



Appeal Decision

Site visit made on 3 June 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/D0650/W/18/3213705

Ponderosa, land to the west of Newton Lane, Daresbury

- 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 Charles Smith against the decision of Halton Borough Council.
 - The application Ref 18/00117/FUL, dated 4 March 2018, was refused by notice dated 18 May 2018.
 - The development proposed is the removal of the existing equine and WC building and erection of 1 no. residential static park home.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Charles Smith against Halton Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. There is some history of planning applications and appeals relating to gypsy and traveller development on the site. In this case, the appellant has confirmed that the scheme before me is not a proposal that relates to a gypsy or traveller development with reference to Annex 1 of the *Planning Policy for Traveller Sites* 2015, and the Council has confirmed that it was not considered as such. I have considered the appeal on that basis.
4. The Council has confirmed that it made its decision on the basis of revised drawings, reference numbers 2A and 3A, which were received during the course of the application. The revisions included a reduction in the height of the proposed park home. They also included additional annotations confirming that its elevations would be clad in timber, that the garden would not extend beyond the existing site boundary, and that permitted development rights would be removed.
5. The revised drawings were not the subject of publicity by the Council. However, the changes made were very minor, and related only to a small reduction in the height of the building, and to clarification on a number of points of detail. Therefore, no interested parties would be prejudiced by my having considered the appeal on the basis of those revised drawings.

6. For the avoidance of doubt, I have therefore considered the appeal on the basis of the following drawings: Site Location Plan drawing no. 1; Existing and Proposed Site Plans drawing no. 2 revision A; and Existing and Proposed Building Plans drawing no. 3 revision A.
7. In reaching my decision I have had regard to the revised, updated National Planning Policy Framework, published 19 February 2019 (the Framework). Both parties have had the opportunity to comment on the revised Framework during the course of the appeal, and I have had regard to comments received.

Main Issues

8. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities;
- whether the harm by reason of inappropriateness, and any other harm, would clearly be outweighed by other considerations and, if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Background

9. The application relates to the demolition of a single storey timber stable building and an attached WC block, and their replacement with a structure described as a residential static park home. The park home would be single storey, with two bedrooms, a bathroom, kitchen and living room. It would occupy a similar position to the existing stable and WC building, but would be smaller in footprint and lower in height.
10. The stables and WC are timber-framed and clad but, I observed, are nonetheless of a substantial construction, built on a concrete base, and with electricity and external lighting. The WC block also seemed to have a water supply. There is no dispute between the main parties that the structure comprises a building for planning purposes. On the basis of the evidence before me, and given its substantial construction, I agree with that position and do not find the building to be a temporary structure. I have considered the appeal accordingly.
11. The appeal building is relatively modest in size, but is located within a much larger area of land, most of which is surfaced with loose stone chippings, and which is enclosed by a low timber fence with trees and hedges around its boundaries. All of that associated surrounding land is included within the defined site boundary for the appeal, and the whole of that area would serve as the garden for the proposed park home. There is no dispute between the main parties that the land within the red line boundary has a lawful use for equestrian purposes at present and, on the basis of the evidence before me, I agree with that conclusion.

Whether the proposal would be inappropriate development

12. Policy GE1 of the Halton Unitary Development Plan (the UDP) states, in paragraph 1, that planning permission will not be given for inappropriate development within the Green Belt except in very special circumstances. Whilst adopted in 2005, before the publication of the Framework, the aim of Policy GE1 is nonetheless consistent with paragraph 143 of the Framework, which states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
13. The Framework regards the construction of new buildings as inappropriate development in the Green Belt. One of several exceptions to this, in paragraph 145 bullet point g), is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
14. Paragraph 3 of UDP Policy GE1 also sets out a number of purposes for which development will not be regarded as inappropriate. However, that list does not include the partial or complete redevelopment of previously developed land. The UDP policy is therefore inconsistent with the Framework in that respect. Accordingly, I afford that part of Policy GE1 little weight, and I have considered the appeal against the exceptions set out in the Framework. Nonetheless, the overall Green Belt aims set out in paragraph 1 of Policy GE1 are consistent with those of the Framework, and I afford the development plan policy substantial weight insofar as it relates to those aims.
15. It is agreed by both main parties that the whole site falls within the definition of previously developed land as set out in the Framework. As the site encompasses a permanent structure and its curtilage, the lawful use of which does not fall within any of the exceptions in the Framework definition, I concur.
16. The proposed park home would be smaller in footprint and height, and thus in volume, than the existing stable building. Therefore, the proposed park home structure itself would have no greater impact on the openness of the Green Belt than that existing building. However, the Court of Appeal in the *Turner* judgment¹ has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect, and that the concept of openness of the Green Belt is not narrowly limited to a volumetric approach, but also includes factors relevant to the visual impact of a development on the aspect of openness which the Green Belt presents.
17. In this case, the use of the remainder of the site in association with the proposed park home would result in the creation of a very large domestic garden area. I have therefore considered the relative implications of that proposed use and the existing use for openness, having regard to those factors referred to in the *Turner* case.
18. At the time of my visit, the majority of the site was surfaced with loose gravel, with a few relatively small areas of grass. However, that hard surfacing does not have a volume, and thus has very little effect on the openness of the Green Belt at present. Similarly, whilst I noted the presence of existing drainage, water and electricity connections within the site, where such connections are evident

¹ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

above ground they are limited in number and in size, and thus in their effect on openness.

19. At the time of my visit, there were several vehicles parked on the site, close to the existing building, and some large bins close to the site entrance. However, most of the large site beyond those areas was vacant, and unoccupied by vehicles, structures or means of enclosure other than the hedges and fences around the site boundaries and a small section of timber fence running across part of the site. Therefore, beyond the existing building, the wider site and the paraphernalia associated with its existing equestrian use have a very limited effect on openness, both in terms of their volume and their visual presence.
20. In contrast, even if permitted development rights were removed for residential extensions, outbuildings and means of enclosure associated with the proposed park home, as has been suggested, the size of the site is such that its use in association with the proposed dwelling could lead to a significant proliferation of other domestic paraphernalia across a large area. That may include washing lines or other clothes drying structures, outdoor furniture and parasols, or play equipment such as large trampolines, climbing frames or goal posts. None of those items would constitute development requiring planning permission. Nor have I anything before me to suggest how the introduction of such items might be controlled by means of a precisely-worded and enforceable planning condition. Such individual items may have limited volumes in themselves. However, the cumulative effects of their proliferation across an area the size of the appeal site would be significant and, in my view, would have a greater effect on openness than the equipment and vehicles associated with the existing lawful equestrian use.
21. I have been referred to the parking of vehicles on the site in association with the existing use, and at the time of my visit, a horse box, a caravan, a van and a small two-seater horse-drawn carriage were parked close to the existing building. I have not been provided with detailed evidence regarding the numbers and types of vehicles parking on the site. However, whilst a single dwelling may result in a slight reduction in the number of vehicles parking on the site compared with the existing use, the possibility of large vehicles, such as a van or caravan, parking on the site in association with the proposed dwelling could not be ruled out. Therefore, and having regard to the levels of parking likely to be associated with the existing small stable building, any such reduction is likely to be limited, and would not offset the potential harm to openness arising from the proliferation of domestic paraphernalia across the remainder of this large site.
22. Views of the interior of the site are limited to some degree by high hedges and trees around its boundaries at present. However, I observed that the existing building and vehicles were visible above and through parts of the boundary planting from some public vantage points on the roads to either side of the site, as items associated with the proposed residential use would be. In any event, those surrounding trees and hedges could be removed or reduced in height in the future, thus further opening up views. The proliferation of domestic paraphernalia across this large site would therefore also have a visual, as well as a spatial, effect on the openness of the Green Belt.
23. The garden would be no larger than the area which falls within the site's lawful equestrian use. However, for the reasons given, I consider that the use of that

large area of land as garden would have a greater effect on openness, both in spatial and visual terms, compared with the existing use of the site. The presence of other dwellings within the Green Belt close to the site does not alter my conclusions in that respect.

24. I have been referred to similarities between the existing and proposed uses, including with regard to the presence of vehicles, electric, water and sewerage connections, and to activities such as the cleaning of vehicles, the deliveries of goods, and the storage and collection of refuse and waste. However, as set out above, the proposed residential use of the site would also allow the introduction and spread of other items of associated paraphernalia, which would not arise from the existing equestrian use. It is the volume and visual presence of those physical items of domestic paraphernalia associated with the proposed residential use, and the potentially significant and uncontrolled spread of such items across the site which would give rise to the harm to openness I have identified. Given the significant size of the appeal site, the harm arising from those physical features would not be offset or outweighed by any reduction in the levels of vehicle and pedestrian activity associated with the proposed residential use compared with the existing equestrian use in this case.
25. During my visit, I observed a small timber cabin structure close to the site's vehicular entrance. That structure is not indicated on either the existing or proposed drawings for the proposed development, and there is no reference to it in the appeal submissions. Nonetheless, whether that structure were to remain or to be removed, it would not alter my conclusions.
26. Drawing those threads together, for the reasons given I conclude that the proposed redevelopment of this previously-developed site would have a greater effect on the openness of the Green Belt than the existing development. As such, the exception in paragraph 145, bullet point g) of the Framework does not apply. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt, and which should not be approved except in very special circumstances.

