



Appeal Decision

Site visit made on 08 December 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/M0655/W/20/3259988

Land at Park Lane, Appleton, Warrington WA4 5LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Murray against Warrington Borough Council.
 - The application Ref 2020/37226, is dated 26 June 2020.
 - The development proposed is erection of a 3-bed detached dwelling and single storey garage, with associated landscape, parking and access proposals.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council failed to determine the application within the prescribed time limits. In its evidence to the appeal the Council has stated that, had it been in a position to determine the application, it would have refused permission.
3. One of the Council's concerns relates to inconsistencies between the submitted plans including in terms of the height of the dwelling and the brick wall between the dwelling and the garage, the position of rooflights and the dimensions of the basement courtyard stairs. I will return to these matters later in my decision.

Main Issues

4. The main issues are:
 - i) Whether or not the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the development on character and appearance of the area;
 - iii) The effect of the development on heritage assets;
 - iv) The effect of the development on biodiversity; and
 - v) If it is 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 or not inappropriate development in the Green Belt

5. The appeal site is a roughly rectangular parcel of land accessed from Park Lane. It is immediately adjacent to a small cluster of rural development comprising Daintith Farmhouse and associated traditional agricultural buildings converted to residential use. It is in the countryside and the Green Belt.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policies CS1 and CS5 of Warrington Borough Council Local Plan Core Strategy Adopted July 2014 (the LP) state that development in the Green Belt must accord with relevant national and local planning policy. Policy 145 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to certain exceptions. The relevant exception is 145 g) limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The appeal site historically formed part of the land associated with the adjacent former farmstead. Permission was granted in 1974 for the use of the land, including the appeal site, as a tree nursery and landscaping depot. Temporary permission was granted in 1985 for a landscape manager office.
9. In refusing a 2013 application for a café, the Council considered that the site was PDL. However, section 336 of the Town and Country Planning Act 1990 provides a definition of agriculture which includes horticulture, market gardens and nursery grounds. On this basis, the tree nursery and landscape depot appear to fall within the definition of agriculture. Land that is or was occupied by agricultural or forestry buildings is specifically excluded from the Framework definition of PDL. Moreover, while the site was described as garden land when permission (ref 98/37560) was granted for a brick wall and formation of access, there is no substantive evidence in this regard in the form of a planning permission or lawful development certificate for the residential use of the land. Therefore, it has not been demonstrated that the appeal site is PDL.
10. Even if I accepted that the site is PDL, Paragraph 145 g) of the Framework is clear that its development should only be considered not inappropriate where it would not have a greater impact on the openness of the Green Belt than the existing development. The essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
11. The large permanent footprint of development would result in a moderate spatial loss of openness. The proposal would also have a significant visual impact arising from the introduction of buildings where there are currently none, the significant increase in the extent and quantum of built development, its modern urban appearance, the prominent parking of vehicles and the domestic paraphernalia associated with residential occupation.
12. The combined spatial and visual aspects would result in a small loss of openness of the Green Belt and the proposal would have a greater impact on the openness of the Green Belt than the existing development.

13. Therefore, the proposal would not meet the exception in Paragraph 145 g) of the Framework. It would be inappropriate development in the Green Belt. It would conflict with Policies CS1 and CS5 of the LP and the policies in the Framework that protect the Green Belt.

Character and appearance

14. The dwelling would be set back from the road and it would be screened to a degree by trees and shrubs on the adjacent land. However, it would be conspicuous from close range by virtue of its elevated position above the road and its contemporary appearance. Nevertheless, it would be proportionate in scale to nearby dwellings and it would be constructed in materials sympathetic to its rural surroundings. Therefore, regardless of the precise height of the single storey part or the position of rooflights, the dwelling itself would not be significantly out of keeping in a rural context.
15. In contrast, the garage, although single storey, would be a substantially large building that would be out of scale relative to the dwelling. It would be prominently located close to the front boundary wall and to the shared boundary with Daintith Farm. By virtue of its size and urban form, it would be out of character with the rural surroundings. It would be visually obtrusive and it would not contribute positively to a sense of place or local distinctiveness.
16. Notwithstanding that the trees on neighbouring land would help integrate the dwelling into its surroundings, future occupiers would be unlikely to allow any meaningful planting to establish such as would shade the proposal including the light well and basement courtyard. The ornamental planting beds to the side boundary and behind the garage and the internal brick wall would not function to soften or screen the frontage or garage. For these reasons, even if it was appropriate to use planting to screen unacceptable development from view, the landscaping proposals would not mitigate the adverse impact of the proposal.
17. Therefore, the proposal would harm the character and appearance of the area. It would conflict with Policy QE7 of the LP which requires, among other things, that development should reinforce local distinctiveness and enhance the character and appearance of the area. It would conflict with the aims in the Framework in relation to development being sympathetic to local character and the surrounding built environment and maintaining a strong sense of place.

Heritage Assets

18. Daintiths Farmhouse including former dairy wing Grade II listed building is a 2 storey building with an irregular plan form dating from the 17th century. The farmhouse is a squared rubble red sandstone building with an oak-framed east gable with later brick extensions to the south and east. It has bevelled mullion windows, some of which are leaded. The former dairy wing is a 2 storey brick building on a stone plinth and it has been converted to residential use.
19. The Threshing barn at Daintiths Farm Grade II listed building dates from the 17th century with 19th century alterations. It is a brown brick building with a slate roof and front and rear threshing porches with buttressed pentice roofs. It has double doors to the front under a sinuous brick arch with later circular pitch-holes to the loft and camber-arched windows and doors to the lower front elevation. It has been converted into 2 residential dwellings.

20. The significance of the heritage assets derives in part from their well-preserved early traditional rural farmstead character and positive contribution to local rural distinctiveness.
21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of the asset can be harmed or lost as a result of the alteration or destruction of the asset or from development within its setting, this being the surroundings in which that asset is experienced. Accordingly, elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral.
22. I have had regard to the submitted heritage assessment, the Council's assessment and the previous appeal decision¹ relating to a stable building. While that decision is now several years old, the surrounding area including the setting of the listed buildings appears little changed. The former farmstead buildings continue to form a discrete group visually contained by dense vegetation and screened from the neighbouring golf course. Although the functional relationship between the appeal site and Daintith Farm may no longer exist, it remains physically and visually related to the historic building group and it forms part of the setting of the listed buildings.
23. There have been alterations to the setting over time, resulting in some minor elements that do not make a positive contribution to the setting of the listed buildings. However, the appeal site does not detract from the ability to appreciate the historic buildings and it makes a neutral contribution to the significance of the heritage assets.
24. In contrast, the contemporary residential development would not be read as part of the former agricultural farmstead. It would have an urbanising effect that would be discordant and unsympathetic to the historic built environment. It would detract from and it would erode the coherent farmstead pattern and its rural surrounding context. Irrespective of the absence of long distance views towards the site, the proposal would be readily visible from Park Lane and from the neighbouring properties. The limited views of the proposal from the wider area would not mitigate the harm to the setting of the assets.
25. Therefore, the proposal would make a negative contribution to the setting of the listed buildings. It would fail to sustain or enhance the setting, and hence the significance of the designated heritage assets. It would conflict with policies in the Framework that seek to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance. The harm would be less than substantial and the proposal would conflict with Policy QE8 of the LP.
26. Paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposals. One dwelling would make a minimal contribution to the supply of housing and there would be similarly limited economic and social benefits. The energy efficiency

¹ Ref APP/Q0640/A/97/279378

measures would contribute to the sustainable development aims of the LP and the Framework. Taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm to the significance of the listed buildings would outweigh the very limited public benefits of the scheme.

27. Therefore, the proposal would not preserve the setting of the designated heritage assets. It would conflict with the aims of Policy QE8 of the LP, including in relation to enhancing the asset's contribution to the special qualities and local distinctiveness of the area.

Biodiversity

28. The evidence indicates that prior to being cleared of vegetation around the time the application was submitted, the appeal site was well vegetated. In its former condition, it would have provided habitat for protected and priority species including breeding birds, foraging bats, hedgehogs and amphibians such as great crested newt and common toad. However, the current sparse vegetation and limited shrubs and trees will be of lower biodiversity value.
29. Consequently, while site clearance will have resulted in a loss of biodiversity, there is a low likelihood of protected or priority species being present and affected by the proposals. Precautionary measures to avoid impacts on priority species could be secured by planning condition.
30. Therefore, the proposal would not result in significant harm to biodiversity. It would not conflict with Policy QE5 of the LP or the biodiversity protection aims of the Framework. Nevertheless, the proposal would not provide benefits or net gains for biodiversity. It would not contribute to the aims of the Framework in relation to protecting and enhancing the natural environment and helping to improve biodiversity.

Other Considerations

31. The Framework attaches substantial weight to the use of suitable brownfield land within settlements for homes. Even if the appeal site was PDL, it is not suitable land within a settlement. In any case, the Framework is clear that it should not be assumed that the whole of the curtilage of the PDL should be developed. Therefore, this carries very little weight in favour of the proposal.
32. Compliance with planning policies that relate to design, car parking provision and the amenity of occupiers and neighbours are neutral factors in the balance. The energy efficiency measures, including solar slates, solar gain and a ground source heat pump, contribute towards sustainability objectives of the LP and the Framework. This carries limited positive weight in my assessment.
33. One dwelling would result in minimal economic benefits in the short-term during the construction phase. There would be minimal economic and social benefits resulting from the occupation of 1 dwelling in a countryside location. These matters carry very limited weight in favour of the scheme.
34. There is no dispute that the Council is unable to demonstrate a 5 year supply of deliverable housing sites (5YHLS). Although no information has been provided about the extent of the shortfall, 1 dwelling would make a minimal contribution to the supply of housing. Therefore, this carries limited positive weight.

35. The appellants would be amenable to a more acceptable form of garage and an enhanced landscaping scheme to the frontage. No amended proposals that illustrate an alternative scheme have been submitted and it has not been demonstrated that the adverse visual impacts could be adequately mitigated. Therefore, this is a matter that carries neutral weight.

The Green Belt balance

36. I have concluded that the development would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt. These matters attract substantial weight. The harm to the character and appearance of the area and the setting of the designated heritage assets are matters that weigh to a moderate degree against the proposal.
37. There are no other considerations before me that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harms. Therefore, the very special circumstances as required by the Framework and necessary to justify the development do not exist.

Conclusion

38. Paragraph 11(d) of the Framework states that, in circumstances including where the Council cannot demonstrate a 5YHLS, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The specific policies referred to are set out in footnote 6 and include those that relate to land designated as Green Belt and designated heritage assets. For the reasons set out above, these policies provide a clear reason for refusing the development. Consequently, the proposal does not benefit from the presumption in favour of sustainable development.
39. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR