

Housing appeal decisions for w/c 20 March 2023\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land at Home Gardens, Blackboy Hill, Redland Hill, Bristol	APP/Z0116/W/22/3296266	Erection of two new buildings to provide up to 60 residential units (Class C3)	Bristol City Council	Elizabeth Blackwell Properties	Dismissed	Proposal on the edge of a city centre on a site with a number of modestly scaled buildings to the rear of residences and near to a care home. There were concerns about the impact construction traffic would have on the residents of a neighbouring retirement complex. The residents used a right of way that ran through the site and its car park. This meant that there would be potential for conflict between pedestrians and construction traffic. However, the risk could be appropriately mitigated by applying a condition that required a construction management plan. Although the occupation of the site would increase, the number of trips likely to be generated was within the capacity of the site's access so would not harm highway safety. The close proximity of one of the two proposed blocks to the neighbouring residences' gardens, combined with the height of the block and the topography of the site, meant that there would be an unacceptable impact on the neighbours' outlook.
112 Main Road, Hermitage, Southbourne PO10 8AY	APP/L3815/W/21/3289451	Development proposed is erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings	Chichester District Council	PNH Properties Ltd	Dismissed	Proposal outside but adjoining the settlement boundary and within open countryside that fell within an Area of Outstanding Natural Beauty. The site included former horticultural buildings and glasshouses. The site would not be a suitable location for the proposed development given its unacceptable effects on the character and appearance of the area, including the AONB. The tilted balance did not apply despite shortfall in housing land supply.
Land at Laburnum and 50 Haroldslea Drive, Horley RH6 9DU	APP/L3625/W/22/3298763	Erection of 41 homes, including affordable housing	Reigate & Banstead Borough Council	Earlwood Homes	Allowed	The proposed development would take account of the transitional position of the site at the edge of the urban area and provide a form of development that would be in keeping with the wider character of that area. It would provide an adequate and proportionate mix of communal open space, private gardens, and off-road parking to ensure a well-proportioned, reasonably spaced residential development, which would sit comfortably within the site and would retain the general appearance of the area. A S106 agreement, signed by the main parties and all relevant landowners secured the proposed affordable housing.
700 and 762 St Johns Road and St Johns Nursery, Clacton On Sea, Essex CO16 8BP	APP/P1560/W/22/3308647	Erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units	Tendring District Council	Kelsworth Limited	Allowed	The Council's objections related solely to noise, vibration and light intrusion impacts from the proposed access road between existing dwellings and the future movement of vehicles along it. A previous appeal for larger development with identical access arrangements had been dismissed but not for these reasons. The living conditions of neighbouring occupiers would not be unacceptably harmed by such impacts. Full costs were awarded to the appellant for its unreasonable behaviour in refusing permission.

