



Appeal Decision

Site visit made on 6 November 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/X1165/W/23/3333967

Singleton Gardens , Meadfoot Sea Road, Torquay, Devon, TQ1 2LQ.

- 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 Mr Ray Bishop of OJ Developments Ltd against the decision of Torbay Council (the LPA).
 - The application reference is P/2022/1186.
 - The development proposed is the erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling plus associated landscaping and access work.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Lincombes Conservation Area (LCA)¹. It also forms part of the settings of several² neighbouring grade II listed buildings³. I note, following requests made by interested parties to Historic England, the site was not deemed to meet the criteria necessary for designation as a registered historic park or garden⁴. The existing house was also not found worthy for inclusion within the list of buildings of special architectural or historic interest⁵.
3. Since the determination of the planning application, consent has been granted to remove some trees⁶ within the appeal site (ref. AT/2024/0216). In addition, planning permission has been granted for extensions and alterations to the existing house on the site, including the demolition of a greenhouse and outbuilding (ref. P/2023/0994).
4. The LPA has informed me that it only has 2.17 years housing land supply⁷ and that this represents a significant shortfall.
5. As part of the appeal, the appellant has submitted a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 (as

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged.

² 'Singleton' (now known as Singleton Manor), 'Palm Grove' and 'Meadfoot Lodge'. Distance and intervening townscape features result in the appeal site not forming part of the setting of the listed walls and gate piers to the west of 'Meadfoot Lodge'.

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged.

⁴ The Devon Gardens Trust also considered that the walled garden did not meet the criteria for designation.

⁵ The LPA has also rejected an application to list the appeal site as an Asset of Community Value.

⁶ These include some apple trees, which an interested party has informed me were registered on the traditional orchard priority habitat inventory (ID DEVO2613), as well as a Mimosa tree.

⁷ The presumption in favour of sustainable development (the 'tilted balance') provided for within the National Planning Policy Framework ('the Framework') is engaged unless disapplied by limb i) or ii) of paragraph 11(d) of 'the Framework'. This includes circumstances where the application of policies "that protect areas or assets of particular importance provides a clear reason for refusing the development proposed."

amended). This takes the form of an Agreement with the LPA. Amongst other things, it includes arrangements for making an off-site affordable housing contribution, calculated in accordance with a Review Formula and subject to the submission of development viability information. This would determine the extent of any such contribution, up to a maximum of £136,500.

6. An application for an award of costs has been made by the appellant against the LPA. This application is the subject of a separate decision.

Main Issues

7. The two main issues are: firstly, whether any harm to the significance of heritage assets⁸ would be outweighed by the public benefits of the proposed development and; secondly, whether, having regard to the information submitted in respect of the financial viability of the development, the proposal includes an adequate mechanism for securing any financial contribution towards the costs of providing affordable housing elsewhere within Torbay.

Reasons

8. This 0.21 ha site includes a mid 19th century former gardener's cottage (Singleton Gardens) and its sizeable walled garden⁹. There are some trees growing within the site, including palms, with more significant trees growing outside, but immediately adjacent to the site boundaries. These include a mature and very attractive London Plane in Meadfoot Sea Road, mature Sycamore and Monterey Pine trees to the north west of the site and a woodland group to the north. The site forms part of an Area Tree Preservation Order. Vehicular access is in the south eastern corner off Meadfoot Sea Road.

Planning Policy

9. The development plan includes the Torbay Local Plan 2012-2030 (LP) and the Torquay Neighbourhood Plan (NP). My attention has been drawn to numerous policies. The most important policies to the determination of this appeal are: LP policies H1 (new homes), H2 (affordable housing), DE1 (design), SS10 (historic environment), C4 (trees) and; NP policy TH8 (architecture).
10. My attention has also been drawn to the LPA's 'Planning Contributions and Affordable Housing Supplementary Planning Document (SPD)'¹⁰.

First Main Issue – Heritage Assets

The LCA

11. The LCA is a sizeable and mainly residential area that includes buildings of various sizes often set within spacious plots. The significance of this designated heritage asset is primarily derived from its special architectural and historic qualities. This includes the contribution made by the surviving 19th century terraces and villas that are set against a backdrop of steep hillsides covered in lush vegetation. As explained within the LPA's Draft Conservation

⁸ With particular regard to the LCA and the settings of the three neighbouring grade II listed buildings.

