
Appeal Decision

Site visit made on 16 May 2017

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal Ref: APP/M0655/W/17/3170801

270 Glazebrook Lane, Glazebrook, Warrington WA3 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick Moran against the decision of Warrington Borough Council.
 - The application Ref 2016/28589, dated 26 July 2016, was refused by notice dated 30 January 2017.
 - The development proposed is two new build detached properties with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the Green Belt;
 - iii) the accessibility of the site to services and facilities by sustainable means;
 - iv) the effect of the proposal on biodiversity;
 - v) whether or not there are other considerations weighing in favour of the proposal; and
 - vi) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development.

3. The appeal site forms part of the garden to the host property which is a detached chalet dwelling. It adjoins the road frontage and lies between the dwelling and N^o 272 which is also owned by the appellant. The latter is a single storey building which I saw has the appearance of a bungalow. The appellant
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says that this is a separate dwelling but the Council and an interested party question whether this is the case. The site is partially hard surfaced, this having previously formed a sports pitch. It is screened from view from the road by a hedge along the frontage.

4. The site is in the countryside outside the village boundaries for Glazebrook as defined in the Warrington Local Plan Core Strategy (2014) (CS). It is also in the Green Belt. It is within a row of buildings which front onto the road, N^o 272 forming the last building in that row. To the rear of the site is a large pond and the Glaze Brook. I noted that other ponds shown on the plan as being to the immediate rear of the site and adjacent to N^o 272 did not contain water. On the opposite side of the road there is open farm land.
5. Paragraph 89 of the Framework states that new buildings should be regarded as inappropriate in Green Belt but sets out a number of exceptions to this which include limited infilling in villages. Glazebrook has two village boundaries which relate to two separate built up areas. The site is some 640 metres from the nearest village boundary and 1.4 km from the other part of the village. The linear development along Glazebrook Lane which includes the site is separated from the nearest built up area of the village by about 250 metres of predominantly open countryside although there is a single dwelling within that gap. For these reasons the site is within an isolated group within the countryside rather than forming part of the village. On this basis the proposal would not amount to limited infilling in a village for the purpose of national planning policy.
6. Policy CC1 of the CS makes similar provision to the Framework in this respect. Limited infill development in Green Belt villages should have more affinity with the built form of the settlement than the openness of the Green Belt. For the reasons given the site is in an outlying area with more affinity to the open countryside than the village. The proposal would not accord with policy CC1 on this basis.
7. A further exception to inappropriate development provided by paragraph 89 of the Framework is limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. Openness is an essential characteristic of the Green Belt. The site is residential garden land and given that it is within the countryside and that it is partially hard surfaced it is previously developed land in accordance with the definition in the Framework. However it has a limited effect on openness because it contains no buildings. While garden structures and buildings can be erected under permitted development rights and on this basis the garden may potentially affect openness to a greater degree than it currently does the proposed dwellings would be significant in scale and height would clearly have a significant effect on openness. This effect would be greater than the existing development and for these reasons the proposal would not fall within this exception.
9. For these reasons the proposal would be inappropriate development. The Framework advises that such development is, by definition harmful to the Green Belt and that substantial weight should be given to any harm in this respect.

10. The appellant has referred to an approved development of 36 dwellings nearby and approved conversion of building(s) to 5 dwellings on the other side of the road. The nature of the latter clearly differs from the proposal while the former is more centrally related to the village. For these reasons these other developments do not alter my conclusions on this issue.

Effect on the Green Belt

11. I have already found that the proposal would have a greater effect on openness than the existing site. The existing screening of the site by the boundary hedge does not alter the principle that new built development affects the openness of the Green Belt. In any case the existing hedge would be removed to provide the proposed access drive and would be replaced with low hedges having maximum heights of 0.6 metre in order to provide visibility. Thus the proposed development would be fully visible from the road. In the context of the open surroundings and given that the site is close to the end of the line of built development the proposed dwellings would be particularly intrusive.
12. For the reasons given the proposal would unacceptably harm the openness of the Green Belt and I give further substantial weight to that harm. The proposal would not accord with policy CS5 of the CS which provides for development within the Green Belt that accords with relevant national policy.

Accessibility

13. There are few local facilities in Glazebrook although there is a post office there. However there is a railway station which is about 1 km from the site. This provides services to Warrington, Liverpool and Manchester as well as shopping and secondary school facilities at Birchwood which is nearby. The Council says that train services are infrequent but it seems to me that this service would enable commuting for employment purposes as well as sustainable travel to education, leisure and shopping facilities.
14. The footpaths along Glazebrook Lane are narrow and although buses run along the road the frequency of services is very limited at about 6 buses per week. The appellant says that there is a bus stop at the rail station which provides access to services to Warrington but no details of that service are before me. The distance of the site from the rail station and post office and the narrowness of the footpaths may deter pedestrian access to some extent but nonetheless a public transport service to a number of large centres is available. Any car journeys to the post office or rail station from the site would be short. Other facilities are available in Cadishead which would be within cycling distance.
15. For these reasons I find that the proposal would have reasonable accessibility to services and facilities by sustainable means. Occupants would however still be dependent on the car for transport to a significant extent and for this reason this matter is neutral in the overall balance rather than weighing in favour of the proposal.

Effect on Biodiversity

16. Given the close proximity of the site to ponds even though two of these were dry at the time of my visit there is a possibility that the site provides habitat for species such as great crested newts which are protected at a European level. Natural England's standing advice is that a survey for newts is needed if there is a pond in such close proximity.

17. Government Circular 6/2005¹ indicates that a survey should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present and affected. Policy QE5 of the CS similarly requires surveys to be carried out. The Greater Manchester Ecology Unit states that great crested newts have been recorded in the area and if they are present they are highly likely to be on the site.
18. Given the clear possibility of this species being present it would be essential to carry out a survey before permission could be granted in order to ascertain the effect of the proposal on those species if they are present. As no survey has been undertaken the proposal does not accord with policy QE5 of the CS or with national policy in this respect. While I note the proposal to provide an amphibian net around the site to prevent these species from entering the site during building works this is not sufficient to provide reassurance that protected species would not be adversely affected. For these reasons the proposal would have potential to adversely affect biodiversity. I give significant weight to this harm.

Other Considerations

19. The Council advises that it cannot demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the Framework. This has the effect that policies for the supply of housing should not be considered up-to-date² but the Council has not relied on such policies in its decision on the application. Nonetheless the provision of two units of housing would be of benefit in the absence of the required housing land supply. No details of the identified shortfall are before me. However the scale of the proposed development is limited and on this basis I give limited weight to this benefit.

Whether Very Special Circumstances

20. I have found that the proposed development would be inappropriate in the Green Belt and have given substantial weight to that harm. I have given further substantial weight to the reduction in openness of the Green Belt that would result. I have also given significant weight to the potential harm to protected species.
21. On the other hand I give limited weight to the benefit of the proposal in terms of its contribution to housing supply. That weight is not sufficient to outweigh the harm and I find that there are no very special circumstances to justify the proposed development.
22. The appellant refers to the proposal being in accordance with policy QE7 of the CS in terms of its design and the Council considers the design of the proposed development to be acceptable. However the proposal would conflict with key provisions of the development plan in terms of Green Belt and biodiversity and would not accord with the development plan as a whole.
23. The proposal would not accord with the environmental dimension of sustainable development in terms of its adverse impact on the Green Belt and its potential impact on protected species. While it would accord with the social and economic dimensions in terms of the provision of new housing and its

¹ Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

² NPPF paragraph 49

accessibility by sustainable means when considered as a whole the proposal would not be a sustainable development.

Conclusion

24. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR