

## **Appendix 5**

Other appeals considered as part of this assessment:

### Appeal 2228247 Former Inn on the Green PH, North Orbital Road, Denham Green, Buckinghamshire

This appeal relates to a development of 37 retirement properties. The Inspector concludes that the overage clause is at odds with the guidance contained within the PPG and would not accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the NPPF.

### Appeal 2207771 Meadow Cottage and Longridge, Bangors Road South, Iver, Buckinghamshire

This appeal relates to a development of 39 apartments. The Inspector concludes that there is nothing in national policy or guidance that supports the use of an overage clause for a scheme of this size. Such a clause is also likely to hamper competitive returns as referred to in the NPPF and PPG. It is noted that the applicant has been trying to bring forward this appeal site for development for 10 years and this is given weight in light of the aims of national policy to promote economic growth.

### Appeal 3159137 The Thatched House Hotel, 135-139 Cheam Road and 133 Cheam Road

This appeal relates to a development of up to 30 sheltered apartments. The appeal concludes that an overage clause is not necessary to make the development acceptable in planning terms and therefore would not accord with the provisions of Regulation 122 of the Community Infrastructure Levy.

### Appeal 3005876 Land to the rear of 14-24 Langley Road, Pool, BH14 9AD

The appeal scheme relates to a development of 15 houses. The Council's Affordable Housing SPD makes provision for overage arrangements however the Inspector concluded that while overage clauses may have a role it is where development is likely to be delivered in a number of discrete and separate phases over a relatively long timeframe. The Inspector determined that an overage clause in this instance would add uncertainty and unreasonably affect the viability of the scheme and is contrary to national guidance.

### Appeal 3129438 Land at Dukes Way, Axminster, Devon, EX13 5FN

This appeal related to a partially completed 3 phased development of 122 houses. The East Devon Local Plan contains a policy which supports reassessment and overage however the Inspector concluded that reassessment and overage would not be appropriate as it would be likely to delay the sale of the housing.

Appeal 3167556 Green Close, Drakes Avenue, Sidford EX10 9JU

In this case the Inspector allows the use of an overage clause for a non-phased development of 36 apartments. In this case however the Local Plan, strategy 34 contains specific wording to allow the use of overage provisions. It is also of importance to note that the East Devon Local Plan was adopted after the publication of the NPPF. It was on this basis that the clause was justified.