
Appeal Decision

Site visit made on 15 June 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 20 July 2020

Appeal Ref: APP/M0655/W/19/3243857

Greenscene Nursery, Burford Lane, Lymm, Warrington WA13 0SE

- 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 David McClean (Ellesmere Park Property Developers Ltd) against the decision of Warrington Borough Council.
 - The application Ref 2019/35742, dated 30 August 2019, was refused by notice dated 29 November 2019.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and character and appearance of the area;
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the Proposal would be Inappropriate Development

4. The appeal site is located on the edge of Broomedge village which is washed over by the Green Belt as defined in Policy CC1 of the Warrington Borough Council Adopted Core Strategy (2014) (the Core Strategy). There is no dispute between the parties that the site lies outside the settlement boundary as defined in the Core Strategy.

5. The site, which has an open character and appearance, was previously in use as a garden nursery and retains single storey buildings to the rear of the site along with associated hardstanding. The appeal proposal is for two detached two storey dwellings, including separate garages and associated parking areas with a new shared access onto Burford Road.
6. Paragraph 143 of the NPPF states inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF says the construction of new buildings in the Green Belt should be regarded as inappropriate development unless certain listed exemptions apply. One of these exceptions is where development would constitute 'limited infilling in villages' (Paragraph 145e). The terms limited and infilling are not defined in the Framework.
7. My attention has been drawn to a High Court Ruling¹ which it was held that the boundary of a village defined in a local plan may not be determinative for the purpose of identifying a village. In this case, the defined settlement limit is relatively close to the appeal site and there is a distinct change of character between areas within the settlement boundary and the appeal site. Within the defined settlement, development along Burford Road is more densely built with dwellings quite close to the highway and with a formal appearance of maintained verges on one side of the road and terraced properties on the other. These characteristics change when the village boundary is reached. Development then becomes more sporadic and on the side of the road where the appeal site is located, is set back from the road in well landscaped plots creating a semi-rural character and appearance. As such, the appeal site is not considered to be within the village, either as defined in the Core Strategy or when assessed on the ground.
8. Even if the appeal site was found to be within a village, Policy CC1 indicates that limited infilling should constitute a small break between existing development and have an affinity with the built form of the settlement. In this case the site does not lie within a continuous frontage of development as the sporadic development to each side of the site is set back from the road and visually separate from it. On that basis I am not persuaded that the site constitutes a small break in the built form of the village.
9. I acknowledge that recent development has taken place in the vicinity of the site, including the 14 single storey park homes. Although I do not have the details of the development before me, from the site visit I noted that the development is set back from highway and the development is of a low density and therefore not prominent in the street scene. It is not visible from the appeal site. I also note from the evidence that the scheme was assessed as previously developed land and met the requirement of the Framework.
10. The appellant has provided appeal decisions relating to limited infilling in villages² which have been allowed. I do not have the full details of those appeals before me. However, in all cases the Inspectors found that the appeal sites were well related to the existing settlement and were determined as infill within villages and were therefore not inappropriate development in the Green Belt. These cases are not therefore directly comparable to the proposal before me.

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

² APP/G2245/w/16/3142246, APP/R0660/W/16/3156493 and APP/R0660/W/18/3201548

11. For the above reasons the proposal does not constitute limited infilling in the Green Belt and would not fall within any other exception category set out in paragraph 145 of the Framework. It therefore constitutes inappropriate development in the Green Belt.

Effect on Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in this context could be taken to mean the absence of built development. Openness and permanence are essential characteristics of the Green Belt.
13. I do not have details of the volume of the proposed dwellings, or indeed the volume of the existing structures on the site. However, the proposal would significantly increase the amount of built development towards the front of the site, due to both its position within it and the two-storey nature of the proposal. It would therefore be significantly more visible than the existing structures from viewpoints along Burford Lane. Whilst existing landscaping, and mature trees to the rear of the site, would screen the development to an extent there would nevertheless be a degree of harm to the Green Belt by way of loss of openness, in addition to that arising from the inappropriate nature of the development.

Character and Appearance

14. The appeal site is a large site set within the open countryside. Having been disused as a garden centre for some time, the site is now predominantly grassed. The remaining single storey structures associated with the former business are set to the rear of the site and are not highly prominent in the public realm. Whilst they are in a deteriorating condition, they are compatible with the site's rural location and do not have an adverse impact on the character or appearance of the area. Whilst I acknowledge that the site is currently overgrown, it nevertheless makes a positive contribution to the open appearance and rural character of the countryside.
15. The dwellings would be of a size commensurate with the dwellings in the vicinity of the site. However, the introduction of a pair of substantial dwellings of a suburban appearance, including the accessway and an area of hardstanding for parking of vehicles, in this location would cause harm to the character and appearance of the area. I acknowledge that this would be a means by which the overgrown nature of the site would be remedied, but any benefits in this respect would be significantly outweighed by the harm caused by the development.
16. Consequently, this would result in additional harm, contrary to Policy QE7 of the Core Strategy which seeks to ensure that development reinforces local distinctiveness of the surrounding countryside

Other Considerations

17. Both parties agree that the Council is unable to demonstrate a five year supply of housing land. The proposal would provide two units of residential accommodation, with associated economic benefits. These are, albeit limited, benefits of the scheme.

Very Special Circumstances

18. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. In addition, the proposal would cause harm to the character and appearance of the area. These matters collectively carry substantial weight.
19. As set out above there are some limited benefits to the proposal in terms of the provision of housing. However, paragraph 11d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Land designated as Green Belt is listed in footnote 6 as one such policy. As such the benefit from the provision of additional housing does not outweigh the harm I have identified.
20. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. As such the proposal would conflict with Policies CS5 and CC1 of the Warrington Borough Council Adopted Core Strategy (2014) and with Green Belt policy as set out in paragraphs 143-145 of the Framework.

Recommendation

21. Accordingly, for these reasons, and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR