

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

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary	
Land west of Upper Park Road, Wickford SS12 9EN	APP/V1505/W/22/3292206	Residential development for 43 dwellings	Basildon Council	Borough	Mr William Thomas Anderson	Dismissed	Proposal on paddocks lying in a wedge of open land in Green Belt countryside would be inappropriate development which would lead to coalescence and a loss of Green Belt permanence and openness. The absence of appropriate species surveys conflicted with NPPF Paragraph 180 d). Also found conflict as site lay within Flood Zones 1 and 2 requiring a Sequential Test however the supplied FRA was based on Housing, Economic Land Availability Assessment prepared for withdrawn emerging local plan. Absence of an obligation providing direct provision of affordable housing and contributions to education. Supply shortfall did not outweigh area and Green Belt harm and absence of Special Protection Area mitigation and an affordable housing commitment.
Burgham Park Golf Club, Burgham, Felton NE65 9QP	APP/P2935/W/22/3303503	Removal of the greenkeepers' compound and the construction of 48 dwellings (including 12 affordable houses)	Northumberland County Council		Cussins (North East) Ltd	Allowed	Proposal in rural Green Belt countryside with the closest village some 3km distant. Greenfield site bounded on 3 sides by golf course and fourth by existing residential. Considerable weight was given to an implemented permission for 50 holiday homes as a realistic and more harmful fallback. The proposal would result in encroachment which was clearly inappropriate with both visual and spatial effects on openness and was likely to result in car reliance. Site not a suitable location but evidence that traffic levels would be less than with the fallback with reductions in volume, footprint and spread across site while increasing areas of open space would benefit the Green Belt.
Helena Romanes School, Parsonage Downs, Great Dunmow CM6 2AU	APP/C1570/W/22/3296064	Outline planning application for up to 200 dwellings	Uttlesford Council	District	Helena Romanes School	Allowed	Site allocated in a neighbourhood plan for housing and intended to part fund the development of a new secondary school. The council raised no objection to the content or format of a unilateral undertaking and had separately submitted a compliance statement. Funding a new high school would be a substantial public benefit. A development of 200 dwellings should ordinarily be capable of delivering some 80 affordable units (40 per cent). There was a pressing need for more affordable housing in the district. The appeal site would be a genuinely exceptional circumstance and would not form part of any wider pattern of qualifying housing proposals not delivering affordable units. In terms of the less than substantial harm which would arise in relation to various heritage assets, there would be various public benefits including a new, modern fit-for-purpose high school to serve the community and up to 200 new homes in the context of a notable shortfall in the supply of deliverable housing land. Overall, the harms were significantly and demonstrably outweighed by the benefits.
Land East of Grove, Grove, OX12 7FS 441052, 190896	APP/V3120/W/22/3310788	Development proposed is up to 300 dwellings	Vale of White Horse District Council		David Wilson Homes	Dismissed	The proposal would adversely impact on the local landscape character. The appellant's landscape evidence concluded that the visual and landscape impacts of the scheme would be localised. However, the scheme would introduce a substantial block of development into a pleasant rural area. Even the maturing of the proposed on-site planting would not be able to disguise the fundamental change of a large area of land from open agricultural land to housing development. It was agreed that a five-year supply existed and the tilted balance did not apply.

\* Showing decisions relating to appeals for over 10 units

Land to the east of Braintree Road, Tye Green	APP/Z1510/W/22/3307493	Outline planning application (some matters reserved) for the residential development of up to 35 dwellings (including 40% affordable housing)	Braintree Council	District	Rainier Developments Ltd. and Mr Nicholas Cousins	Allowed	Proposal on farmland beyond the settlement boundary would inevitably conflict with development plan policy. Nevertheless, the site would be acceptable in terms of accessibility. The proposal would inevitably adversely affect the rural character of the site, introducing built development into an open countryside buffer area. However, the harm that would result would be moderate initially, declining as planting was established. Being predominantly arable land, the majority of the site was of relatively low biodiversity value. Moreover, notwithstanding that such a requirement was not yet mandatory, the appellants' ecological impact assessment set out how the proposal could readily ensure a minimum of a 10 per cent biodiversity net gain. Subject to appropriately worded conditions, obligations, and noting that there were also ecological protections via other regimes, the direct effects of the proposal in terms of ecology would not be unacceptable, and, in terms of biodiversity net gain, they would be beneficial. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
Land off St Andrews Place and Waterhead Lane, Melton, Woodbridge, Suffolk IP12 1QX	APP/X3540/W/22/3300310	Residential development of up to 55 dwellings with access off St Andrews Place	East Suffolk Council		Warburg Dawson Partnership	Allowed	Proposal on land allocated in a neighbourhood plan. The council had initially resolved to grant permission subject to completion of a section 106 obligation but, following a site visit, revisited its decision and refused the scheme based on the perceived inadequacy of the access along a residential road considered unsuitable for the additional traffic and construction traffic. However, the road would be able to accommodate the normal day-to-day traffic generated by the new housing and satisfied highway safety.
Land off Otterham Quay Lane, Upchurch, Kent	APP/V2255/W/22/3301685	Outline planning application for up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point	Swale Borough Council		Gladman Developments Ltd	Allowed	Proposal on the edge of a settlement conflicted with the council's spatial strategy. A local plan policy which sought to protect the countryside beyond built-up areas from development would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the NPPF. However, this did not fundamentally undermine its continued relevance since its underlying aim recognised the intrinsic character and beauty of the countryside. There was therefore a clear rationale for built-up area boundaries in order to protect the countryside while focusing growth within designated settlements. In light of this it was concluded that the underlying objectives of the policy were generally consistent with the NPPF. Nonetheless, the impact on the character and appearance of the area would be limited and the benefits of delivering housing in a sustainable location would significantly and demonstrably outweigh the adverse impacts.
Babbacombe Lodge, 28 West Hill Road, Bournemouth, BH2 5PG	APP/V1260/W/22/3304905	Outline submission for demolition of the existing hotel and erection of 24 residential apartments and 5 holiday lets with associated access, parking and bin storage	Bournemouth Christchurch and Poole (BCP) Council		Harlequin Homes	Dismissed	Proposal within a conservation area would have a greater footprint than the existing building and would bring a significant amount of additional bulk and massing to the site. Therefore, the amount of development proposed appeared excessive in its context. In noting that the proposed development had been amended during the course of the assessment of the planning application, these changes did not overcome concerns. The scheme would also adversely affect the conservation area and the setting of a nearby church and harm the outlook of neighbouring residents.

<p>Land at Pavenhill, Purton, Swindon SN5 4DA</p>	<p>APP/Y3940/W/22/3293096</p>	<p>Proposed is demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access works, car parking, public open space and landscaping</p>	<p>Wiltshire Council</p>	<p>Hills Homes Developments Ltd</p>	<p>Dismissed</p>	<p>Proposal on enclosed pastureland site on town edge with urban development on three sides with fourth abutting. The proposal would be contrary to Delivery Policy in a Community Area; however the Neighbourhood Plan had already allocated sites for residential development. Concern of recreational impact on SAC and a SSSI as the site was within 8km Zone of Influence. Cumulative risk with no mitigation strategy by either Council or appellant supplied. There was a significant housing market supply shortfall however this would not outweigh the harm. Little weight to given to Neighbourhood Plan not allocating site as it was more than two years old. However still contrary to NPPF regarding SAC harm.</p>
<p>Land north of Braunston Road, Oakham, LE15 6LZ</p>	<p>APP/A2470/W/22/3301737</p>	<p>Outline application for the development of up to 100 no. dwellings including up to 30% affordable housing, open space, green infrastructure, children's play area and SuDS. All matters reserved except access</p>	<p>Rutland Council County</p>	<p>Jeakins Weir Ltd</p>	<p>Allowed</p>	<p>Proposal on the edge of a town was accompanied by a landscape and visual assessment which had been independently audited by the council and which had led officers to recommend that permission should be granted. However, the planning committee refused the scheme, partly on the grounds that it would urbanise the site. Another ground for refusal was that the development would add to the existing severe pressure on local services which already failed to meet residents' expectations and would have a detrimental impact on the wellbeing and quality of life of the proposed residents. The concerns related primarily to the lack of school places, the provision of healthcare at doctor's surgeries and the provision of leisure facilities. The scheme would inevitably cause harm to the character and appearance of the area. Whilst the impact would be lessened from some views due to topography, vegetation and the visual relationship to the existing settlement, from other viewpoints, there would be a more significant impact. However, the proposal offered the potential to provide a better settlement edge than that which existed. The council had approved a scheme for 62 houses on the opposite side of the road which would also have an urbanising impact and extend the settlement boundary beyond its current position. On the issue of infrastructure impact, the appellant's evidence submitted with the appeal and presented at the hearing provided that there was no shortage of school places or capacity at the local doctors' surgeries with no counter evidence given. As the council was not able to demonstrate a five-year supply of housing land, the tilted balance in favour of sustainable development applied and the benefits of boosting the supply of housing in a sustainable location carried significant weight.</p>