⁹ The garden is approximately 70m south of 'Singleton', to which it historically belonged. As noted by the Devon Gardens Trust, it is an unusual survival of a walled garden in an otherwise quite densely developed urban area and reflects an early phase in the development of Torquay as a seaside resort. However, over time, many of its associated horticultural structures have been lost and its context has changed.

¹⁰ I understand that under transitional arrangements the proposal falls to be considered under the 2017 SPD.

Area Character Appraisal (Draft Appraisal)¹¹, this contributes to an atmosphere somewhat akin to the Mediterranean Riviera.

12. I also note from the Draft Appraisal that the existing dwelling, greenhouse and outbuilding on the appeal site are identified as “other key buildings of architectural importance”. The LPA considers these to be non-designated heritage assets. However, as I saw during my visit, the house has fallen into a state of disrepair. It includes a large and rather poorly executed two storey flat roof extension and other unsympathetic alterations, including UPVC windows. I agree with the appellant’s architect that this building has a “messy aesthetic”. Although it is of some age, this dwelling makes only a minor contribution to the character (historic interest) of the LCA.
13. Since the Draft Appraisal was published, at least one greenhouse has been removed from the appeal site and the surviving greenhouse has partially collapsed. As noted above, permission has recently been granted for its demolition. The other surviving outbuilding (variously identified in the representations as a bothy or ice house) appears to be a remnant of the previous use as a kitchen garden. It does not display any particularly interesting or unusual elements of construction or function and makes only a very minor contribution to the historic interest of the LCA.
14. In my opinion, the largely undeveloped/green open qualities of the appeal site and the substantial walls (including the roadside wall¹²) are part of an important record of a mid-late 19th century villa townscape. Although the layout of the walled garden and its inter-relationship with its immediate surroundings have diminished over time, the appeal site assists in maintaining the historic and attractive spacious setting of some neighbouring former villas within this part of the LCA. This is complemented by many of the surrounding mature trees and woodland, including those identified above. This creates an attractive verdant character and a pleasing street scene. In particular, the view across the appeal site of the woodland to the north, as well as views along Meadfoot Sea Road of the London Plane¹³. As I experienced during my visit, the site also contributes to a sense of calmness and tranquillity¹⁴ within this part of the LCA. Overall, the appeal site makes a positive contribution to the character and appearance of the LCA.

‘Singleton’, ‘Palm Grove’ and ‘Meadfoot Lodge’

15. The significance of these 19th century villas (some of which are now in use as flats) is primarily derived from their special architectural and historic qualities. The special architectural interest of these buildings include their bold scale and sophisticated period detailing, imposing frontages with stuccoed or plastered walls, slate roofs and timber framed sash windows. The historic interest of these designated heritage assets include their previous role and surviving record as spacious and well-designed dwellings, set within generous garden plots. These properties attracted the wealthy leisured classes to Torbay during the 19th century and assisted in the creation of a fashionable resort. Over time, there have been some alterations and extensions to these properties and

¹¹ I afford this document some limited weight.

¹² Some cracks in this wall appear to be attributable to the London Plane tree growing alongside.

¹³ This tree, by virtue of its form, height (approximately 18.5 metres) and appearance, makes an important contribution to the streetscene/character and appearance of the area.

¹⁴ I recognise that during the summer months there is likely to be considerably more noise and activity taking place within the surrounding area.

changes to their settings. Not all of these changes have resulted in a positive or neutral impact upon their heritage interest.

16. As previously noted, the walled garden of the appeal site forms part of the spacious settings to these three listed former villas. With the exception of a glimpsed view of 'Palm Grove' near Ashleigh Court to the north, the site does not assist in understanding or experiencing the special architectural qualities of these designated heritage assets. Nevertheless, in forming part of the record of well preserved 19th century townscape within this part of Torquay, the appeal sites assists in an appreciation and understanding of the special historic qualities of 'Singleton', 'Palm Grove' and 'Meadfoot Lodge'. It makes a positive contribution to their significance and settings.

Impact of the Proposed Development Upon the LCA and Listed Buildings

17. In common with neighbouring buildings, the proposed apartment complex would be set well back into the site and forward of the woodland canopy to the north. It would also be set away from the trunks of the mature Sycamore and Monterey Pine trees growing to the west. Space would be retained on either side of this building to avoid any cramped effect and allow for the retention of some views of the woodland to the north from Meadfoot Sea Road.
18. This new four storey building would include a stone plinth comprising a rebuilt garden wall that currently bisects the site. This plinth would match basement plinths found elsewhere within the LCA and to the rear (north), the lower ground floor would be dug into the slope of the land. In effect, the apartment complex would sit on top of this new wall/plinth and would follow the line of the existing. The upper floor would comprise an "inhabited roof" and the top of the building would be much lower than 'Meadville' to the west and higher than 'White Lodge' to the east. This would reflect the local topography and ensure that the apartment complex was in keeping with neighbouring building heights. The proposed building would not be unduly tall and its height¹⁵ would fit comfortably within the streetscene.
19. The design of the building would be unashamedly modern, with an asymmetrical frontage comprising a central vertical block (finished in zinc effect cladding) flanked on either side by lower height, recessed, rendered blocks that would protrude slightly forward. As explained within the appellant's Design and Access Statement, this would be reflective of the historic form of some villa complexes which have taller façade sections with lower, more demure service wings. To assist in breaking up the overall mass of this building the upper floor would be recessed away from the parapets.
20. The proposed set-backs, variation in heights of the building blocks and the palette of materials¹⁶, which include powder coated aluminium openings and dark grey metal rainwater goods, would ensure that the scale, massing and design of this apartment building is appropriate for its context. I note that the LPA's planning officer made a similar finding in their report to committee.
21. Some of the space in front of the apartment building would comprise a hard surfaced area in which to accommodate some of the necessary vehicular parking/turning and bin storage. This would be softened by new landscape

¹⁵ The LPA has calculated that the apartment building would have a maximum height of 12.2 metres.

¹⁶ The proposed use of zinc effect cladding (as opposed to actual zinc cladding) would be unlikely to result in a comfortable fit on this sensitive site. However, this matter could be addressed by way of a planning condition.

- planting. The proposed two storey dwellings would be built on the eastern side of this parking area and with the refurbished/extended dwelling ('Singleton Gardens') opposite, the development would create the impression of a courtyard in front of the main apartment block. The proposed alterations to the existing dwelling would enhance its appearance within the LCA.
22. The new houses would be of a contemporary design with flat roofs, stone and zinc clad facades and solid larch vertical plank garage doors. The upper floor would be set back from the roadside, with a single storey section attached to the roadside wall. This would avoid creating any dominant effect from within the street. These buildings, by virtue of their smaller size, lower height¹⁷ and positioning to the side of the apartment complex, would be akin to the arrangement of coach houses or other subordinate outbuildings that are often associated with large villas. The scale, massing and design of these proposed buildings would also be appropriate for their context.
23. I note that the proposed design has evolved through several iterations and that the scheme before me was formulated having regard, amongst other things, to the comments of the Torbay Design Review Panel. The appellant's architect has given thoughtful consideration to designing high quality buildings that reflect elements of substantial Victorian villas that exist within the LCA. The proposal would accord with elements of the development plan, in particular, LP policy DE1(14,16,20) and NP policy TH8.
24. Some interested parties have been very critical of the proposed design and have informed me that a scheme for similar designed buildings was rejected on another site in Torbay. However, I have only been provided with limited details and very little information on the site and its surroundings. I am unable therefore to make any meaningful comparison with the scheme before me. Moreover, no two sites are the same and each application must be determined on its own planning merits. I am not bound by a previous decision made by the LPA in respect of development on another site.
25. Notwithstanding the above, there is no escaping the fact that the proposed apartment complex, parking area, hard surfaces and the two new dwellings would considerably erode the undeveloped/green open qualities of the appeal site. In so doing, this would have an injurious impact upon this area of mid-late 19th century villa townscape. I concur with the thrust of the remarks made by the Victorian Society. The proposal would significantly alter the character of the site, harming its historic legibility in connection to nearby historic villas and the contribution it makes to the LCA. To a limited extent, the increase in activity in and around the site would also diminish the tranquil qualities of this part of Meadfoot Sea Road and the loss of the ice house/bothy would be somewhat unfortunate. In addition, it is unclear to me whether the glimpsed view from the north east and across the site to 'Palm Grove' would be lost¹⁸.
26. The proposed development would also entail the construction of a new vehicular access onto Meadfoot Sea Road. The rebuilding of the roadside wall on either side of this new entrance (using natural stone) and the reduction in width of the existing access, limiting its use to pedestrians only, would provide some modest enhancement within the streetscene.

¹⁷ The LPA has calculated that these dwellings would have a maximum height of 6.05 metres.

¹⁸ My decision does not turn on this matter.

27. However, the new access would be sited very close to the London Plane tree. This is identified as a 'Category A'¹⁹ (high quality) tree by the appellant's tree consultant²⁰. As I saw during my visit, the tarmac²¹ on the footway around the base of this tree has lifted. There is also major root girdling at its base. Some of the significant roots of this London Plane tree will almost certainly be growing within the appeal site. In addition, part of its canopy is immediately above the proposed entrance and bin storage facilities.
28. The Framework, amongst other things, recognises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Although not planning policy, BS 5837:2012 is an important consideration when assessing the likely impact of development upon trees. Amongst other things, it advises that tree surveys should be undertaken prior to any specific proposals for development and structures should be located outside RPAs. Where there is an overriding justification for construction within the RPA technical solutions might be available to prevent damage to trees. New permanent hard surfacing should not exceed 20% of any unsurfaced ground within a root protection area (RPA).
29. The submitted drawings show much of the proposed new access (including entrance radii) and hard surfacing²² within a sizeable part of the London Plane's RPA. The appellant's tree consultant has described the new access and bin store area as a "significant incursion" into the RPA. The tree protection plan has been annotated to show a 'special protection area' around this tree, with a detailed Arboricultural Method Statement (AMS) to be submitted and agreed with the LPA prior to the commencement of development.
30. As this London Plane is a high quality tree and given the extent of proposed works within its RPA, it is somewhat surprising that an AMS, or careful investigation of the ingress of tree roots into the site, has not already been undertaken in an attempt to demonstrate that there would be no harmful or significant impact upon this tree. Once permission has been granted, it would be very difficult to prevent approved works and utility routes from proceeding if a subsequent AMS was unable to demonstrate that the development would not be harmful. At that stage, what might be considered an "acceptable level" or "moderate to low level" of impact by the appellant could be very different to the LPA's understanding and interpretation of the likely impact.
31. In noting the contents of appellant's tree report, it is unclear to me why a new vehicular access would need to be sited in the position shown²³ on the submitted plans and not further away from this London Plane tree and its RPA. Although the Design and Access Statement explains the design concept, it does not provide an overriding justification for works within an area that is very important to the health and future well-being of this high quality tree. Whatever the actual justification, I am concerned at the extent of works that that are proposed within the RPA. This high quality tree may not survive unscathed from the rigours of the construction phase of the development.

¹⁹ As set out in BS 5837:2012. 'Trees in relation to design, demolition and construction – Recommendations'.

²⁰ The LPA's tree officer agrees that this is a high quality tree.

²¹ I understand that this was re-laid fairly recently.

²² A tree consultant acting for an interested party has calculated that the extent of new hard standing within the RPA would be in excess of 30%.

²³ The evidence on highway matters does not suggest any accident clusters or trends within the collision data.

32. Damage or disturbance to important tree roots would be likely to foreshorten the life expectancy of the London Plane tree. This could ultimately result in the loss of a tree that makes a significant contribution to the streetscene of Meadfoot Sea Road and harm the character and appearance of the LCA²⁴. I am not reassured by the comments of the appellant's tree consultant that there is "the potential for a moderate negative impact to the roots of the tree from works to remove and install hard surfacing". On the basis of the evidence before me, the proposed development would be likely to pose an unacceptable risk to the future well-being and retention of this important tree. This is at odds with the provisions of LP policy C4 and LP policy DE1(18).
33. The appellant's tree report also proposes some crown lifting works to the London Plane. This is specified as to 4m on the northern side of the crown and 4.5m on the eastern side branch tips where they overhang the site. I note that pruning back to suitable growth points is required to "provide clearance for reasonable access".
34. To a limited extent, these works of crown lifting/pruning would alter the shape of this tree and reduce the contribution it makes to the streetscene. (However, carefully undertaken, there is also a risk of infection and disease to trees after pruning works have been undertaken.) Whilst the works of alteration and extension that have been permitted to the existing dwelling could result in some pruning, much of the proposed works are only required for the new vehicular access. An access positioned further away from this tree would reduce the need for crown lifting and limit the extent of pruning works.
35. I have found above that the scale, massing and design of the proposed buildings would be appropriate and would comprise high quality buildings that reflect elements of substantial Victorian villas that exist within the LCA. The proposal would also improve the appearance of the existing dwelling on the site. Rebuilding the roadside wall in natural stone and the new tree and landscape planting would also enhance the appearance of the area. Nevertheless, I have also found that the proposal would erode the undeveloped / green open qualities of the site and risk harming an important mature tree.
36. When considered overall, the proposal would have an adverse effect upon the character and appearance of the LCA and harm its significance. It would also intrude into part of the historic settings of 'Singleton', 'Palm Grove' and 'Meadfoot Lodge' and, in so doing, harm their significance (historic interest). In failing to respect and enhance the special qualities of the area the proposal would conflict with the overall thrust of LP policy DE1. This would amount to an inconsistency and conflict with the aims and provisions of LP policy H1.
37. In the context of the Framework, the harm to the designated heritage assets that I have found would be less than substantial. If there was a sliding scale within this category of harm, it would be moderate for the LCA and low for the listed buildings. However, less than substantial harm does not amount to a less than substantial planning objection. The Framework advises that great weight should be given to conserving designated heritage assets. I am also mindful of the statutory duties regarding designated heritage assets. The Framework requires the decision-maker to weigh the less than substantial harm to the significance of such assets against the public benefits.

²⁴ The tree is also likely to provide a habitat for numerous species and its loss would also have an adverse effect upon nature conservation interests.

Public benefits

38. The proposed development would increase the choice and supply of homes available within Torbay. It would help address the serious shortfall in supply by entailing the more efficient use of land for housing within the built-up area. It would also secure the re-use of an existing dwelling for residential purposes. The proposal would accord with some elements of LP policy H1. In this regard, I note from the planning officer's report that a significant proportion of Torbay's housing arises from sites of fewer than 10 dwellings. My findings on this matter weighs heavily in favour of granting planning permission.
39. The section 106 Agreement has the potential to contribute towards helping to meet the housing needs of the local community. However, if, after granting planning permission (and under the terms of the Agreement) no surplus profit arising from the proposed development was identified and no further viability review was required, then no affordable housing contribution would be obtained. It is by no means certain therefore that the appeal scheme would deliver any affordable housing contribution. As a consequence, little, if any, weight can be attached to this matter.
40. During the building phase, the proposed development would help to support the construction industry. After the new homes were occupied, there would also be increased spending within the local economy and additional Council Tax receipts. I afford these economic benefits some limited weight.
41. The proposal would improve the energy efficiency of the existing dwelling. The new homes would also be designed so that they were energy efficient and the new buildings would embody passive solar design. To help reduce pollution locally, electrical vehicle charging would be included along with cycle spaces. Occupiers of the development would have a choice of modes of transport for accessing the wide range of services and facilities available within Torquay. The proposal would also be capable of achieving a net gain in biodiversity²⁵ and surface water would be attenuated to green field run off rate. I afford limited weight to each of these matters.

The Heritage Balance

42. I find that when the harm to the significance of the above noted heritage assets is weighed with the public benefits this issue is more evenly balanced than was evidently found by the LPA when it determined the application. However, the concern that I have identified above in respect of the likely impact upon a high quality tree within the LCA, tips the heritage balance against an approval²⁶. I therefore conclude on the first main issue that the harm to the significance of heritage assets would not be outweighed by the public benefits of the proposal. The proposal would conflict with the provisions of LP policy SS10. This amounts to a further inconsistency with LP policy H1.

Second Main Issue – Affordable Housing

43. The LPA has informed me that there is a yearly need for 720 affordable homes within Torbay and there are 1,645 households on the Home Choice waiting list

²⁵ I consider that additional biodiversity measures to those proposed would be required if the London Plane tree had to be felled as a consequence of the proposed access works.

²⁶ This would not have tipped in favour of an approval even if I had been able to give weight to an off-site affordable housing contribution of approximately £65,000.

for rented affordable housing. Like most, if not all, areas of the country there is a pressing need for additional affordable housing provision.

44. Both main parties agree that the proposed development falls within the threshold for affordable housing contributions as provided for in LP policy H2. For schemes of the size proposed, there is a requirement to provide 15% affordable housing as a commuted sum. (This equates to 1.35 dwellings.)
45. Applying the LPA's published methodology²⁷ for calculating the commuted sum, a commuted payment of £136,500 would be required. However, as also set out within the SPD, where affordable housing requirements are argued to render development unviable applicants must provide an open book viability assessment. Where it is agreed that affordable housing would render development unviable the level of provision is to be negotiated.
46. On behalf of the appellant, a Financial Viability Appraisal²⁸ (FVA) was submitted at application stage. This concluded that *"the proposed scheme is financially unviable with no contributions applied for affordable housing or other S106 items."* In short, the appellant has argued that there are abnormal costs associated with the site and the proposed design. Following receipt of this Appraisal, an independent FVA was prepared on behalf of the LPA²⁹. Subsequent responses/reviews/updates³⁰ were also considered by the LPA before it determined the application.
47. In essence, having reviewed the further information that was submitted, the LPA's consultant advised that the level of affordable housing contribution should be reduced to approximately £65,000. The conclusions of the LPA's consultant were accepted by its Housing Strategy and Enabling Officer and the planning officer. The appellant, whilst disagreeing with the conclusion of the LPA's consultant, agreed to make an affordable housing contribution of £65,000. The appellant's agent has informed me that this was a commercial decision *"to move this already protracted planning application to a decision."*
48. The appellant maintains that the development could not sustain a financial contribution. On the other hand, the LPA considers that a contribution of £65,000 towards off-site affordable housing would be inadequate. On the basis of the information before me, it is not possible to determine the extent, if any, of any affordable housing contribution.
49. The independent professional advice sought and obtained by the LPA is that an affordable housing contribution of approximately £65,000 would be justified. However, there is no cogent evidence to substantiate the LPA's argument that such a figure would be inadequate and conflict with the provisions of LP policy H2. On the LPA's own evidence (and in the absence of any further appraisal or cogent explanation to justify a rejection of the sum offered by the appellant), insistence on a contribution in excess of approximately £65,000 risks rendering the proposed development unviable.
50. Any affordable housing contribution arising from the proposal would need to be secured by way of an appropriate mechanism, namely an undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 (as

²⁷ As contained within the 2017 SPD.

²⁸ The copy of the report sent to me is, in part, redacted.

²⁹ This found that the appeal scheme could support an affordable housing contribution of £100,000.

³⁰ Copies of some of these documents have also, in part, been redacted.

amended). The Agreement with the LPA that has been submitted as part of the appeal is such a mechanism. Given the extent of housing need in Torbay, the housing provisions of the development plan and the LPA's published methodology for calculating contributions, a financial contribution not exceeding £136,500 would be: necessary to make the development acceptable in planning terms; directly related to the development and; (subject to the Review Formula and submission of further viability information) fairly and reasonably related in scale and kind to the development. The Agreement accords with the provisions of the Framework.

51. I conclude on the second main issue that having regard to the information submitted in respect of the financial viability of the development, the proposal includes an adequate mechanism for securing any financial contribution towards the costs of providing affordable housing elsewhere within Torbay. However, as I have noted above, under the terms of the Agreement, it is possible that no such contribution would be forthcoming.

Other Matters

52. I have had regard to the many representations that have been made at both application and appeal stages. These include comments made by the Torquay Neighbourhood Forum, Save Singleton Gardens Group and the CPRE. Many of the matters raised, including the likely effect upon biodiversity³¹, were addressed within the planning officer's report and were before the planning committee when it determined the application. These were not deemed sufficient to justify withholding permission. I concur with the assessment and findings of the LPA in respect of these other matters.
53. NP policy TS4³² only supports the development of unallocated greenfield sites where the loss is required to meet the strategic economic policies of the LP. Whilst housing and economic growth are closely linked, I am unconvinced that the proposal derives any support or indeed, compliance with policy TS4. However, this is not a matter of dispute between the main parties, neither the LPA nor the appellant have identified any conflict with policy TS4 and the evidence is largely 'silent' on this. It would therefore be unsound to withhold permission on the basis of any perceived policy conflict without giving the appellant a 'fair crack of the whip' in addressing policy TS4. In the circumstances, I do not attribute any weight to this matter.

Overall Conclusion

54. The conclusion that I have reached in respect of the first main issue has the effect of disapplying the Framework's 'tilted balance'. My findings in respect of the second main issue and the other matters, do not overcome or outweigh my findings in respect of the impact upon the LCA and the significance / settings of three neighbouring listed buildings. When all matters are weighed in the planning balance, I find that the adverse impacts of proposed development would not be outweighed by the benefits. Although I have found that the proposals would accord with some aspects of local planning policies, there would be conflict with the overall provisions of the development plan and

³¹ The County Council's ecologist found that there would be no ecological or legislative reasons for withholding planning permission.

³² Support for brownfield and greenfield development.

the Framework when read as a whole. Having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Neil Pope
Inspector