



Appeal Decision

Hearing (Virtual) Held on 24 August 2021

Site Visit made on 25 August 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/M0655/W/21/3268173

Woodlands Alpaca Farm, Stockport Road, Grappenhall And Thelwall, Warrington WA4 2TB

- 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 The Egerton Trust against the decision of Warrington Borough Council.
 - The application Ref 2020/37487, dated 4 August 2020, was refused by notice dated 25 January 2021.
 - The development proposed is Temporary planning permission for an essential farmworkers dwelling (mobile home) at Woodlands Alpaca Farm.
-

Decision

1. The appeal is allowed and planning permission is granted for an essential farmworkers dwelling (mobile home) at Woodlands Alpaca Farm, Stockport Road, Grappenhall And Thelwall, Warrington WA4 2TB in accordance with the terms of the application, Ref 2020/37487, dated 4 August 2020, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021 and I have had regard to it in my determination of the appeal.
3. Both parties have referred to a previous 2019 appeal decision¹ relating to a similar proposal at the appeal site. I have paid consideration to this and the conclusions within it in reaching my decision.
4. The decision notice refers to only Policy CS 5 of the Local Plan Core Strategy 2014 (CS) but the Council's Statement of Case includes additional reference to CS 1, CS 2, CC 2 and SN 1. However, all of these policies refer directly to national planning policy, and I shall therefore approach my assessment of the appeal accordingly.

Main Issues

5. The main issues are:
 - (i) The effect on the openness of the Green Belt; and

¹ APP/M0655/W/18/3219291

- (ii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal

Reasons

6. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in The Framework. I concur with that position.

Openness

7. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
8. At the present time there is no built development on the area of the appeal site on which the proposed dwelling would be sited, and it is laid out as a paddock. Notwithstanding that the proposal would be a low-level building which would sit within the existing wider Woodlands Alpaca Farm site which is reasonably well screened, there would be a degree of visual impact on openness from the addition of a built form in this area, including in terms of the illumination of a part of the appeal site that does not appear to occur at the present time. Furthermore, the proposal would represent an encroachment onto an area of land which does not have built development on it, thus meaning that there too would be a spatial impact on openness.
9. Whilst concern has been raised with respect to the impact of parking and bin storage on openness, this would be accommodated on the existing driveway that is shared with the adjacent dwelling, Barondale Grange. This would mean that there would be no significant impact on openness in those respects.
10. For these reasons, I conclude that the development would cause harm to Green Belt openness and to the purposes of including land in the Green Belt, but in the circumstances that I have outlined this impact would be limited. Nonetheless, this means the proposal would be contrary to the specific guidance within The Framework where it refers to openness.

Other Considerations

Essential need

11. The plans submitted suggest that 1.5 acres are available to accommodate 5 to 10 Alpacas, but it was agreed in the Statement of Common Ground and at the hearing that the available land area to accommodate the proposed breeding centre and nursery is approximately 1.74 acres, all of which falls within the red line site area. Even so, such an area would, on application of the British Alpaca Society guidelines, only provide for the needs of around 8 to 9 Alpacas whereas it is intended to accommodate up to 12 Alpaca units (with each unit consisting of the mother and their one cria). It was however explained at the hearing that there is extensive pasture available elsewhere to provide the necessary grazing and that alternative foodstuffs could be used to mitigate against the lesser land availability. This should allow up to 12 Alpacas units to be housed at the appeal site.

12. Whilst I acknowledge that there are some uncertainties pertaining to how the proposed business would ultimately be able to function, on the whole the evidence before me demonstrates that there is a well thought out plan as to how the proposed breeding and nursery would develop and function on the appeal site. There is also evidence that the appellant has secured other land provision which would aid in the development of the proposed business and the projected accounts submitted suggest that it would be a viable entity. The number of hours that would need to be devoted to the daytime care of up to 12 Alpaca units, in addition to the requirement to be close at hand during the night for welfare and security reasons, would justify the on-site provision of a dwelling for an essential rural worker.
13. Reservations have been advanced that business operations at the appeal site may veer away from the breeding and nursery operations towards a more visitor led approach, such as the further expansion of Alpaca walks that are already offered. There was also discussion regarding the number of Alpacas that would be bred and whether the market would demand the maximum figure of 12 units per breeding cycle that is quoted. These matters are however speculative at this point in time and there is nothing before me to indicate that the business would not progress as proposed, and indeed the appellant outlined that both the breeding and nursery could be implemented along with Alpaca walks, by utilising other land available to the trust. In any event, a temporary permission would make the situation clear and allow the Council further consideration of these matters, if the appellant were to submit a subsequent planning application at the end of the limited period.
14. The Inspector in the 2019 appeal considered that it had not been demonstrated why Mr Foden could not continue to provide surveillance of the appeal site as he has in the past. The number of animals associated with the breeding and nursery has however increased substantially from the breeding of four units that was proposed previously, and this would present a much more onerous undertaking. I am satisfied that the personal circumstances that have been outlined mean that, together with the fact that the number of breeding animals would be much greater than previously envisaged, night-time surveillance could not reasonably be expected to be provided by Mr Foden.
15. On the basis of the evidence that has been set out before me, I am satisfied that there would be a need for a dwelling for an essential rural worker on the appeal site in connection with the proposed Alpaca breeding and nursery facility. This carries substantial weight in favour of the proposed development.

Rural economy

16. The proposed dwelling would facilitate the creation of the first Alpaca breeding centre in the north-west of England which would contribute to the rural economy through employment, the purchasing of foodstuff and materials necessary to run the business and through the breeding, nursery care and sale of Alpacas. This carries moderate weight in support of the proposal.

Other Matters

17. Representations made by interested parties received refer to matters such as access to the site, noise and drainage. These do not however relate specifically to the appeal proposal and there is no evidence before me to suggest that the proposed dwelling would cause harm in any of these respects.

Conclusion

18. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.
19. The proposal would be inappropriate development in the Green Belt and would result in limited harm to its openness. However, I have found that there would be a need for a dwelling for an essential rural worker at the appeal site in connection with the proposed breeding and nursery business which carries substantial weight in support of the proposal and that there would be a moderate benefit to the rural economy.
20. In conclusion, I find that the other considerations which arise in this case clearly outweigh the harm to the Green Belt that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. The proposal accords with the objectives of The Framework and therefore with the aims of Policies CS 1, CS 2, CS 5, CC2 and SN1 of the CS, all of which refer to new development in the Green Belt, and the appeal should be allowed.

Conditions

21. Conditions are required limiting the period of the planning permission to 3 years and to occupation in association with the proposed business, in accordance with the terms of what is applied for and to allow for further consideration of the matters relating to the essential need for the dwelling at that point. It is necessary to impose a condition confirming the approved plans to provide certainty, but it is not necessary to list the various documents that were submitted. Details of the external roofing and facing materials are required to ensure that the proposal has an acceptable visual appearance and a condition relating to refuse storage and collection is needed to ensure that provision is made for this.
22. It is necessary to impose a condition requiring bat and bird boxes to ensure that there is a net gain in biodiversity and a condition to make sure that any vegetation clearance works do not affect nesting birds. As the site is within an established area used for keeping of Alpacas and it is enclosed by boundary treatment, and mindful of the fact that the Ecological Survey suggests a very low risk to ecological interests, it is not proportionate or necessary to require that an updated Ecological Survey be submitted prior to development taking place, and therefore I do not impose such a condition.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Harry Dodd – Nuko Planning

Brian Foden – The Egerton Trust

FOR THE LOCAL PLANNING AUTHORITY:

Angela Forsyth – Planning Officer

Schedule of Conditions

- 1) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before 16 September 2024.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RWA 20-113(EXT) 450 A, RWA 20-113(FPL)400 Rev A and RWA 20-113(FPL)100.
- 3) The building hereby approved shall be constructed in accordance with details of external roofing and facing materials that shall have first been submitted to and agreed in writing by the Local Planning Authority. Materials samples shall be made available to view on site and shall not be deposited with the Local Planning Authority.
- 4) Prior to the first occupation of the dwelling hereby approved a scheme for refuse storage and collection shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained for use thereafter.
- 5) Before first occupation of the development hereby permitted bat and bird boxes shall be placed on mature trees within the site; the details of which shall have first been submitted to and agreed in writing with the Local Planning Authority. The bat and bird boxes shall be maintained and retained in accordance with the approved details for the lifetime of the development.
- 6) No vegetation clearance works or other works that may affect nesting birds shall be undertaken between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections and agreed in writing by the Local Planning Authority.
- 7) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the approved plans, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

-----End of Conditions-----