infrastructure	Pendle Council	Borough	Beck Homes Limited	Allowed	Proposal on agricultural land abutting the settlement boundary and contributing to the significance of a village conservation area, and had once been formal parkland enclosed by a tall stone boundary wall. A 65 metre section of the wall would be reduced in height to 1 metre, to meet highway visibility requirements and a section removed to create a new access. The site and the wall contributed positively to the conservation area but, as the layout retained open land and mature trees at the front of the site and the reduced height wall would still provide effective visual continuity in views along the road, harm to the conservation area would be localised and less than substantial. The heritage balance favoured the development and there would be no harm in relation to the other main issue of highway safety.
Land south of Ridgley Road, Ridgley Road, Chiddingfold	APP/R3650/W/22/3302405 & APP/R3650/W/22/3302406	Development proposed is described as the development of 13 dwellings and 10 dwellings	Waverley Council	Borough	Mr Nathan Craker of Vanderbilt Homes	Dismissed	Two parcels of land for 13 and 10 dwellings, both adjacent to a village and in an Area of Outstanding Natural Beauty and Area of Great Landscape Value. The proposed houses would be much closer to the highway than others in the area. Much of the roadside hedge would also be lost. Some of the buildings would also be bulkier than typical and when seen from the road they would harm the AONB and AGLV. The proposal would result in the loss of woodland that would not be properly mitigated. Seven units of affordable housing would be provided in one of the plots. Between the two schemes this would be numerically sufficient, but not adequately distributed.

<p>Land South of High Street, Wootton, North Lincs DN39 6SB</p>	<p>APP/Y2003/W/22/3298491</p>	<p>Development proposed is a development of 38 dwellings</p>	<p>North Council Lincolnshire</p>	<p>Lincolnshire Estates Ltd</p>	<p>Allowed</p>	<p>The proposal being located outside of the settlement and within the countryside would not wholly meet the sustainability principles set out in the development plan and would not be in a location that would be well served by existing facilities in the village but there would be some scope for residents to access the nearby services and facilities via public transport. The scheme would not inflict undue harm on the character and appearance of the countryside nor upon the setting of a designated heritage asset. In the absence of a five-year supply of housing land, the benefits significantly outweighed the harm. While the appeal site comprised grade I agricultural land, the surrounding land would remain untouched and this did not justify refusing permission.</p>
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