



Richborough

Land promotion experts

Appeals
Experience Brochure

ESTABLISHED FOR OVER 20 YEARS



What are appeals?

If a planning application is refused, the Council must state clearly and precisely the full reasons for its decision, specifying all policies in the Development Plan that are relevant. In response, Applicants can either resubmit an amended application to the Council or appeal (within six months) to the Secretary of State, who is represented by the Planning Inspectorate (PINS). In certain circumstances, it is possible to do both (twin-tracking) to give the Council an alternative option to contesting the appeal.

Every appeal is considered by an independent and experienced Planning Inspector. The Appellant can request an appeal to be determined by one of three procedures; Written Representations (around 92% of all appeals), an Informal Hearing (5%), or a Public Inquiry (3%). Typically, PINS decide around 10,000 - 12,000 appeals a year (including householder appeals), of which roughly a third are allowed. Appeals for "major" development e.g. 10+ dwellings of 1,000sqm floorspace, comprise around 1,000 appeals a year, of which around 45% are allowed.



Why we're experts

Optimal Planning Strategy

Richborough always determines the optimal planning strategy on each site, to best achieve a successful outcome. Whilst our preference is always to work with Councils and communities to try and secure planning permission at the local level, we will appeal where it is clearly in the landowner's best interests to do so. We will predominantly seek a Public Inquiry (usually 1-2 weeks in duration), represented by Counsel, to challenge the Council's evidence as forensically as possible.

Working with Industry Leaders

Richborough will assemble a team of expert witnesses in their respective technical fields to ensure every single benefit of a proposed development is thoroughly and comprehensively explained to an Inspector. We will always instruct one of the highest-ranked Planning Barristers in the country from either No. 5 Chambers, Kings Chambers or Landmark Chambers to ensure the appeal case is advocated as effectively as possible.



What is Richborough's record?

71% win record as of June 2024

Richborough has a market-leading reputation and track record for success at appeal. This often derives from our success in securing Officer support for applications which, for political reasons, are then refused by Members at Planning Committee. Statistically, major housing appeals are more likely to be approved by Inspectors if they were supported by Officers in the first place. Data obtained from COMPASS demonstrates that over the last five years, Richborough has a higher success rate at appeal than our competitors, amongst those who have pursued a statistically significant volume of appeals.

If appeals are dismissed, we will always reflect on the reasons with our legal and technical teams to identify the most appropriate strategy for future promotion. In 2024, we have secured Officer support for two resubmitted applications in Buckinghamshire and Central Bedfordshire on sites that had previously been dismissed at appeal. Achieving this requires a creative and patient approach but ultimately, we are confident in the planning merits of every site in our portfolio.

Where appropriate, we will also seek to challenge dismissed appeals where there are clear legal grounds to do so. In 2017, Richborough were party to a landmark Supreme Court ruling on the interpretation of the National Planning Policy Framework, following earlier judgements handed down by the High Court and Court of Appeal in relation to a site in Cheshire East. The Secretary of State (as Second Respondent) consented to judgement following the Court of Appeal decision, however Richborough continued to contest the case at the Supreme Court, ultimately securing permission for our landowners. Richborough is also a board member and co-founder of the Land, Planning and Development Federation (LPDF), leading the industry on shaping national policy and collaborating with Ministers at the Department of Housing, Communities and Local Government.

1

Jews Lane, Dudley (15th August 2006)

Dudley Metropolitan Borough Council	100	X	✓	No Award
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The main issues for this appeal were (i) should housing be built on land allocated for employment use, (ii) what the living conditions would be like for the residents, and (iii) highway safety. The site had been vacant for 20 years and despite being marketed for employment we receive no interest from any parties. The Inspector concluded the site was suitable for residential development and its new residents would not be subjected to adverse living conditions. In terms of highways, the Inspector found the proposals would not harm safety. The appeal was allowed.

[Click to view Jews Lane appeal decision](#)

2

Bath Vale Works, Congleton (28th April 2009)

Congleton Borough Council	130	X	✓	No Claim Made
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The principle of residential development of this former factory site had previously been agreed and this appeal hinged on the amount of affordable housing that should be delivered. The costs of redeveloping brownfield land can be significant and we produced a viability appraisal showing 5% of the new homes would fall under the definition of affordable, with a further 25% being low-cost open market dwellings. The Inspector agreed with our evidence on viability and allowed the appeal.

[Click to view Bath Vale Works appeal decision](#)

3

Sandbach Phase 1, Cheshire (4th July 2011)

Cheshire East Council	269	X	✓	No Claim Made
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This appeal comprised of two different components - (a) 269 dwellings with public open space and (b) a new footpath and cycleway nearly 600m in length running alongside the route of an existing road. As well as being considered by a planning inspector, the Secretary of State for Communities and Local Government recovered the appeal so he could make the final decision. Initially the Secretary of State dismissed the appeal but we challenged that through the courts as we believed there were legal errors in his decision. We were successful and the original decision was quashed and the appeal had to be redetermined. In the redetermined appeal, the Council had a significant shortage of available housing land and the Inspector noted the 269 dwellings would have a materially beneficial effect in helping to overcome this, which included 108 affordable dwellings and a further 67 low-cost open market dwellings. The site was greenfield but the Inspector found it would not impact on the regeneration of any brownfield sites, although he also found the development would result in the loss of some hedgerows and good quality agricultural land (known in planning terms as 'best and most versatile'). He indicated the site was slightly further away from the town centre than people may wish to walk but there were reasonable options to use public transport. Regarding the new footpath and cycleway, the Inspector was of the view the benefit to local residents outweighed the fairly limited harm that constructing it out would cause. The Inspector recommended the appeal should be allowed and this time Secretary of State agreed.

[Click to view Sandbach Phase 1 appeal decision](#)

4

Moulton, Cheshire (30th December 2013)

Cheshire West & Cheshire Council	148	✓	✓	Full Award
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The main issues for the appeal Inspector to consider were housing land supply and the effect of the proposals on the character and appearance of Moulton and its surrounding area. On the first point, the Inspector concluded the Council did not have enough supply against the need to have 5 years' worth of deliverable housing land; and therefore attached little weight to their local plan policies for the supply of housing. On the second matter, whilst the Inspector was of the view that the new homes would affect the character and appearance of Moulton and the surrounding area (including the gap between Moulton and Davenham), it would not cause unacceptable harm. Other issues the Inspector addressed were affordable housing, sustainability, education, highways and traffic, drainage, ecology, archaeology, playing fields and public footpaths. None of these raised any serious concerns for him. The appeal was allowed.

[Click to view Moulton appeal decision](#)

5

Willaston, Cheshire (1st August 2014)

Cheshire East Council

146

X

✓

No Claim Made



At this appeal the main issues the Inspector had to consider were housing land supply and whether the proposals amounted to sustainable development. Regarding the former, the question the Inspector had to grapple with was what should the annual housing requirement be. Having concluded the Council’s suggested requirement figure was wrong, he found they could not demonstrate 5 years’ worth of deliverable housing land as they were required to do. As part of his deliberations on the second issue, the Inspector had to address location, the fact that most of the site fell within a ‘green gap’ between Willaston and Rope, landscape and visual effects, agricultural land, local services and facilities, highways and traffic, the local economy, ecology, affordable housing, flood risk/ sewerage, contaminated land, archaeology and utilities. He concluded that overall the proposed development would be sustainable even though it would erode the ‘green gap’ to a limited degree and would involve the loss of good agricultural land (known in planning terms as ‘best and most versatile’). The appeal was allowed; however, it was subsequently legally challenged in the courts by the Council eventually ending up in the Supreme Court where our successful appeal decision was restored.

[Click to view Willaston appeal decision](#)

6

Haslington, Cheshire (15th August 2014)

Cheshire East Council

250

X

✓

No Award



The main points the Inspector had to determine was whether the development was sustainable development, and what the situation was with the Council’s housing land supply. The Council put forward a case that the loss of this greenfield site (which was best and most versatile) outweighed the benefits of new homes; but the Inspector disagreed. On the housing land supply point, the Inspector concluded the Council could not demonstrate 5 years’ worth of deliverable housing land. Local residents were particularly concerned about highway safety and the scheme included a series of improvements such as a new pedestrian crossing, traffic calming, signage and £650,000 towards road improvements. The Inspector therefore found that highway safety would not unduly be harmed. The appeal was allowed.

[Click to view Haslington appeal decision](#)

7

Sandbach Phase 2, Cheshire (1st August 2014)

Cheshire East Council

100

X

✓

Full Award



Adjacent to our Phase 1 site, which was won on appeal two years earlier, this appeal centred around the Council’s housing land supply and whether the proposals amounted to sustainable development. The Inspector found that the Council’s supply of housing land fell short of what they needed to achieve; and taking account of the three defined elements of planning sustainability – environmental, economic and social – the Inspector concluded that on balance the proposals were sustainable development having weighed up both the benefits and negatives of development. The appeal was allowed.

[Click to view Sandbach Phase 2 appeal decision](#)

8

Baldwins Gate Phase 1, Staffordshire (12th January 2015)

Newcastle-Under-Lyme Borough Council

113

✓

✓

Partial Award



The Inspector first addressed how the site met the requirements of sustainable development and whether it complied with the Council’s strategy for housing delivery. Having examined the evidence he concluded that the village could reasonably be considered as a sustainable location, that the Council did not have a deliverable 5 year housing land supply as they were required to have, and there were economic, social and environmental benefits which outweigh any harm to the aims of the Council’s Local Plan. He did find intrusion into the countryside and the loss of best and most versatile farmland were negative aspects but not enough to override the benefits. The second issue the Inspector dealt with was the safety and convenience of local highway users but he found the proposal would not unduly harm such users. Thirdly, the Inspector looked at affordable housing and supported our approach of proving 16% as part of the development with a financial payment made to the Council for the delivery of affordable homes elsewhere in the Borough. The final matter the Inspector was concerned with was the potential for the flooding of existing properties but he was of the view that there would be no undue additional risk after our scheme had been built. The appeal was allowed.

[Click to view Baldwins Gate Phase 1 appeal decision](#)

9

Matlock, Derbyshire (1st July 2015)

Derbyshire Dales District Council

110

X

✓

Partial Award



The principle issue that had to be considered was whether our proposed development would provide a sustainable form of development in accordance with national and local policy, having particular regard to its effect on the character and appearance of the area, including that of the Matlock Bank Conservation Area. The Inspector looked at evidence relating to landscape and townscape, visual impact, the conservation area, highways, nature conservation, and heritage. Set against a context of the Council admitting they could not demonstrate a required deliverable 5 year housing land supply, the Inspector considered the various matters against social, economic and environmental aspects and concluded the proposals must be regarded as sustainable development. The appeal was allowed. The site was also the subject of a Village Green claim i.e. an attempt to protect the site from development; but we defended against this and the claim was unsuccessful.

[Click to view Matlock appeal decision](#)

10

Bampton, Oxfordshire (13th July 2015)

West Oxfordshire District Council

160

✓

✓

Full Award



This appeal related to the removal to two planning conditions imposed on a previously granted outline planning permission. One of the conditions was a duplicate of another (and was not in dispute), whilst the other condition in question related to phasing which allowed 60 dwellings to be built by 2017, a further 50 dwellings in 2019 and the final 50 dwellings in 2023. The Inspector firstly found the wording of the condition was imprecise because in could be interpreted in two ways; and secondly it required the entire site to be completed whereas that was in conflict with national planning practice guidance. He concluded, therefore, that the condition failed to meet the tests for when conditions could be used in planning permissions and its removal was justified. The Council invited the Inspector to insert a revised replacement condition but he declined as there were already adequate controls of how the development would be built out within the legal agreement that accompanied the original planning permission. The appeal was allowed.

[Click to view Bampton appeal decision](#)

11

Davenham, Cheshire (3rd September 2015)

Cheshire West & Cheshire Council

70

X

✓

No Claim Made



The Inspector identified two main issues - the objectives of local and national planning policies relating to the location and supply of housing; and the character and appearance of the area. On the first matter, the Inspector found our proposals were contrary to local policies relating to the location of development because the site was located outside the defined settlement boundary of Davenham. Regarding the second matter, subject to appropriate layout, scale, appearance and landscaping, he found the proposals would be consistent with the objectives of national and local planning policy. Having then considered our scheme against the three strands of sustainable development - social, economic and environmental - he concluded that on balance, the significant social and economic benefits, along with the potential environmental benefits arising from the creation of an enhanced settlement edge, were of sufficient weight to clearly outweigh the moderate harm that would be caused by the development; thus the proposals would represent sustainable development. The appeal was allowed.

[Click to view Davenham appeal decision](#)

12

Ludlow, Shropshire (10th November 2015)

Shropshire Council

137

X

✓

No Claim Made



The first issue the Inspector considered was the impact the development may have on the character and appearance of the area. He found there was some very localised harm to the landscape but the mitigation proposed would address this. The second issue related to heritage and in particular listed buildings and a conservation area. The Inspector found that the development would preserve the settings of both. The third issue was the housing land supply situation and after examining the evidence he concluded the Council had a suitable supply but that did not mean further housing could not be permitted. The Inspector then looked at affordable housing and public open space and found that the development would provide in excess of local guidance. The remaining issues related to highways, a level crossing, drainage/sewerage, noise, best and most versatile agricultural land and the Human Rights Act 1998; all of which were raised by local residents. The Inspector did not find any significant adverse impacts relating to these. The appeal was allowed.

[Click to view Ludlow appeal decision](#)

13

Swallowfield, Wiltshire (24th November 2017)

Wokingham Borough Council

65

X

X

No Claim Made



The principle issue the Inspector had to address was whether the Council could demonstrate 5 years’ worth of deliverable housing land, and if not, would any adverse impacts significantly and demonstrably outweigh the benefits, having particular regard to the effects upon the character and appearance of the area and the setting and significance of the grade II listed building known as Wyvol’s Court. The Inspector concluded the Council did not have 5 years’ worth of housing land. He therefore went on to consider any impacts the development might have and determined that there was harm to the character and appearance of the area and the development was at odds with the local landscape strategy. The appeal was dismissed.

[Click to view Swallowfield appeal decision](#)

14

Semington, Wiltshire (14th December 2017)

Wiltshire Council

75

X

X

No Claim Made



The Inspector set out five main issues - (i) the effect of the proposal on the character and appearance of Semington and the surrounding rural landscape, including the Kennet and Avon Canal; (ii) heritage; (iii) housing land supply; (iv) location and scale of development; (v) and the benefits of the proposals. He concluded there would be significant harm to character and appearance but no heritage harm; the Council marginally had a sufficient supply of housing land; the development was not in an acceptable location and of an appropriate scale; but significant weight should be attached to the level of affordable housing the proposals would deliver. Overall, the Inspector concluded the benefits of our development did not outweigh the harm it would have and therefore the appeal was dismissed.

[Click to view Semington appeal decision](#)

15

Wilaston, Cheshire (14th June 2017)

Cheshire East Council

146

X

✓

No Claim Made



The application relating to this appeal mirrored the earlier Willaston appeal scheme on the same site and was submitted to Cheshire East Council to give them a further opportunity to grant permission outside of the appeal process. They chose not to take that opportunity and did not determine the application within their required statutory timescales. As a result, this second appeal was lodged but following the Supreme Court judgement the Council decided not to defend it. As a result, and in the context of the original appeal being allowed via the court decision, this appeal was also allowed.

[Click to view Wilsaton appeal decision](#)

16

Haddenham, Buckinghamshire (20th July 2018)

Aylesbury Vale District Council

72

X

X

No Claim Made



The Inspector identified the main issue as the potential effect of the proposal on the character and appearance of the area and upon the local landscape. She determined that our proposals would have a negligible impact upon long range views, and a moderate impact in mid-range views; but in localised views the development would have a very significantly harmful effect on the character and appearance of area. In her final conclusions, the Inspector acknowledged the collective benefits of the scheme (such as its contribution to the range and amount of housing) and noted that taken together they carry significant weight. However, she determined that this did not override the very significant harm to the character and appearance of the area, something that significantly and demonstrably outweighed the benefits. The appeal was dismissed.

A new planning application was submitted in 2023 which sought to address the Inspector’s concerns. Whilst it was recommended for approval by the Council’s planning officers, the local councillors refused it. We again appealed this and the decision is due in late summer.

[Click to view Haddenham appeal decision](#)

	Site Name & LPA	Dwelling Number	Recommended for Approval by Council Planning Officers	Appeal Outcome	Award of Appeal Costs	Masterplan Thumbnail
17	Mere, Wiltshire (19 th September 2018)					
	Wiltshire Council	130	X	X	No Claim Made	
	The appeal addressed a number of issues. The Inspector began by looking at the site’s locational sustainability and noted that the site was outside the development limits boundary of the village. Looking at any impacts on the character and appearance of the area, the Inspector was concerned about some of the views into the site and the setting of Mere Castle and Mere Conservation Area. The Inspector noted that the delivery of market and affordable housing, land for a GP surgery, and the fact that the site was well located in respect of local services and sustainable transport modes all weighed the development’s favour. However, these benefits did not override the harm to landscape character and to the settings of the castle and conservation area. The appeal was dismissed. Click to view Mere appeal decision					
18	Raglan, Monmouthshire (3 rd October 2019)					
	Monmouthshire County Council	111	✓	X	No Claim Made	
	Notwithstanding the County Council had resolved to grant permission, the planning application was called-in for determination by the Welsh Government. An Inspector was appointed and identified the main considerations as (i) transport hierarchy, (ii) greenfield development outside the village settlement boundary, (iii) character and appearance of the village and surrounding area, (iv) historic assets, and (v) housing and supply. In examining these, he determined that the proposals did not perform well in relation to the transport hierarchy; the scheme’s effect on the character and appearance of the village and its surrounding landscape was acceptable; there was some minor harm to a local conservation area; and there was a shortfall in the Council’s housing land supply although that would have been addressed in a new local development plan. In addition he found no unacceptable ecological impact, no issues with highway safety, and no concerns over localised flooding. Balancing the benefits against the adverse impacts, the Inspector concluded that the application should be refused, with the Welsh Minsters agreeing with that recommendation. <i>The site currently benefits from a draft residential allocation in the emerging Monmouthshire Local Plan; and in due course a new planning application will be submitted reflecting that allocation.</i> Click to view Raglan appeal decision					
19	Hampton Magna, Warwickshire (5 th June 2019)					
	Warwick District Council	147	X	✓	Full Award	
	The site was allocated for housing development in the Warwick Local Plan but the Council refused planning permission. The appeal Inspector identified the main issues he needed to look at as (i) the effect of the development on the character and appearance of the area; (ii) highway safety; (iii) the effect on protected species; and (iv) whether there was adequate affordable housing, infrastructure and associated facilities. Addressing these in order, the Inspector found our proposals would have no greater effect on the character and appearance of the area than that envisaged in the Local Plan; our scheme would be acceptable in terms of highway safety; it made adequate provision for protected species; and he had no concerns regarding affordable housing and infrastructure. The appeal was allowed. Click to view Hampton Magna appeal decision					
20	Dunton Bassett, Leicestershire (9 th January 2020)					
	Harborough District Council	59	✓	X	No Claim Made	
	The Inspector considered the main issue to be whether our proposals would represent an appropriate location for housing, with particular reference to its scale and the effect of this on the settlement pattern of the village and the surrounding landscape character. His view was that the 59 dwellings were disproportionate in scale (compared to the village’s identified housing requirement) and would reflect neither the size of the existing settlement, nor its level of service provision. Furthermore, the development would cause harm to the landscape character and appearance of the area. In addition to the main issue, the Inspector also looked at highway safety and heritage but had no specific concerns with these. Against the background of the Council having a deliverable supply of housing, the Inspector reported he was satisfied that the totality of harm identified outweighed the cumulative benefits of the proposed new residential development. The appeal was dismissed. Click to view Dunton Bassett appeal decision					

21

Harrogate, Yorkshire (9th March 2021)

Harrogate Borough Council	149	✓	✓	Full Award
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The site was allocated for housing development in the Harrogate Local Plan but the Council refused planning permission. The main issue to be considered was whether our development proposals would represent a sustainable form of development with regard to its location and accessibility to public transport and local services and facilities. This was set against the background of the same assessment being undertaken as part of the local plan process. The appeal Inspector concluded that the proposals did represent a sustainable form of development and complied with the planning policies in the local plan, as well as relevant policies at the national level. He also addressed highways, landscape, biodiversity, climate change, and air quality; but had no concerns over these matters. The appeal was allowed.

[Click to view Harrogate Kingsley Road appeal decision](#)

22

Cranfield, Bedfordshire (15th July 2021)

Central Bedfordshire Council	180	X	X	No Claim Made
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The Inspector identified eight different matters she wanted to assess the proposed development against. These were (a) the effect on the character, appearance and landscape of the site and the surrounding area; (b) the effect on highway safety; (c) the effect on the living conditions of existing occupiers; (d) the effect on existing and planned operations at the adjacent airport; (e) the effect on the living conditions of future occupiers of the proposed development; (f) the effect on local infrastructure provision; (g) whether the Council can demonstrate a five year housing land supply; and (h) the overall planning balance considering the pros and cons of the site in planning terms. She found only a limited adverse effect on character, appearance and landscape; the site access would have an unacceptable effect on highway safety; there was an unacceptable harm on the living conditions of existing occupiers; no detrimental effect on the airport; no harm to the living conditions of future occupiers; and no detrimental effect on local infrastructure provision; but the Inspector did not take a view on housing land supply. In her planning balance, the Inspector concluded the benefits of our development had significant weight but overall the adverse impacts significantly and demonstrably outweighed those benefits. The appeal was dismissed.

A new planning application was submitted in 2023 which addressed the highway safety reason for dismissal and it was recommended for approval by council planning officers but refused by councillors in April 2024. We appealed this refusal and an Inquiry is scheduled for September and the decision expected in late 2024.

[Click to view Cranfield appeal decision](#)

23

Market Bosworth, Leicestershire (17th August 2023)

Hinckley & Bosworth Borough Council	63	✓	X	No Claim Made
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This appeal was focussed around whether our development proposals would effect the character and appearance of the area, in particular in relation to certain views and a public footpath. The Inspector found that the development would, in respect of the views in question, result in permanent change/erosion/harm to the existing distinctive character and appearance of the area; although harm to the experience of the users of the public footpath would not be significant. Although there were housing delivery benefits, the Inspector considered these were not of a magnitude to outweigh the adverse character and appearance impacts. The appeal was dismissed.

[Click to view Market Bosworth appeal decision](#)

24

Greens Norton, Northamptonshire (20th April 2021)

South Northamptonshire Council	169	X	X	No Claim Made
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This appeal centred around two principle issues - the effect of the proposal on the identified strategy for growth, and the effect of the proposal on the character and appearance of the area. The Joint Core Strategy Local Plan dated from 2014 and it identified Greens North as a secondary service village. The Inspector felt that our proposals would undermine the plan’s strategy for where development should be located because new residents would need to travel elsewhere for some services and facilities. Regarding character and appearance, although the Inspector acknowledged our landscape mitigation proposals, they considered the development would be a harmful projection into the open countryside. As well as the principle issues, the Inspector also considered affordable housing and gave it significant weight, with public open space and biodiversity getting limited weight. The appeal was dismissed.

[Click to view Greens Norton appeal decision](#)

25	Launton, Oxfordshire (3 rd November 2022)					
Cherwell District Council 65 X ✓ No Claim Made						

The appointed Inspector considered there were two main issues that needed to be addressed, these being the effect of our proposals upon the character and appearance of Launton and surrounding area; and whether or not the site represented an appropriate location for housing, having particular regard to access to facilities and services. Having reflected on our evidence and that presented by the Council, on the first matter of character and appearance, the Inspector found that there were no significant adverse landscape impacts but some limited harm to character and appearance due to the loss of greenfield land. On the second matter, the Inspector was of the view that the development would increase the number of car journeys but there were bus services as an alternative option and the site’s relative proximity to Bicester meant its services and facilities were not far away and could be reached by bike as well as by car. Local residents raised issues such as heritage, the amount of development, highway safety, drainage/sewers, and the displacement of existing commercial operations on the site. Overall, though, the Inspector found the benefits outweighed any harms and this together with the Council being unable to demonstrate their required housing land supply meant the appeal was allowed.

 [Click to view Launton appeal decision](#)

26

Sholden, Kent

(4th May 2023)

Dover District Council

155

X

✓

No Claim Made



Located on the edge of Deal, the appeal centred on whether the site was suitable for new housing; its effect on local character and appearance; and highway impact. The Council accepted their settlement boundaries restricting where development could be located were out of date and the Inspector noted that the site was well related to day-to-day services and facilities as well as having access to a good bus service. Regarding character and appearance, the Inspector considered there was a minor adverse impact on landscape and a minor to moderate adverse impact on visual amenity but overall the landscape and visual impacts were not a reason to refuse the appeal scheme; neither was impact on highways. The Inspector also looked at housing land supply and concluded the Council did have a suitable supply; he recognised that the site comprised of good agricultural land (known in planning terms as ‘best and most versatile’); and found the site had limited ecological value. The appeal was allowed.

