



Appeal Decision

Site Visit made on 15 July 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/D0650/W/21/3271072

Ponderosa, Newton Lane, Daresbury, Cheshire WA4 4AL

- 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 Smith against the decision of Halton Borough Council.
 - The application Ref 19/00557/FUL, dated 23 October 2019, was refused by notice dated 13 November 2020.
 - The development proposed is removal of the existing equine and W/C building and the erection of 1 no residential park home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the fuller site address given on the appeal form.
3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases, and I have had regard to the comments received.
4. I note reference in the appeal submissions to past applications relating to Gypsy and Traveller development on the appeal site. However, the appellant has stated explicitly that this proposal does not relate to Gypsy and Traveller development as defined under Annex 1 of the Planning Policy for Traveller Sites 2015, and was not considered as such by the Council. I have approached the appeal on the same basis, and note this is consistent with the approach of my colleague Inspector in an appeal from 2019¹ on the same site.

Main Issues

5. The appeal site lies within the Green Belt. Therefore, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the Framework, including the effect on the openness of the Green Belt and the purposes of including land within it;
 - 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.

¹ Appeal Ref: APP/D0650/W/18/3213705

Reasons

6. The Government attaches great importance to Green Belts. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development, but lists certain forms of development which are not regarded as inappropriate. This includes, at criterion g), limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Saved Policy GE1 of the Halton Unitary Development Plan (April 2005) (the UDP) is consistent with the Framework in terms of its general aim to resist inappropriate development in the Green Belt except in very special circumstances; however, it lists a limited number of different exceptions to inappropriate development in the Green Belt. Therefore, it is not consistent with the overall Framework approach to development in the Green Belt, and I afford it limited weight as a result. Consequently, I have considered the appeal primarily against the approach of the Framework.
8. The appeal site is a long, narrow piece of land sandwiched between the A56 dual carriageway and Owen's Walk, a restricted access, dead end road. It is common ground that the site is in lawful use for equine purposes following an appeal decision in 2007, with a stable block and WC building to the far southern end of the site.
9. It is proposed to remove the existing buildings and erect a single storey park home at the northern end of the site, accessed through the existing entrance on the corner of Newton Lane and Chester Road. An area is demarked on the submitted plans which would be put to domestic use as garden and access/parking areas. Whether the proposal is inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development.
10. The Council accepts that the whole site amounts to PDL as defined in the glossary to the Framework. I saw much of the site is laid to rough gravel, overgrown to the edges, with a number of large container skips and a caravan present on the land. A small timber summer house represented the only structure within the area of the proposed development at the northern end of the site. The appellant argues that compared to the existing structures on site, the proposal would represent significant reductions in the overall volume of development on the land of around 34% and a reduction in the overall footprint of buildings of around 47%.
11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The courts have held that openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
12. The proposal, based on the appellant's calculations, would result in a sizable reduction in the built form on the overall site. However, in re-locating development to the northern end of the site, the proposed built form would be much more visible from the public realm and neighbouring properties. The proposed dwelling and its garden and parking areas would occupy a large plot and would create conditions for additional domestic paraphernalia to be

introduced around the site, as well as the visible parking of cars in front of the dwelling. This would occupy an area of the site where there is only the small timber shed set against the northern boundary in an unobtrusive position. Consequently, in both spatial and visual terms, the proposal would result in a significant loss of openness to this part of the site.

13. I acknowledge that the existing buildings would be removed. However, I saw the building to the southern end to be in a quite discreet position, screened to both sides and the rear by significant boundary vegetation, and having limited effect on openness in visual terms, the only clear views being from within the site itself. Given the level of screening, the removal of this structure would have a limited effect on the openness of the site in visual terms, and would not offset the adverse impact on openness of the proposed dwelling and residential land in a more open and visible position at the other end of the site.
14. Moreover, the appellant's description of a working equine use on the land did not tally with what I saw to be a heavily overgrown site, especially around the stable building, which suggests it has not been actively used for equine purposes for some time, and I saw nothing that would verify the appellant's statement that daily movements of large horse transporters or refuse vehicles occur at the site. The presence of large container skips and a caravan on the site are equally unexplained, and appear on their face not to be linked to an equine use. As such, I afford limited weight to these items and the claimed levels of use in the overall assessment of openness.
15. Given what I saw of the locations of the existing and proposed development on the site, and notwithstanding the reduction in volume and footprint of structures on the site, I find that the proposal would have a greater effect on openness, particularly in visual terms. Moreover, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.
16. Consequently, the proposal would not meet with exception g) of Paragraph 149 of the Framework, and would therefore constitute inappropriate development in the Green Belt, in conflict with the aims of the Framework and Saved Policy GE1 of the UDP. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to any harm to the Green Belt.

Other Considerations

17. The Council further alleges that the proposal would effectively sterilise the southern part of the site as it would not be accessible and could not be put to a productive use, thus running contrary to the Framework aim of making effective use of land. The Council expresses fear that access through the proposed residential site may prejudice some uses appropriate to the Green Belt. The appellant indicates the remainder of the site would become a woodland which would contribute to the openness of the Green Belt. Even if not made a woodland, the land is within the control of the appellant, so access to it via the residential site could in principle be achieved. Therefore, I do not find this consideration weighs against the proposal.
18. The appellant argues that the separation of the majority of the site would amount to a significant benefit as it would limit the extent of PDL developed, with the indication being that the land not sought for residential use would be

turned to woodland. A condition is suggested which would prevent the land within the blue line forming part of the residential curtilage. However, as set out above, the majority of the site remains open and undeveloped by buildings, with a largely natural perimeter already in place that allows the site to assimilate into the wider natural surroundings and maintain openness to a large extent. A woodland to the interior of the site would not therefore have a significant positive effect on the openness of the Green Belt. In any event, I have no details as to when a woodland would be provided on the land, or a mechanism to secure its delivery and retention, the suggested condition only preventing the land becoming part of the curtilage of the dwelling. Without this, there would be nothing to guarantee delivery of a woodland. As such, the benefit of a woodland in these circumstances would attract only limited weight.

19. I am referred to a number of planning and appeal decisions on other sites, though no decision letters or details of the considerations in each case have been provided. This notwithstanding, in each case there will inevitably be several issues to consider, including whether any exceptions to inappropriate development apply, or whether other considerations amounting to very special circumstances exist. Without further details of these cases, it is very difficult to draw comparisons between them and the present appeal in Green Belt matters, as each will have its own unique set of circumstances. Therefore, I do not regard these other cases as determinative and I have considered this appeal on its own planning merits.
20. The proposal would deliver an additional dwelling for the District's housing stock, but this would be a very limited benefit given the small scale of the proposal. I also acknowledge the previous Inspector's conclusions that the site was suitably located in terms of accessibility to local services and future occupants would not be entirely reliant on the private car. However, national and local policy generally expects this of all new housing development to promote sustainable patterns of development and lower carbon emissions, and this benefit therefore attracts modest weight.
21. There would be some economic benefits from the construction of the dwelling, though these would be temporary, and from subsequent economic activity by future residents in the local area, but again, these would attract only limited weight given the small scale of the proposal.
22. The Council did not raise objection to other matters, including highway safety, wildlife, neighbours' living conditions, flood risk and drainage. On the evidence before me, I have no reasons to reach different conclusions in these respects. However, these are neutral considerations which weigh neither for nor against the proposal.
23. I have had regard to other issues raised by interested parties, beyond those already encapsulated by the main issues. These include concerns that the proposal would set a precedent for wider development of the site or other land in the area, or that the land would be put to other uses. However, I have no evidence to indicate that other development is proposed beyond the appeal scheme before me. Accordingly, these are not matters which weigh against the proposal, which I must ultimately determine on its own planning merits. Moreover, any future proposal would also fall to be considered by the Council on its own merits and against the prevailing development plan at the time.

24. Interested parties have raised concern that the proposal would have an adverse effect on the Daresbury Conservation Area (DCA). The Council indicates the site to be some 400 metres from the boundary of the conservation area. At this range, there would be no intervisibility of the proposed dwelling from the conservation area, or vice versa. Consequently, I am satisfied that the proposal would preserve the character and appearance, and heritage significance, of the DCA.

Planning Balance and Conclusion

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness and on the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
26. As explained above I give only limited weight to each of the material considerations in support of the proposal and conclude that, taken together, they do not *clearly* outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
27. I have found that Saved Policy GE1 is a policy most important for determining the application but, for the reasons stated, it is out-of-date. In this case, Paragraph 11(d)(i) of the Framework indicates that planning permission should be granted unless application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. Green Belt is one such area or asset and, given my findings above, the proposal would not amount to sustainable development and the presumption in favour does not therefore apply.
28. The proposal would result in conflict with the development plan, taken as a whole. Other material considerations, in particular the Framework, do not indicate that permission should be forthcoming other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR