



Appeal Decision

Site visit made on 16 April 2024

by **Philip Mileham BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/L5240/W/23/3332706

The Sandrock, 152 Upper Shirley Road, Croydon, CR0 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Grand Central Properties Ltd against the decision of London Borough of Croydon.
 - The application Ref is 23/00417/FUL.
 - The development proposed is described as a two storey, side and rear extension to The Sandrock Public House to provide an enlarged service (including front seating area) for the existing pub and conversion of the upper floors including extension to create four apartments. The construction of nine three storey houses to the rear with associated hard and soft landscaping, car parking, a new crossover along Sandrock Place, boundary treatment and cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by a Unilateral Undertaking (UU) made under Section 106 of the Town and County Planning Act which includes a number of obligations or proposed. Following correspondence with the Council, a supplementary Unilateral Undertaking (SUU) was submitted on 4 April 2024 relating to the payment of any further Employment and Training Contribution that may be required should the project costs increase. I comment further on the undertakings elsewhere in my decision.
3. The appellant's final comments make reference to a further revised drawing (ref. SAND/120 Rev A) which has been submitted as part of the final comments. This includes amendments to the location of the proposed bin storage area, amendments to the size and location of the proposed disabled parking spaces, widened window and door openings on the proposed new build houses, amended cycle storage arrangements and adjustment of the bin storage area. I note that the Council raises no objection to the revised plan and elevations and I am satisfied that the changes proposed would be sufficiently minor that other interested parties would not be prejudiced. As such, I have had regard to the revised plan in my considerations and determined the appeal on that basis.
4. Since the Council determined the original proposal, the Government has published a revised National Planning Policy Framework (the Framework) in December 2023 and I have had regard to it in my determination of the appeal. Furthermore, as the appeal statements were submitted after the publication

date of the Framework, I am satisfied that the parties have had sufficient opportunity to reflect on its content.

Main Issues

5. The revised plan submitted with the appeal and the additional information submitted during the appeal address previous concerns in respect of drainage. Furthermore, an energy and overheating statement has been provided which addresses the Council's previous concerns regarding the achievement of carbon dioxide reductions. The revised plan along with an updated Arboricultural Assessment has also resolved the Council's concerns in respect of the effect on trees and fire safety. As these matters are no longer in dispute between the main parties, I have addressed these elsewhere in my decision.
6. Therefore, taking the above into account, the main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of future occupiers having regard to accessibility, security, daylight and outlook;
 - whether the proposal would avoid harm to protected species and secure sufficient biodiversity net gain and urban greening;
 - whether the proposed development would be sufficiently viable to contribute towards affordable housing requirements;
 - the effect of the proposed development on the accessibility of the parking provision, recycling facilities and cycle storage; and
 - whether the proposed development would secure affordable housing, employment and skills, air quality, carbon emissions offset, and parking and highway works contributions.

Reasons

Character and appearance

7. The appeal site is located on a prominent corner at the junction of Upper Shirley Road and Sandpits Road. The site includes 'The Sandrock' Public House and land to the rear which comprises a metalled former car parking area. At the time of my visit the Public House was not operational. The area, including this part of Upper Shirley Road and Sandrock Place, is predominantly characterised by a mix of terraced properties and nearby, detached and semi-detached properties which face the road frontages.
8. A fallback exists due to an extant permission granted on the site through a previous appeal decision (Ref. APP/L5240/W/21/3279949) for a two-storey side and rear extension to the Public House to form 4 flats plus a further block of 11 flats to the western part of the site and 4 houses. The appeal proposal's extension and conversion of the Public House would be the same as the fallback, although the proposal before me would result in 9 three-storey dwellings to the rear of the site. At the time of this decision, the fallback scheme is capable of being implemented. Whilst the fallback is for a greater number of dwellings than the appeal proposal, as the proposed site plan illustrates, the footprint of both proposals would be similar.

9. The appeal proposal would focus the new dwellings to the rear of the site looking inwards in a courtyard layout with the development broadly reflecting the linear grain of the adjacent dwellings in Sandrock Place. The courtyard layout would not create the same 'street facing' elevation that the fallback achieves, albeit the communal open space and play area would bring some focus to a number of the dwellings which would face directly on to it.
10. The appeal proposal would include two pairs of semi-detached dwellings (plots 2-5) in a similar position to where the flatted element of the fallback would be located. Although the semi-detached dwellings would break up the length of the fallback's elevations the positioning of the semi-detached properties, when viewed along with the orientation of the proposed terrace, would fail to respond to the wider pattern of development beyond the site. The appellant has drawn my attention to the layout of the properties in nearby Sandrock Place. However, Sandrock Place includes longer terraces of properties, with individual front gardens fronting onto the street. The appeal proposal would not have any individual front gardens and the properties would neither create, nor be positioned onto a street frontage. As such, the proposal would fail to respond to the prevailing character of the area where other detached and semi-detached properties face on to road frontages.
11. The proposed development would have an arrival point to the rear of the Public House through the parking area. The entrance frontage of the site when entering from the north would follow the alley access paths fronting the proposed dwellings allowing access from the parking area, the woodland walk and the open space through the site. However, unlike the fallback, the lack of a main entrance would result in an unfocussed public realm. Furthermore, plots 2-3 and 6-7 would have no direct frontage to the communal public open space area giving a poor relationship with the public areas of the site. In addition, the proposed 'bikeminder' cycle lockers would detract from the visual relationship between plot 9 and the open space. This would result in the appeal proposal failing to provide a clear and cohesive public realm.
12. Concerns have been raised that the proposed development would appear cramped on the site. The fallback scheme's flatted element which although being of a significant scale, would not appear cramped as it would be a single building. Whilst the previous appeal decision accepted a 3-storey development on the site, the limited separation distances between the dwellings would result in the proposal appearing cramped.
13. The area surrounding the appeal site is characterised by existing development with active uses at ground floor level, either from residential dwellings, or from the commercial uses at ground floor level opposite the appeal site. The appeal proposal would have no windows to habitable rooms in the front ground floor elevations. In contrast, the fallback included windows to habitable rooms at ground floor level. Therefore, the appeal proposal would fail to provide active frontages, and consequently have a more harmful effect on the character of the area than the fallback.
14. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore fail to accord with Policies SP4 and DM10 of the Croydon Local Plan (2018) (the CLP) and Policies D3 and D4 of the London Plan (2021) (the LP) and the National Design Guide which seek to, amongst other things, require development of a high quality

which contributes positively to public realm, create clear well-defined and designed public and private spaces and provide active frontages.

15. The proposal would also fail to accord with paragraph 135(d) of the Framework which seeks to ensure development proposals establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Living conditions of future occupiers

16. The Building Research Establishment (BRE) Guidance recommends open space be lit throughout the year with 50% of its area receiving 2 hours of sunlight on a modelled date of 21 March. Whilst the appellant has cited the flexibility that the BRE guidance adopts towards its standards in urban locations, no part of the proposed outdoor space of plot 1 would receive 2 or more hours of sunlight on 21st March, whilst all the other plots to the rear of the site would have a significant proportion of the gardens receiving less than 2 hours of sunlight on 21 March.
17. The submitted daylight and sunlight assessment indicates there would be insufficient daylight to plots 6-9. I note the amended plan shows enlarged window openings in the first and second floor windows in the rear elevation of plots 2-5, and additional side windows in plot 2, wider first and second floor windows in plot 1, and wider rear window openings in plots 6-9. However, the revised plans were not included in the daylight and sunlight assessment. The proposed increased size of the window openings may have some benefit to available daylight into these plots. However, as the revised openings have not been assessed, there is no clear evidence before me to conclude whether the amended plan's revised openings would address my concerns on the available daylight levels.
18. The proposed windows in the southern elevations of plots 7 and 8 would experience dappled shading during the summer months. The fallback permission accepts some degree of overshadowing of the windows in the southern and western elevations of the flatted element. However, the proximity of the trees and the changes in site levels would nonetheless result in insufficient sunlight exposure to these plots. Whilst the trees would provide other benefits to the proposal in terms of their contribution to nature, this is not sufficient to outweigh the harm to future occupiers. Furthermore, the appellant's assessment of overshadowing to gardens and open spaces also shows that approximately 22% of the garden of plot 7 would achieve 2 hours of sunlight on 21 March. Whilst I note that the garden to plot 1 would be north facing, due to the size of the site, this would be a design choice. As a result, there would be insufficient sunlight to these areas, detrimental to the living conditions of future occupiers.
19. The amended plan would alter the cycle and bin storage of plots 2-9 to integral bin storage to the ground floor, with cycle storage added to the rear gardens. The amendments would result in the proposal having a consistent width of approximately 2.8 metres between the terraces allowing for clear lines of sight along the frontages of plots 2-3, 4-5 and 6-9. The amendments would remove the recesses arising on the previous floor plan between the dwellings where clear lines of natural surveillance would not previously have been possible. However, the appeal proposal would not result in any windows to habitable rooms at ground floor level. Therefore, whilst the amended plans would provide

lines of sight through the scheme, the absence of windows at ground floor level would not provide effective natural surveillance. In contrast, the fallback scheme includes a block of flats with ground floor windows to habitable rooms providing the opportunity for surveillance of the entrance. Therefore, the appeal proposal would not address the security of future occupiers or visitors above the fallback position.

20. Concerns had been raised that the proposal would not accord with Section M4(3) of the Building Regulations relating to wheelchair accessible houses. The plans originally determined by the Council would have circulation spaces around the beds in plots 1 and 2 of approximately 0.75 metres, falling below the minimum 1 metre spacing required to meet the M4(3) standard. However, the amended drawings submitted with the appeal show a revised internal layout with 3 bedrooms which would allow approximately 1 metre of circulation space around a bed. Furthermore, the amended plan shows sufficient space for a future lift to access all three floors. It would therefore be acceptable in terms of accessibility and accord with Policy D7 of the LP which requires 10% of dwellings to meet Part M of volume 1 of the Building Regulations requirement to provide M4(3) 'wheelchair user dwellings'.
21. Although I have found no harm in regard to accessibility, I conclude that the proposal would result in harm to the living conditions of future occupiers having regard to security, daylight and outlook. It would therefore fail to accord with Policies SP2 and DM10 of the CLP and Policies D3, D5 and D6 of the LP which collectively seek to ensure development proposals provide adequate sunlight and daylight to potential future occupants, deliver appropriate amenity, achieve safe and secure environments and provide active frontages.
22. The proposal would also fail to accord with paragraph 135(f) of the Framework which seeks to, amongst other things, create places that are safe and would have a high standard of amenity for existing and future users.

Protected species and biodiversity net gain

23. The appeal site is identified as being used for a number of species of Bat, all of which are protected species under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations, as amended. Since the appeal was lodged, the appellant has submitted additional bat emergence/ re-entry surveys which were carried out in July and September 2023. The surveys identified that the woodland to the rear of the site is used by commuting bats and there are records of bats also in the western tree line. Whilst the proposal could result in the destruction of the current bat roost present in the Public House (Ref. B1), the survey indicated this was considered disbanded.
24. In respect of the potential for bat roosts in trees, the emergence/ re-emergence surveys identified some trees within the woodland as having suitable roosting features for bats but also the tree lines being used by commuting bats. However, there is no clear information before me on which of the trees has low potential and thereby it is not currently possible to identify how the appeal proposal may affect roosting bats within trees on the site. This is particularly notable as the appeal proposal would result in the direct loss of some trees on site. As a result, it is not possible for me to conclude that harm to protected species would be avoided. This is a matter which requires certainty for the decision-taker that the proposal can avoid harm which is currently not clear.

25. The appellant considers that any potential harm should bats be identified during construction could be addressed through the imposition of a condition to require low impact lighting. However, there are no details of lighting contour plans or other technical details of lighting of the proposed development before me which would provide me with sufficient certainty that such a condition could be complied with.
26. A Biodiversity Net Gain (BNG) assessment has been submitted which indicates a net gain of approximately 42.08%. The appellant has provided evidence which demonstrates the proposal would result in an urban greening factor of approximately 0.4005. This would accord with the target for urban greening of at least 0.4 set out in Policy G5 of the London Plan.
27. I find that the proposal would secure sufficient BNG and urban greening and would therefore accord with Policies G5 and G6 of the LP which seeks development proposals to secure BNG and meet the target for urban greening, and Policy SP7.4 of the CLP which seeks to enhance biodiversity across the Borough.
28. However, in light of the above I cannot be certain that there would not be harm to protected species. As a result, it would fail to accord with Policy DM27 of the CLP which seek to ensure proposals have no adverse impact on protected species.

Affordable housing

29. Policy SP2.4 of the CLP seeks to negotiate up to 50% affordable housing on development sites. The appeal proposal does not make direct provision for affordable housing as required by the Policy. The appeal is accompanied by a viability assessment report which indicates the scheme would have insufficient viability which is disputed by the Council. During the appeal process, the appellant has provided an update to the viability assessment report to address a discrepancy in the scheme floorspace which affects the scheme value.
30. The appellant's viability assessment report shows overall development construction costs of approximately £4.544 million, whilst the Council's assumptions showed £3.725 million. The appellant's costs are based on a specific cost plan, whereas the Council's figures adopt an average based on the Building Cost Information Service (BCIS) figures. Paragraph 5.3 of the appellant's viability statement of case indicates that if the Council's assessment had relied upon their cost plan, any surplus that they had identified would be largely wiped out. As the appeal proposal includes both conversion and new build, the specific details of the appeal scheme would not be able to be separately identified by utilising the BCIS. As such, I find the appellant's viability evidence to be the most realistic in this instance.
31. The parties disagree on assumptions for marketing costs with the appellant adopting a 3% allowance compared to the Council's 2%. My attention has been drawn to a higher figure adopted by the Council for its Local Plan viability assessment. Whilst the viability assessment for a Local Plan is produced for a different purpose, the difference between the respective positions would have a limited effect on the overall viability positions.
32. The parties disagree on the extent of finance costs with the appellant assuming 7% with a forecast sales rate for the new dwellings of 9 months. The Council's

assumptions on sales rates were based on 2 months sales rates with interest figures taken at December 2020. I find the appellant's forecasts which utilise interest rate figures in 2023 would more closely reflect current economic circumstances and, therefore, be more robust. Overall, I find that the appellant's viability assessment to be more realistic.

33. Correspondence between the parties during the appeal shows an updated viability position indicates that the scheme would generate a surplus of approximately £300,954 and the appellant proposes this figure in the submitted UU for an obligation to pay this as a commuted sum contribution. The Council has indicated that the extent of the surplus would be insufficient for the scheme to provide affordable housing on site. Policy SP2.6 of the CLP allows for commuted sum payments in exceptional circumstances, and due to the extent of surplus available and the Council's concerns whether a suitable Registered Provider would seek to provide a unit of affordable housing on site, in this instance I find that a commuted sum payment would accord with the policy.
34. Notwithstanding the above, the appellant's evidence acknowledges that modest changes in costs or sales values may result in the scheme being more viable. As such, a planning obligation within the UU for a viability review has been proposed which would be able to ascertain and secure any additional surplus to contribute to affordable housing should the scheme find itself the subject of more favourable economic circumstances. Such a mechanism would have been necessary if I were to have allowed the appeal to capture any surplus that may arise as required by adopted policies.
35. In light of the above, I conclude that the proposed development would be sufficiently viable to contribute towards affordable housing requirements. It would therefore accord with Policies SP2.4, SP2.5 and SP2.6 of the CLP and Policies H4 and H5 of the LP which seek to secure, amongst other things, affordable housing on sites of 10 or more utilising a residual land value approach, and that payments in lieu of direct provision of affordable housing on site would only be accepted in exceptional circumstances, and that where a viability assessment is required to ascertain the maximum level of affordable housing, this should be treated transparently.

Accessibility of parking provision, recycling facilities and cycle storage

36. The amended plan shows the proposal would provide 1.2 metres space around disabled parking spaces as well as showing the spaces for plots 7-9 repositioned by approximately 2 metres which would allow improved access to the bin store area. Furthermore, the amended plan shows the proposed refuse storage area would also be moved back by approximately 2 metres. As a result, I am satisfied that the proposal would provide suitably accessible disabled parking spaces.
37. The amended plan shows the proposal would also include cycle lockers adjacent to the communal open space, as well as cycle storage sheds in the rear amenity space of the new build dwellings. As such, I am satisfied that the proposal would make sufficient provision for cycle storage.
38. In light of the above, the proposal would provide sufficient accessibility of the parking provision, recycling facilities and cycle storage. It would therefore accord with Policies SP8, DM13, DM29 and DM30 of the CLP, Policies D3, T5, T6

and T6.2 of the LP and the London Cycle Design Guide (2012) which collectively seek to require cycle parking in new developments, integrate refuse and recycling facilities and ensure they are safe and conveniently located and that cycle parking should be laid out in accordance with the London Cycling Design Standards and that appropriate disabled persons parking should be provided.

Planning Obligation

39. A Unilateral Undertaking (UU) has been submitted with the appeal which includes provisions to restrict the issuing of parking permits, a contribution of £1,300 towards initiatives in the air quality action plan, a contribution of £9,328 to the carbon offset fund, £11,875 Employment and Training contribution (construction) and £5,824 (operational), an affordable housing contribution of £300,954 and provisions which include a mechanism for a late-stage viability review for affordable housing. The UU also includes provisions requiring the entering into of a S278 agreement for the removal of a crossover, new crossover to access new parking spaces and the construction of a new footway fronting the site in Sandrock Place/ Sandpits Road.
40. A supplemental Unilateral Undertaking (SUU) has been submitted along with the appeal which would provide a mechanism whereby if construction costs were to increase, the contribution towards Employment and Training would increase in accordance with the Council's formula. The SUU also includes provision to work with the Council's provider for securing local construction jobs to fill vacancies and a mechanism as to how this would operate as part of the proposed Local Employment and Training Strategy. The SUU would also include obligations for contributions to monitoring fees for the proposed air quality, carbon offset, Local Employment and Training Strategy, affordable housing and Section 278 obligations not previously addressed in the UU.
41. The signed UU and SUU would provide legal agreements which secure a number of obligations. A Community Infrastructure Levy (CIL) compliance schedule has been submitted which provides justification for each of the obligations sought against Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended. The Council has raised concerns that the Council's legal costs have not been covered by the appellant for their review of the proposed UU. However, I find that the UU and the SUU include provisions which would address the proposed policy requirements arising from the appeal proposal. Furthermore, I find that the obligations would meet the tests set out in the CIL regulations and the Framework.
42. In light of the above, the proposal would provide planning obligations to secure affordable housing, employment and skills, air quality, carbon emissions offset, and parking and highway works contributions. It would therefore accord with policies SI1, SI2, T6.1 of the LP and Policies SP2, SP3, SP8.15, SP8.16 and DM30 of the CLP which collectively seek to, secure contributions to affordable housing, infrastructure, climate change and air quality matters.

Other Matters

43. The Sandrock Public House is a locally listed building. The previous appeal decision considered that the proposed extensions to pub would not result in harm to the heritage asset due to the matching materials proposed and architectural detailing. As this element of the proposal would be unchanged

from the fallback, there are no reasons for me to come to an alternative finding on this matter.

44. The appeal proposal includes a number of mature trees, of which many are covered by Tree Preservation Orders, including one group (G1), and one woodland (W1). Since the appeal was lodged, the appellant has submitted a revised scheme along with an updated arboricultural report. The appeal proposal would utilise timber sleeper steps and the proposed footpath repositioned to allow retention of two further Category B trees above the fallback permission (ref. G31) to be retained. The appeal proposal would require canopy pruning to T21, T24, T29, T30, G31 and T34 to provide necessary clearance. However, due to the similar footprint, this would also be necessary for the fallback.
45. Approximately 1% of the Root Protection Area (RPA) of T11 would be affected by the proposed retaining wall of Plot 9. Due to its limited extent, I find this would not be harmful. Furthermore, the proposed incursions into the RPAs of T21, T29, T30 and T34 would not be any more harmful than the fallback due to the fact the proposed building footprint in this part of the site would not extend any further towards the trees. In light of the proposed changes, the appeal development would have a similar impact on trees as the fallback, which the Council does not dispute.
46. Therefore, whilst the proposal would result in the loss of 1 category B, 9 category C and 2 category U trees, the appeal decision¹ which allowed the fallback established the principle of the location of built development on the site. The appeal proposal would result in the retention of 2 further trees that would be felled if the fallback was implemented. As a result, the appeal proposal would have a more favourable effect on trees above the fallback. It would therefore accord with Policies DM28 and DM10 of the CLP and Policy G7 of the LP that seeks to ensure, where possible existing trees of value are retained and not permitting development that results in the avoidable loss or excessive pruning of preserved trees where they make a contribution to the character of an area.
47. Concerns have been raised that the proposed development would not provide adequate drainage. Since the appeal was lodged, an addendum to the Flood Risk/ Drainage Strategy has been provided. The addendum indicates that along with the revised plans, the proposed development contain the 1:100 year plus climate change storm event, restrict surface water run-off flow and ensure finished floor levels would be set at levels to minimise any risk of surface water flooding. In light of this, I am satisfied that the proposed development would provide adequate drainage and would accord with Policy SP6.4 and DM25.3 of the CLP, the Sustainable Design and Construction Planning Guidance (2014), Policy SI13 of the LP, the Framework and the Planning Practice Guidance (PPG)².
48. An energy and overheating statement has been provided which demonstrates that the proposal would achieve a site-wide regulated CO2 emissions reduction of approximately 81%. The proposed development would therefore comply with Policy SP6 of the CLP which requires all new major residential development to achieve reductions in emission in line with the LPs energy hierarchy target of at

¹ APP/L5240/W/21/3279949

² Paragraph 004 Reference ID: 7-004-20220825

least a 50% reduction in emissions. However, in order to achieve net zero carbon, the proposal would require a contribution to the Greater London Authorities' carbon offset fund. The UU would provide a carbon offset contribution of £9,328 which would accord with the calculation set out in the energy and overheating statement. The proposal would therefore accord with Policy SP6.2 of the CLP and Policy SI2 of the LP which seeks to ensure major development achieves net zero carbon.

49. The Council raised concerns that a fire appliance could not access the proposed houses to the rear of the site. The appellants have submitted a swept path analysis as part of their appeal statement which, along with the wider access, indicates that a fire tender would be able to enter the site and access the dwellings. As such, it would accord with Policy D12 of the LP which seeks to ensure development proposals make provision within the curtilage of the site to enable fire appliances to gain access to the building.
50. The submitted Fire Strategy indicates that the proposal would result in 1.35 metres separation between plots 3 and 4 which would be wider than 1.2 metres width of a corridor or disable ramp. However, the amended plan would result in this being widened to approximately 2.8 metres wide for a distance of around 5 metres which would allow sufficient width for safe access or egress in the event of a fire. As such, I find that there would be no harm in respect of fire safety and the proposal would therefore comply with Policy D12 of the LP which requires developments to ensure the highest standards of fire safety.
51. Concerns have been raised by interested parties regarding the effect of the proposal on local parking. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further.

Planning balance and conclusion

52. The appeal proposal would result in a number of benefits, including the contribution of 13 dwellings to meeting local housing need and a financial contribution to affordable housing in the Borough. There would also be economic benefits arising from construction, both in terms of local jobs, but also in the materials supply chain. The proposal would provide BNG above the Government's requirements and would also have a lesser impact on trees than the fallback as two additional trees would be retained.
53. The submitted UU and SUU provide a mechanism which would secure compliance with a number of policy expectations of the CLP and LP as described above. Furthermore, whilst I found no harm in respect of the accessibility of parking provision, recycling facilities, cycle storage and urban greening, achieving policy compliance in these matters would be expected of all development in the Borough. Therefore, they are of neutral weight in my decision.
54. However, I find the proposed development would have a harmful effect on the character and appearance of the area and the living conditions of future occupiers. There is also uncertainty as to whether the proposal would avoid harm to protected species. Consequently, the proposal would fail to accord with the Development Plan when read as a whole.
55. Notwithstanding the above, I find that the appeal proposal would be more harmful than the fallback position. Therefore, whilst I acknowledge the benefits

as set out above, these would not be sufficient to outweigh the harms I have identified and the resulting conflict with adopted policies and the Framework.

56. As a result, I conclude that the proposal should be determined in accordance with the Development Plan in this instance.

57. For the reasons given above the appeal should be dismissed.

Philip Mileham

INSPECTOR