 [Click to view Sholden 2 appeal decision](#)

27	Baldwins Gate Phase 2, Staffordshire (12 th July 2023)					
Newcastle-under-Lyme Borough Council 200 ✓ ✓ No Claim Made						

Adjoining our Phase 1 scheme which was allowed on appeal some eight years earlier, the Inspector identified a number of issues he wished to examine. Both ourselves and the Council agreed there was a shortfall in housing land supply. Firstly, the Inspector looked at whether our development proposals would be in a suitable location, having regard to the availability of public transport. He noted that in the village there was an acceptable level of services for meeting the majority of day-to-day needs but limited employment and retail opportunities which meant new residents travelling out of the village. This brought the availability of bus services into the debate as an alternative option to car use; and he concluded there was an acceptable service to reach employment, shops, leisure and schools. He agreed with the Phase 1 appeal Inspector that the village was a sustainable settlement. Secondly, the Inspector considered the effect of our proposals on the character and appearance of the area and concluded there was moderate harm to the landscape, thus harm to character and appearance of the area. The final issue he addressed was the loss of best and most versatile agricultural land (a planning term for good agricultural land) and indicated some harm would arise from this. In conclusion, the Inspector found the benefits outweighed any harm and the appeal was allowed.

 [Click to view Baldwins Gate Phase 2 appeal decision](#)



28

Kidderminster, Worcestershire

Wyre Forest District Council

124

✓

✓

Full Award



The site was allocated for residential development in the recently adopted Wyre Forest Local Plan, which had removed it from the Green Belt. The principle for new homes on the site was therefore already established. Notwithstanding its allocation, the Council refused the planning application on highway/traffic grounds. However, the appeal Inspector found that although our proposals would increase traffic numbers, there would not be significant levels of queuing traffic or delays at peak travel times. As a result she was content the local road network could accommodate the additional traffic. She also noted there were a number of services and a facilities within walking distance of the site. Local residents raised some additional points such as loss of agricultural land, ecology, heritage, drainage, housing affordability, pressure on local services and the living conditions of nearby residents. The Inspector did not feel any of these matters outweighed the local plan’s allocation of the site. The appeal was allowed.

[Click to view Kidderminster appeal decision](#)

29

Hinckley, Leicestershire (18th January 2024)

Hinckley & Bosworth Borough Council

475

✗

✓

No Claim Made



Our planning application was originally refused by the Council at the behest of Leicestershire Highway Authority; however, following the submission of further information and evidence by ourselves during the appeal process the Council decided not to contest the appeal. The Inspector did decide, though, to open the appeal in the interests of fairness to all parties, including local residents. As the Council and Highway Authority offered no evidence to counter ours, the Inspector allowed the appeal. This is an example of a negotiated solution to cut the full appeal process short.

[Click to view Hinckely appeal decision](#)

30

Upper Heyford North, Oxfordshire (5th March 2024)

Cherwell District Council

230

✓

✓

No Claim Made



The Inspector identified four main issues – location, heritage, infrastructure and transport mitigation, and housing land supply. Regarding whether the site was in a suitable location, although the Inspector found conflict with local planning policies contained in the Cherwell Local Plan, she concluded this was limited. The site was located next to the former RAF Upper Heyford, which was a dedicated conservation area with various heritage assets including two scheduled monuments. However, having considered heritage aspects the Inspector concluded our development would cause no harm. In terms of infrastructure and transport, after examining the evidence, the Inspector found that our scheme was in an accessible location and would be integrated into the surrounding development. On the final main issue, the Inspector was of the view the Council had less than 4 years’ worth of housing land, a figure she described as a significant shortfall. A rival land promoter became involved in the appeal and tried to derail our proposals but we successfully defended them against this attempt. In her final assessment the Inspector concluded that our proposals were sustainable development and the appeal was allowed.

[Click to view Upper Heyford North appeal decision](#)

31

Newbold Vernon, Leicestershire

Hinckley & Bosworth Borough Council

239

✓

✓

No Claim Made



The Inspector began by exploring whether our site was an appropriate location for housing when compared against how development was distributed around the Borough under local planning policy. Although the village did not sit at the upper end of the sustainable settlement hierarchy, the Inspector was of the view this was reliant on out of date housing need information and that both the Borough’s housing requirement and the need for greenfield sites was likely to increase in the future. The site therefore, the Inspector concluded, was an appropriate location. The next matter to be addressed by the Inspector was whether our proposals affected the character and appearance of the area, particularly regarding landscape. The Inspector found that whilst the change from a field to housing would affect the intrinsic character of the site, it was visually self-contained and there were options for new landscaping and in the round the harm to character and appearance was limited. The Inspector also considered accessibility and found journeys to services and facilities would be made by a mix of walking, car and bus but this reflected the village location and resulted in an acceptable level of accessibility. The Inspector touched on other matters such as heritage, ecology, highway safety, and pressure on local services. The Council could not meet their required 5 years’ worth of housing land and the Inspector concluded the benefits of our development were greater than any harms. The appeal was allowed.

[Click to view Newbold Vernon appeal decision](#)



Barrister Testimonials – June 2024

"I have been working with Richborough ever since their first site, just off Richborough Drive in Dudley. The one very distinctive feature about Richborough is they always follow professional advice to the letter. Ever since that first appeal, Paul Campbell has taken on board all the right advice and always followed it. The results speak for themselves. We didn't lose a planning appeal for 13 years. We also defended all those victories in the High Court if there was a legal challenge, including defending one inspector's decision to allow an appeal all the way to the Supreme Court. They did that even when the Secretary of State declined to defend it. Richborough has now grown much bigger. But the ethos of the firm is exactly the same: a really fun and engaging team, scrupulously honest and straightforward, and always striving for the highest standards in land promotion and development work.

- Christopher Young KC, No5 Chambers (No. 1 ranked Planning Silk in 2021, 2022, 2023 and 2024)

"I have been instructed by Richborough to advise in respect of numerous sites over the past three years and have represented them at five successful planning appeals over the same period. This is an enviable success rate, which is testament to the exceptional expertise of the Richborough team, their ability to identify the best and most appropriate strategy for the site at the earliest stage, and their dedication and commitment in delivering it. In each case that I have been instructed on, the team of experts appointed has been handpicked to ensure the best fit for the project. Those that have given evidence at appeal have been impressive, exceptionally well prepared, and have presented as leaders in their respective fields. All this combines to ensure that prospects of success have been maximised."

- Sarah Reid KC, Deputy Head of Planning, Kings Chambers

"Richborough are one of the real pioneers in this industry. Their results over many years speak for themselves, but what really stands out is the quality of their team-members - engaged, innovative, and creative with experience that runs both very wide and very deep. It's has always been a real pleasure to work with them."

- Zack Simons, Landmark Chambers (No. 1 ranked Junior Planning Barrister in 2021, 2022, 2023 and 2024)

"I find working with Richborough very rewarding. They provide clear and comprehensive instructions and create a good atmosphere within the team working on the case, to get the best outcomes for landowners. They give a clear practical steer on the issues involved and respond positively to advice given, doing the work and engaging the relevant professionals as necessary to make applications and appeals as strong as they can be."

- Martin Carter, Barrister, Kings Chambers

"Richborough simply play the planning system right! They know what they are doing, they are aggressive in strategy and effective in its deployment and they are realistic in their expectations. They are a pleasure to deal with and have a knack for securing permission on great sites!"

- Killian Garvey, Barrister, Kings Chambers

"I have worked with Richborough now for coming up to 20 years, during which time I've had the pleasure of representing them at Inquiries and Hearings on several occasions. The Richborough team leave nothing to chance: everything is set up to optimise the chances of success right from the application stage. A bespoke team is assembled from the 'get-go'; the most senior people at Richborough contribute to the project throughout the process, and as Counsel I am brought in to advise on the strategy from the outset so that I am fully prepared should the matter proceed to appeal. It is this professionalism and desire to win that ensures Richborough's continued success."

- Satnam Choongh, Barrister, No.5 Chambers

"Working with the Richborough team is always a pleasure. The team is focused, well prepared and excellent under pressure".

- Constanze Bell, Barrister, Kings Chambers

"Instructions from Richborough are the kind that all barristers want to receive - you know the team will be professional, knowledgeable and experienced as well as friendly and supportive throughout."

- Stephanie Hall, Barrister, Kings Chambers



Richborough

20th Anniversary

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