

Appellants' note on relevant appeal decisions and/or legal authorities  
Land to the north of Droitwich Spa  
APP/H1480/W/22/3305934 - W/22/00201/OUT

CD7	Relevant appeal decisions	Relevance of the document to the issues arising in this appeal
CD7.1	APP/H1840/W/18/3218814: Land to the North of Droitwich Spa	This decision relates to a previous proposal for the erection of 144 dwellings on the appeal site which was refused by Inspector Hill in January 2020. The decision therefore forms a material consideration in the determination of this appeal. The Appellants' highlight some of the key paragraphs of this appeal which are of relevance to its case at paragraphs 3.17, 3.71, 5.13 – 5.15, 5.24 – 5.27, 6.10 – 6.11, 6.24, 6.35-6.36 and 6.40 of its Planning Proof of Evidence.
CD7.3	APP/Y3940/W/19/3236860: Land North of St George's Road, Semington	Paragraph 59 of the appeal decision supports the Appellants' case that significant weight should be attributed to the economic benefits arising from the proposals, as set out at paragraphs 5.2-5.8 and Table 2 of Appellants' Planning Proof of Evidence.
CD7.4	APP/Y3940/W/21/3275477: Land to the South of Chilvester Hill, Calne	As per CD7.3, paragraph 74 of this appeal decision supports the Appellants' case that significant weight should be attributed to the economic benefits of the proposals, as set out at paragraphs 5.2-5.8 and Table 2 of the Appellants' Planning Proof of Evidence.
CD7.5	APP/H1840/W/22/3300326: Land West of Ivy Lane, Bretforton  (Including table of benefits and adverse impacts agreed between the Appellant and LPA, as referred to at paragraph 10 of the appeal decision)	Paragraph 10 of this appeal decision (and the accompanying table of benefits and adverse impacts agreed between the LPA and Appellant) are relevant to the Appellants' case in respect of the weight to be attributed to the conflict with Policy SWDP 2 and the weight to be given to the benefits of the appeal proposal.  In addition, as explained at Paragraphs 3.57-3.60 of the Appellants' Planning Proof of Evidence, paragraph 28 of the appeal decision also supports the Appellants' case regarding the justification for the requested NHS contributions as part of the S106 legal agreement which is a matter to be discussed further during the roundtable session.
CD7.6	APP/C1625/W/15/3133335: Land at rear of Canonbury Street, Berkeley	Paragraph 69 of this appeal decision supports the Appellants' case that in circumstances where a proposal were to lead to some environmental harm, a proposal can still represent sustainable development against the requirements of the NPPF, as per paragraph 5.28 of the Appellants' Planning Proof of Evidence.
CD7.7	APP/J1860/W/21/3267054: Land off Claphill Lane, Rushwick	Paragraphs 27-30 and Paragraph 72 of this appeal decision support the Appellants' case that limited weight should be attributed to the loss of BMV agricultural land in this case, as set out at paragraphs 6.34-6.37 of its Planning Proof of Evidence.

		<p>Paragraphs 49-54 of this appeal decision support the Appellants' case in relation to the justification for the requested NHS contribution for this proposal, as per paragraphs 3.57-3.60 of the Appellants' Planning Proof of Evidence.</p> <p>Paragraph 76 of the appeal decision supports the Appellants' case that moderate weight should be attributed to the accessible location of the site to Droitwich as a main town and the enhancements to pedestrian accessibility, which indicates a footpath/cycle link through the site with an access point close to the roundabout at the south edge of the site near the A422, as per paragraphs 5.27 and 6.10 of the Appellants' Planning Proof of Evidence.</p>
CD7.8	APP/H1840/W/22/3299691: Land east of Tagwell Road, Droitwich	Paragraph 30 of this appeal decision support the Appellants' case at paragraph 3.57 of its Planning Proof of Evidence in relation to the justification for the NHS contribution.
CD7.9 - CD.12	<p>APP/A1530/W/19/3223010: Barbrook Lane Tiptree</p> <p>APP/N1730/W/18/3204011: Pale Lane Farm, Hartley</p> <p>APP/Q3115/W/19/3230827: Oxford Brookes University - Wheatley Campus</p> <p>APP/R0660/A/13/2197532: Land between Audlem Road/Broad Lane, Stapeley</p>	Each of these appeal decisions were referred to in the Appellants' Planning Proof of Evidence in relation to the weight to be given to the benefits of providing new market and affordable housing. However, the Appellants' and LPA have since agreed the weight to be given to these benefits in the Planning Statement of Common Ground, and the accompanying table of benefits and adverse impacts. As such, these Appeals aren't discussed further here.
CD7.13	APP/H1840/W/21/3266573: Land at and adjacent to No. 1 and The Neuk No. 3 Bretforton Road, Badsey	Paragraph 32 of this appeal decision supports the Appellants' case in relation to the justification for the NHS contribution, as detailed at paragraph 3.57 of the Appellants' Planning Proof of Evidence.
CD7.14	APP/A2280/W/20/3259868: Land off Pump Lane, Rainham	Paragraph 12.204 of the SoS decision supports the Appellants' case that the provision of at least 20% Biodiversity Net Gain should be attributed substantial positive weight in the planning balance, as per paragraph 5.24 of the Appellants' Planning Proof of Evidence.
<b>CD8</b>		
CD8.1	South Lakeland DC v Secretary of State for the Environment [1992] 2 AC 14	Not referred to in Appellants' Proof.
CD8.2	Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014] EWCA Civ 137.	Not referred to in Appellants' Proof.

CD8.3	Monkhill Ltd v SSHCLG [2021] EWCA Civ 74	Not referred to in Appellants' Proof.
CD8.4	Suffolk Coastal v Hopkins Homes Ltd [2017] UKSC 37	As per paragraph 6.23 of the Appellants' Planning Proof of Evidence, this judgment confirms that policies which are considered out-of-date due to a shortfall in housing land supply can still carry weight in the planning balance, and that the weight to be attributed to those policies is a matter for the decision-maker at paragraph 51.
CD8.5	Hallam Land Management v SSCLG & Anor [2018] EWCA Civ 1805	Paragraph 51 of this judgment supports the Appellants' case in its Planning Proof of Evidence at paragraph 6.25 that the extent of the shortfall and the length of time this is likely to persist are material to the weight afforded to the provision of housing and to the weight afforded to any conflict with relevant policies. It also supports the Appellants' case at paragraph 1.10 of the Housing Supply Proof of Evidence.