



Appeal Decision

Site Visit made on 14 September 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/M0655/W/21/3273572

Woodlands, Cross Lane, Croft, Warrington WA3 7AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Abraham De Groot against the decision of Warrington Borough Council.
 - The application Ref 2020/37876, dated 30 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Since the Council's determination of the planning application, a revised version of the National Planning Policy Framework (the Framework) was issued on 20 July 2021. I have sought the further comments of the main parties in this respect and have had due regard to both their representations and the changes to the Framework in my determination of this appeal. The paragraph numbering for the Green Belt policies has changed and I have highlighted those changes in my decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and the relevant development plan policy
 - if the development is inappropriate, 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

Green Belt

6. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework (formerly Para 145) makes it clear that new buildings are inappropriate in the Green Belt. However, exceptions are made in the case of limiting infilling in villages and limited infilling or the partial or complete redevelopment of previously developed land, 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. Policy CS5 of the Warrington Borough Council Local Plan Core Strategy [2014] (CS) states that development proposals in the Green Belt will be approved where they accord with the relevant national policy.
8. The land consists of part of a gently sloping garden area and an informal stone covered car park associated with a canine hydrotherapy pool business. A domestic garage lies within the site close to the roadside and between two access points. The site lies on a rural lane enclosed by roadside hedges with open fields front and rear. To the west is a wide field access, to the east is the appellant's semi-detached dwelling. Some residential properties and farm buildings are dotted along this stretch of the road in a dispersed pattern with intervening open fields and paddocks.
9. The term 'limited infilling in villages' is not defined within the Framework and, as acknowledged by the Appellant and referenced by caselaw¹, is a matter of planning judgement. For the proposal to qualify under the exception at Paragraph 149e of the Framework, the proposal must be located within a village. On the appellant's estimation, the site lies some 245m from the settlement boundary of Croft – a village mostly of planned housing estates with limited services and facilities.
10. The site lies outside of the settlement boundary which, for the nearest parts of the village, has well defined edges to the extremities of development along its southern and eastern boundaries. I acknowledge that a settlement boundary is not necessarily definitive in determining whether a location forms part of a village or not. However, on the ground, the site appears detached from the main area of development, which is characterised by regimented higher density housing.
11. The site's location has a distinctly more rural feel. In contrast to the formal built-up character of the settlement, the road in the vicinity of the site is devoid of footways or regular streetlighting. The development along the road is sporadic and more informally arranged with primarily hedged boundaries. The proposed dwelling would be bordered by the existing house at Woodlands and the building containing the hydrotherapy pool. It would be close to some other

¹ *Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council* [2015] EWCA Civ 195

- residential properties; however, there are a number of intervening breaks to development along the road. This includes open field /paddock areas and sites associated with current or past rural practices such that there is little sense of a continuous frontage or strong visual or physical linkage to the settlement.
12. I acknowledge that some of the village's services lie outside of the settlement boundary but unlike the appeal site, the majority are contiguous with it. An isolated church sited outside of the settlement and pre-dating the majority of development within the village does not provide robust justification for interpreting other remote development as forming part of the village envelope.
 13. In support of the appeal the appellant has directed me to several successful appeal decisions relating to development outside of defined village boundaries elsewhere. Some examples are enclaved sites bordered by development on three sides, others lie in frontages with greater connectivity between successive buildings and the nearby settlements. Those examples are therefore distinct from the case before me. In other examples, there is insufficient information to enable me to draw comparisons to the context of those sites, particularly in relation to assessing the degree of visual and physical association with the relevant village areas.
 14. The proposal would be for a single residential unit such that it would be limited in the context of Paragraph 149e. It would partially infill a space between existing buildings, however, I find it would lie outside of the village for the purposes of the Paragraph 149e exception. It would not therefore be consistent with that provision.
 15. The appellant also refers me to the exception at Paragraph 149g of the Framework. This relates to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). It is subject to the requirement that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.
 16. The mixed-use site is made up of a garden area with a domestic garage and a parking area associated with a commercial enterprise. The garage is of a permanent construction, however, the existing building is modest in scale.
 17. In assessing the openness test in Paragraph 149g, I acknowledge the principles established in *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin). Whether or not any change would have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
 18. I note that a small dwelling of similar scale to the garage could be sited in an alternative location on the site. It could be screened to some extent. However, there is insufficient information before me to demonstrate that, without doubt, the explicit openness test under Paragraph 149g could or would be met. In the absence of the necessary detail to demonstrate the effect of the proposal on openness, I am unable to determine whether the location or amount of development in the Green Belt is acceptable in principle or that the exception under Paragraph 149g is met.
 19. As the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts

are their openness and their permanence, this is a matter to which I must attach substantial weight.

20. For the above reasons, I find that the development would not accord with the relevant exceptions listed within Paragraph 149 of the Framework relating to the construction of new buildings in the Green Belt. It would therefore constitute inappropriate development in the Green Belt and would conflict with Policy CS5 of the CS as it seeks to protect the openness and permanence of the Green Belt.

Other Considerations

21. In support of the proposal, the appellant identifies that the occupation of an additional house could contribute to the local economy and assist in sustaining or improving services in the locality. This is a benefit of moderate weight in favour of the development.
22. I also acknowledge that the site is at low risk of flooding and could be developed without harm from contamination. It would be accessible to services elsewhere, including through the use of public transport. However, as requirements of the development plan, these are not benefits of the development.
23. I note that the site has existing utilities, however, this is a matter of negligible weight in favour of the scheme.

Conclusion

24. Although the proposal would fall within the scope of 'infill' it would lie outside of the village of Croft. Infill on previously developed land is subject to the test of preserving openness, however, this has not been adequately demonstrated in the particular circumstances of the case. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.
25. The considerations presented by the appellant do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR