

**APPEAL REF. APP/Q4245/W/20/3258552****APPEAL BY ACCRUE (FORUM) 1 LLP AT FORMER B&Q SITE, GREAT STONE ROAD, STRETFORD, M32 0YP****NOTE ON APPEAL DECISIONS RELIED ON BY THE LPA****13 JANUARY 2022**

1. The LPA relies on two appeal decisions contained within the Core Documents list at CD-L1 and CD-L2. It is understood that the two appeal decisions at CD-L3 and CD-L4 are relied on by the Rule 6 party.

CD-L1: APP/Q4245/W/19/3243720 – Land at Warburton Lane, Trafford

2. This appeal decision is relied on primarily in respect of the Inspector's conclusion on viability and to support the self-same approach that the Council is taking in this case.
3. Paragraphs 109 – 141 are of most relevance – the section titled '*Whether the proposal would meet local housing needs and whether the lack of affordable housing provision would be acceptable*'. In particular Paragraph 141 is cited in Ms. Coley's proof and succinctly sums up the Inspector's conclusions.
4. Mr Lloyd's Proof of Evidence in Paragraph 6.4.2 justifies the use of the BCIS element cost rate based on the 5 year position and says it was accepted at Warburton Lane. This is not explicitly referred to in the appeal decision but was the position taken by Mr. Lloyd in his evidence at that appeal.
5. It is also noted that the Council's narrative and approach to housing land supply (which remains the same in this case) was not criticised by the Inspector, but that it was not used to alter the weight to be given to the shortfall. In this respect Paragraphs 18 and 143 of the appeal decision are relevant.

CD-L2: APP/N5090/W/21/3271077 – 679 High Road, North Finchley, London, N12 0DA

6. This appeal decision is relied on primarily in respect of the Inspector's conclusion on design and to support the approach taken by the Council. This appeal scheme has significant parallels with the scheme before the Inspector in this case.
7. Paragraphs 10 – 26 are of most relevance – the section titled '*character and appearance*'. In particular Paragraph 25 provides a well-articulated summation of the position taken in the National Design Guide on the creation of well-designed places. The previous paragraph, 24, sets out why design compromises which, in themselves were not reasons for refusal, but which have an undesirable impact, further add weight to the argument that this proposal represented poor design.
8. The Inspector's conclusions in Paragraphs 39 to 41 are also helpful as they broadly reflect the Council's case on design in this appeal. The Inspector's attention is also drawn to the fact that this appeal was dismissed on design grounds in the face of a 5 year housing land supply shortfall (including historic undersupply) – in short in the

same circumstances that the Local Planning Authority find themselves in this case – and without any of the other harms which arise in this case which also weigh against permission being granted. This can also be found in Paragraphs 39 – 41.