\* Showing decisions relating to appeals for over 10 units

<p>Phase 1C Charter Square, High Street, Staines-Upon-Thames TW18 4BY</p>	<p>APP/Z3635/W/22/3291661</p>	<p>Redevelopment of the site to provide 66 new residential units (Use Class C3)</p>	<p>Spelthorne Borough Council</p>	<p>London Square Developments Ltd</p>	<p>Dismissed</p>	<p>100% of the proposed dwellings would be affordable, which would be secured by a legal agreement in the form of a unilateral undertaking. However, the Council raised concerns that not all of the landowners were party to the UU and suggested a condition to deal with the issues raised. The appellant referred to a legal judgement in which it was held that there was no requirement that a section 106 agreement had to bind all interests in a proposed development site. However, that site related to payments of contributions as mitigation which would be secured whether the area of land in other ownership was bound by the s106 agreement or not. Since no exceptional circumstances existed, it was determined that it would not be appropriate to impose a condition and this was a significant objection to allowing the appeal. In relation to the issue of on-site car parking, the scheme had good connectivity for alternative sustainable methods of transport available to future residents. The impact on sunlight and daylight levels enjoyed by some existing residents would be adversely affected..</p>
<p>Land bounded by 37 to 47 Caldecote Road, 2 to 4 Tompions End, and 14 to 3 Northhill Road, Caldecote Road, Ickwell, Biggleswade, Bedfordshire SG18 9EH</p>	<p>APP/P0240/W/22/3305018</p>	<p>Development proposed is the erection of 26 dwellings</p>	<p>Central Bedfordshire Council</p>	<p>Northhill Developments</p>	<p>Dismissed</p>	<p>The scheme would result in the introduction of a substantial and sprawling extent of new buildings on the edge of the village. From the road, the creation of a new, formal vehicular access together with the new dwellings would markedly and deleteriously diminish the delineation between the existing village and the countryside beyond. Overall, it would introduce a form of development that would be at odds with the predominant pattern of development within the village. Residents would be required to travel in order to access services and would be dependent on cars. In relation to housing land supply, the council had dealt with the over-supply in previous years by applying it equally over the remaining plan period, and not just the five-year period. If over-supply were not taken into account the number of houses required over the period of the plan would be artificially inflated. To artificially inflate it through not offsetting over-supply would mean that the overall requirement figure in the plan period would increase and in addition the over-supply would comprise homes that had already been delivered and exist, thereby ensuring that they contributed to meeting housing need. Therefore the inspector held that the council could demonstrate a five-year supply of housing land. The tilted balance was not engaged and the impact on the character of the area and increasing the need for residents to travel by car outweighed the benefits.</p>
<p>Field to the east of Old Pump House, Old Leicester Road, Wansford, Peterborough, Cambridgeshire PE8 6JH</p>	<p>APP/J0540/W/21/3287538</p>	<p>Construction of up to 14 prestige self-build dwellings</p>	<p>Peterborough City Council</p>	<p>Kelland Developments</p>	<p>Dismissed</p>	<p>Proposal on an undeveloped site attached to a larger land parcel falling within the appellant's control which had been identified to accommodate environmental mitigation as part of the appeal scheme. By extending out into the countryside the resulting form would be at odds with the prevailing character of the area. The proposal would make a contribution to local housing needs for both prestigious and self-build housing products, which had associated social and economic benefits for the area. However, given the uncertainty over the level of those particular housing needs and the fact that the local plan made provision for them in any event, whilst significant, these benefits each weighed moderately in favour of the appeal proposal. In addition it was concluded that the development would provide limited economic benefits. Conflict with the council's spatial strategy and the impact to the character of the area and setting of the village outweighed the benefits.</p>

<p>Part Parcel 0025, Hill End Road, Twyning, Gloucestershire, GL20 6JD</p>	<p>APP/G1630/W/21/3284820</p>	<p>Outline application for up to 55 dwellings</p>	<p>Tewkesbury Borough Council</p>	<p>Hayfield Homes</p>	<p>Dismissed</p>	<p>The appeal site was planted in 2012 as part of an environmental initiative involving the Woodland Trust to celebrate the diamond jubilee of Queen Elizabeth II. For that reason, the woodland had a cultural significance for the local community and the trees were protected from being felled. The loss of the central core of the woodland would be highly noticeable and the dwellings would be conspicuous and intrusive in the local landscape. Moreover, the existing established soft edge to the nearby village would be diluted by the development. It also contributed to the wider green infrastructure network and the landscape and visual impact was therefore of significant concern. The appellants had proposed mitigation in the form of a surrogate site, the planting of which was initially intended as the provision of land to achieve a substantive level of Biodiversity Net Gain (BNG) secured through a section 106 agreement. The appellants also proposed to incorporate some public access to that land. However, even though the surrogate site would facilitate BNG in excess of that required, it would not represent an equivalent facility for the local community even taking into account the undertaking to provide an as yet undefined level of public access. The Council could only demonstrate a housing supply of less than three years. However, even applying the tilted balance, the harm identified significantly and demonstrably outweighed the benefits.</p>
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