Harm to the Green Belt

27. The proposed domestic garden would not extend any further than the boundaries of the existing equestrian use. However, equestrian development and its associated vehicles and structures are not uncharacteristic of rural locations. In contrast, the proposed residential use, and proliferation of associated domestic paraphernalia across the full extent of that area, would significantly change the character of the site, resulting in the suburbanisation of this large area of land, and thus an unacceptable encroachment of development into the Green Belt. In addition to that harm to openness that I have identified, the development would therefore also conflict with one of the aims of the Green Belt as set out in the Framework.

Whether a suitable location for housing – accessibility to services and facilities

28. The site is located in the countryside, outside the village of Daresbury. However, I consider that it is not so far away or remote from that village, or from other residential and commercial buildings nearby, that the development would comprise an isolated dwelling in the countryside for the purposes of Paragraph 79 of the Framework.

29. There is a continuous, segregated pedestrian footway alongside the full length of Chester Road between the site and Daresbury village. I have noted references to the distances between the site and certain facilities within the village. However, whilst the footpath is unlit for much of its length, those distances are not so significant as to necessarily prevent or discourage future occupants from walking or cycling to access those facilities, particularly during the day.
30. The site is also close to Daresbury Park, a business park on the opposite side of the A56. I observed a pedestrian footpath running alongside the A56 immediately to the south of the site, and a further segregated pedestrian and cycle path on the opposite side of the A56. Both of those sections of footpath are lit, and would provide future occupants with a means of accessing that nearby employment area by methods other than the private car.
31. The facilities in Daresbury village may be somewhat limited, and the site's location and distance from other facilities is likely to necessitate some private car use. However, on the basis of the evidence before me, I consider that future occupants would not be entirely reliant on the private car for all of their day-to-day needs. Accordingly, and having regard to the Framework, which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I conclude that the site would provide a suitable location for housing, having regard to the accessibility of services and facilities. My attention has not been drawn to any specific development plan policy in this regard. However, for the reasons given, I conclude that the development would not conflict with the Framework in this regard.

Other considerations

32. The proposed development would provide a new dwelling, which would contribute to local housing supply, and would provide satisfactory living conditions for future occupants. There would be some economic benefits arising from the construction of the development. I have also had regard to the stated intentions that the dwelling would be built using sustainable construction methods and would aim to minimise waste and pollution. However the extent of those benefits arising from the single dwelling proposed would be very modest, and I afford them only limited weight.
33. The development may result in fewer vehicle and pedestrian movements compared with the existing use, and I note that the Council has raised no objection to the proposal with regard to highway safety, biodiversity, the design of the proposed park home, or the effects on the living conditions of nearby residents, including with regard to overlooking, noise and disturbance. On the basis of the evidence before me, I have no issues with any of those matters. However, the absence of harm in those respects is neutral, rather than a benefit weighing in favour of the proposal.
34. My attention has been drawn to a recent permission granted by the Council for the replacement of an equine building with a dwelling elsewhere in the district. However, on the basis of the very limited information before me, it appears that the site referred to was located within a group of existing buildings already in residential use, and therefore did not result in the further encroachment of such development in the Green Belt. As such, it appears that the circumstances in that case were not directly comparable to those in the appeal before me. In any event, I have considered the current appeal on its own planning merits.

Green Belt Balance

35. The Government attaches great importance to Green Belts. Therefore, substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, to the openness of the Green Belt and to the purposes of including land within it. Balanced against that are the other considerations discussed above. However, for the reasons given, these do not clearly outweigh the harm to the Green Belt and other identified harm.
36. The very special circumstances necessary to justify the development therefore do not exist. Consequently, I conclude that the proposed development would conflict with the Green Belt protection aims in paragraph 1 of Policy GE1 of the UDP, and with the Framework.
37. The exceptions in paragraph 3 of Policy GE1 are not consistent with those in the Framework, and that part of the policy is therefore out-of-date. However, the aims set out in paragraph 1 of Policy GE1 are consistent with the Framework, and I afford that part of the policy substantial weight accordingly. I have considered the proposal against the exceptions in the Framework, affording that document significant weight as a material consideration. Having done so, I conclude that the development is inappropriate in the Green Belt. The application of policies in the Framework that protect areas or assets of particular importance, which include those policies relating to land designated as Green Belt, therefore provide a clear reason for refusing the development. The presumption in favour of sustainable development in paragraph 11 of the Framework is therefore not engaged in this instance.

Conclusion

38. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR