



Appeal Decision

Site visit made on 4 August 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/M0655/D/20/3251620

Cowshed, 4 Cherry Lane Barns, Cherry Lane, Lymm, Warrington WA13 0UJ

- 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 C Horn against the decision of Warrington Borough Council.
 - The application Ref 2019/36222, dated 30 November 2019, was refused by notice dated 6 February 2020.
 - The development proposed is described as: 'Garage with associated store and covered area'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council do not raise any concerns with regards to the effect of the proposed development on the character and appearance of the appeal site or surrounding area. Following the findings from my site visit, I have little reason to disagree with the Council's observations on this matter.
3. Therefore, the main issues of this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development in the Green Belt, 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 the development.

Reasons

Inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. The national policy advice in the Framework has to be read together with the relevant development plan, Policy CS 5 of the Warrington Borough Council Local Plan Core Strategy 2014 (CS), which conforms to the thrust of national Green Belt policy in these respects.
6. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework. The appellant asserts that the proposed development should be considered as an extension to the host dwelling as it will be ancillary. Additionally, the appellant refers to limited infilling in his submission. However, in both instances due to the siting and location of the proposed development in the rear garden of the host dwelling, I do not consider the proposed development to comprise either an extension of a building or limited infilling in villages.
7. Thus, the proposed development does not fall within the scope of the exceptions listed in paragraph 145, and therefore represents inappropriate development within the Green Belt and would therefore be at odds with the Framework in this regard.

Green Belt openness

8. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. The Planning Practice Guidance (PPG) identifies factors which can be taken into consideration when assessing the impact of a proposal on Green Belt openness. It states that openness is capable of both spatial and visual aspects.
9. The appeal site is located in the rear garden of the host dwelling and is partially screened by mature vegetation. In terms of the effect on openness, I recognise that the proposed development is of a simple single storey design, relatively small in scale and located to the rear of the host dwelling away from Cherry Lane. In the proposed location the visual effect of the proposed development would be reduced by the existing vegetation, especially on the rear and side shared boundary between the residential development to the south.
10. The open land to the rear of the dwelling may allow some views of the proposed development, but the garage would be viewed up against the host dwelling and in the context of the built environment. Nevertheless, the effect on openness is not just about the degree to which a new building would be visible to the public realm but it is also concerned about the spatial aspect of encroachment on openness which can result from the cumulative effect of even small new buildings.
11. For all of the above reasons, I conclude that the proposed development would result in a moderate loss of openness to the Green Belt. As such, it would be contrary to the requirements of the Framework.

Other Considerations

12. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
13. Whilst no formal case has been put forward by the appellant to demonstrate very special circumstances, I acknowledge there would be some limited

economic and social benefits resulting from the development. I have also had regard to various other matters raised by the appellant, including, the construction materials and the provision of a green roof within the design of the proposed development. I also recognise that the proposed development would provide ancillary storage space for the appellant, whilst allowing him the additional security and shelter from parking his vehicles in the garage.

14. I also note that no objections were raised by Lymm Parish Council or any other interested parties. However, I have found harm to the Green Belt by way of inappropriateness and the moderate harm to openness to which I must attach significant weight.

Other Matters

15. I have had regard to various other matters raised by the appellant, including no objections being received from the Local Highway Authority and Greater Manchester Ecology or any other statutory consultees. However, a lack of harm associated with highways or ecology are neutral factors that weighs neither for nor against the development. I have considered this appeal scheme on its own merits and concluded that it would cause harm for the reasons set out above.

Green Belt balance

16. In summary, therefore, the appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a moderate loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances. Consequently, very special circumstances do not exist, and the proposed development would conflict with CS Policy CS 5 and the requirements of the Framework.
17. CS Policy CC 1 has been cited on the Council's decision notice. However, the site is not located within any of the specified settlements or specifically relevant to the appeal scheme. Therefore, I find it is not directly applicable to the case before me.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR