

Housing appeal decisions for w/c 1 May 2023*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
81-83 Wimbledon Hill Road, Wimbledon, London SW19 7QS	APP/T5720/W/22/3291219	Erection of a five-storey residential block plus basement comprising 17 self-contained flats (7x3-bed, 6x2-bed & 4x1-bed) plus detached dwellinghouse arranged over 2 floors	London Borough of Merton	Charterfield Homes Ltd	Dismissed	Redevelopment of existing large building in a sloping, suburban residential area, within a CPZ. An Affordable Viability Assessment indicated a deficit such that no provision was required subject to a Review Mechanism Agreement. The proposal's increased height, depth and bulk would be unacceptably overbearing and oppressive to neighbouring houses to the rear, exacerbated by slope of site. 5 of the proposed 9 parking spaces to be for 'general use' but considered unnecessary, with the overprovision contrary to sustainability policy. A monitoring fee would be proportionate. Overall, the harms outweighed the benefits.
Land Adjacent 2 Moorland Cottages, Marton Road, Baschurch SY4 2BS	APP/L3245/W/22/3301373	Development proposed is outline application (all matters reserved) for residential development of (up to) 14 dwellings	Shropshire Council	Basway Properties Limited	Dismissed	Proposal on land adjoining a railway line. Due to a lack of information with regard to noise, the proposal would fail to provide satisfactory living conditions for future occupiers. It would also fail to provide the required level of open space, but would preserve the setting of an adjoining conservation area and the setting of nearby listed buildings, and would not harm the character and appearance of the area.
Former Marsh Nurseries, Boathouse Lane, Parkgate CH64 6RD	APP/A0665/W/22/3296126	Proposed development of up to 17 dwellings, live-work units and affordable homes	Cheshire West and Chester	Parkgate Nurseries Ltd	Allowed	Proposal in the green belt involving the redevelopment of previously developed land last used as a plant nursery and garden centre. The loss of openness would not be greater than the existing development, so was capable of not being inappropriate development. In addition, with the proposed avoidance and mitigation measures the proposal would not harm the integrity of a nearby Special Protection Area, Special Area of Conservation and Ramsar site. A unilateral undertaking would secure financial contributions towards local facilities including education, allotments, local green spaces, youth play and sports pitches, the provision of on-site affordable housing and mitigation measures relating to the impact on the protected sites, and was found to satisfy relevant national planning policy and legislative requirements.
Land North of, Sutton Bridge, Spalding PE12 9RG	APP/A2525/W/22/3313330	Development proposed is residential development of 123 dwellings (including 34 affordable units)	South Holland District Council	Loyd Homes Ltd	Dismissed	Proposal in flood risk area without a district-wide sequential test where local plan policy required flood risk sequential testing to undertake a district wide search inside settlement boundaries, unless a particular need for development in the proposed location could be demonstrated. Without an assessment of the allocated site, it could not be concluded that the appeal site was sequentially preferable. Therefore, even when restricting the area of search to the settlement, the proposed scheme did not pass the sequential test. The district had a 5.9 year housing supply and although the national imperative is to boost the supply of all housing, including affordable housing, this did not provide adequate grounds for providing such housing in an area at risk of flooding.

* Showing decisions relating to appeals for over 10 units

Former 59 Tufthorn Avenue, Coleford	APP/P1615/W/22/3303430	Development proposed is erection of 23 dwellings	Forest of Dean District Council	The Stantonbury Development Company	Dismissed	Proposal on a site with an adjacent industrial estate on a town edge. The site was allocated for mixed development and in 2019 reserved matters granted 65 residential and 5 x B1 office units subject to conditions including boundary acoustic fence with industrial estate and a pre-occupation validation noise survey. The proposal was to replace the office units. No evidence of active marketing for employment and no evidence of claimed high building costs, therefore there was no justification to negate employment and NP Policies. A supply shortfall did not outweigh employment loss and noise harms; including future complaints which may impact existing business.
Land off Swanstree Avenue, Sittingbourne, Kent	APP/V2255/W/22/3311224	Development proposed up to 135 dwellings	Swale Borough Council	Gladman Developments Ltd	Allowed	Proposal on agricultural land adjacent to residential areas and open countryside. There would be a high adverse effect on the site and surroundings, however the countryside beyond the urban edge would remain tranquil and intrinsically attractive even if the settlement were extended by the proposal. The evidence suggested that there were alternative sites that were suitable and sustainable, and which would be of lower grade agricultural land than the appeal site. Taken together these could potentially deliver some 1,700 units. Furthermore, the proposal would result in a material loss of best and most versatile agricultural land (BMV) although this would result in the loss of only a very small percentage of the overall BMV land in the authority area. The appeal site was within a 6km buffer of a Special Protection Area and Wetland of International Importance Ramsar sites, which were afforded protection under the Conservation of Habitats and Species Regulations 2017. An appropriate assessment had already been carried out by the council and this concluded that a contribution should be secured to provide mitigation. The overall planning balance concluded in favour of the development on the basis of the council's housing supply position of 4.8 years. Therefore, it was not necessary for the inspector to reach a finding on this dispute, regardless of any additional weight that may accrue from a reduced supply.
Land east of Charter Lane, Charnock Richard	APP/D2320/W/22/3313413	Development proposed is the erection of 76no. affordable dwellings	Chorley Council Borough	Conlon Holdings Ltd	Allowed	The council had refused the application for the scheme, against planning officer recommendations, for the scheme's contravention of locational policies and on highway grounds. After the appeal was lodged the council withdrew their objections. However, the appeal continued as the parish council and village resident's association acted as a rule 6 party, who wished to maintain these objections. Due to the scale of the development there would be an impact on road safety, but there would be a number of highway improvements that would mitigate this impact. There was a conflict with the council's locational policies as the proposal size was larger than had been allocated for the village, however the inspector considered that this was a technical breach of the policy, as the site was sustainably located and within a development boundary. The council could not demonstrate a five-year housing land supply, and the proposal would make a significant contribution towards affordable housing. Due to the need for the housing the appeal was allowed. An award of costs was made to the appellant as the council had acted unreasonably in refusing the appeal in the first instance as they would not go on to uphold their objections.