



Appeal Decision

Site visit made on 19 January 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03/02/2022

Appeal Ref: APP/M0655/W/21/3282608

21 Lady Lane, Croft, Warrington WA3 7AY

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- 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 Orford Investments Limited against the decision of Warrington Borough Council.
 - The application Ref 2021/38686, dated 26 January 2021, was refused by notice dated 15 April 2021.
 - The development proposed is infill development of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The policies referred to on the Council's decision notice include Policy CS 2 (Overall Spatial Strategy – Quantity and Distribution of Development) of the Warrington Borough Council Local Plan Core Strategy (2014) (LPCS). The Council has confirmed that this was an error and that it is Policy CC 2 (Protecting the Countryside) of the LPCS which should have been referred to. In that regard, the Council considers Policy CC 2 and Policy CS 5 (Green Belt) to be the primary policies in the LPCS relating to development in the Green Belt. In any case, I have taken all these policies into account in my assessment of the proposal against the development plan as a whole.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be 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 on the openness of the Green Belt.
 - (iii) The effect of the proposal on the character and appearance of the area.
 - (iii) If the proposal would be 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

Whether or not inappropriate in the Green Belt

4. The main parties agree that the site is located within the Green Belt for the purposes of decision making. Policy CS 1 (Overall Spatial Strategy – Delivering Sustainable Development) of the LPCS confirms amongst other things that to be sustainable, development must accord with national and local planning policy frameworks and have regard to amongst other things the priority afforded to the protection of the Green Belt. Policies CS 2 (Overall Spatial Strategy – Quantity and Distribution of Development), CC 2 (Protecting the Countryside) and Policy CS 5 (Green Belt) of the LPCS also confirm amongst other things that development proposals in the Green Belt will only be allowed where they accord with relevant national policy.
5. The Government attaches great importance to Green Belts and the construction of new buildings within the Green Belt should be regarded as inappropriate development other than where it falls under any of the exceptions set out at paragraphs 149 and 150 of the Framework. One such exception is Paragraph 149 e) limited infilling in villages. Neither the Framework or the LPCS define what is meant by limited infilling in villages. Therefore, whether or not a development meets this exception is a matter of planning judgement in this instance.
6. The proposal is for a single dwelling on a site which sits between existing dwellings fronting Lady Lane which have comparable plot sizes. Residential properties on Emerald Drive adjoin the rear boundary of the site. Having regard to the quantum of the development proposed, the size of the site and its position amongst a cluster of buildings, I am satisfied that the development would constitute limited infilling.
7. The cluster of buildings where the appeal site is located include a small collection of dwellings towards the Lady Lane frontage, a residential development on Emerald Drive and buildings of a more agricultural scale and appearance at Brookside Farm. Other than a cattery and kennels, this settlement has no other services of its own of the type usually associated with a village such as a church, public house or shop. It is therefore wholly reliant on the surrounding areas for these services and facilities.
8. The appellant has drawn my attention to the development pattern in the area as well as the nearest services and facilities, bus services and a circular lit footpath route connecting the site to them. I also accept that settlement boundaries themselves, do not necessarily define the full extents of a village. However, in this particular instance the boundary of the 'inset village of Croft', shown on the map extract provided within the Council's statement of case, incorporates a large and consolidated footprint of buildings, services and facilities that clearly forms the main core of the village. A substantial area of open and undeveloped countryside sits between the appeal site and this village. The range of services and facilities concentrated in the village are also a considerable round trip on foot from the appeal site.
9. There is a small settlement which is primarily focused along the Mustard Lane frontage to the north of, and a short walking distance from, the appeal site. It includes some limited service provision including a church and a primary school. Even so, having regard to the extent to which this settlement is itself

divorced from the main core of Croft village, I consider it to be a distinctly separate hamlet. There are also intervening fields between the edge of this hamlet and the cluster of buildings where the appeal site is located.

10. Taking all the above factors into account, the group of buildings where the appeal site is located do not form part of a clearly identifiable village. In the circumstances, development here would not be in a village and therefore would not meet the exception at Paragraph 149 e) of the Framework.
11. Even if the appeal site once formed part of the HMS Gosling camp, the appellant's design and access statement suggests that the site has since formed part of the garden serving No 21 Lady Lane. In any case, from what I saw on site any development that may have been associated with the former camp has either been demolished or has substantively blended into the landscape. In these respects, the site does not fall under the definition of previously developed land in the Framework. Therefore, development of the site would also not meet the exception under Paragraph 149 g) of the Framework.
12. Overall, the development would be inappropriate development in the Green Belt having regard to Policies CS 1, CC 2, CS 2 and CS 5 of the LPCS and the Framework.

The effect on the openness of the Green Belt

13. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness is a separate issue from the effect of a development on the character and appearance of an area.
14. The footprint, height and volume of the dwelling in addition to any hard surfacing associated with the access drive, parking area, path to the front door and rear patio would undoubtedly affect openness from a spatial perspective. In visual terms, the dwelling would reduce the spaciousness between the dwellings at Nos 21 and 23 Lady Lane, albeit the development would be seen against the developed backdrop of the two-storey dwellings on Emerald Drive. Taking all these factors into account the proposal would have a moderate effect on openness.
15. I conclude, the development would not preserve the openness of the Green Belt. In that regard it would conflict with the aims of including land within the Green Belt when assessed against the Framework.

Whether or not there would be any other harm - Character and appearance

16. Dwellings to the section of Lady Lane where the appeal site is located are mainly two-storey height. The steep gables and decorative brickwork to the dwelling at No 21 Lady Lane, contrast with the more contemporary architecture and plainer finishing materials to the dwelling at No 23 Lady Lane. Traditional buildings of a more rural character including red brick facades and slate roofs lie further to the north and sit closer to the Lady Lane frontage. The properties on Lady Lane are appreciated within a predominantly spacious environment largely owing to the open agricultural fields which lie opposite. However, to the rear of the site, the tighter arrangement of the two-storey dwellings on Emerald Drive have a similar appearance to those often seen on modern urban

estates. Overall, whilst there is an overriding rural character, there is much variation in building design and layout in the vicinity of the appeal site.

17. The footprint of the dwelling would be closely aligned with the neighbouring dwelling at No 21. It would also be of a prevailing traditional form and would take some design cues from the dwelling at No 21, including its steep gables. The height of the dwelling would sit between the heights of the dwellings at Nos 21 and 23, thereby providing a suitably stepped transition in scale between these neighbouring dwellings. The dwelling would also be set in from its side boundaries and the row of buildings would appear evenly spaced when appreciated from the Lady Lane road frontage. As a result, the design of the development would sit comfortably amongst the varied built context of its immediate surroundings.
18. I conclude, the development would have an acceptable relationship with the character and appearance of the area. In that regard, it would comply with the design and local character requirements of Policies CS 1 (Overall Spatial Strategy – Delivering Sustainable Development) and QE 7 (Ensuring a High Quality Place) of the LPCS and the Framework.

Other Considerations

19. The proposal would make a small but important contribution towards meeting the Council's housing requirements. A minor economic benefit would be generated through the development of the site and expenditure in the wider area by any future occupants. There would also be a modest social contribution if occupants were to use local facilities.
20. My attention has been drawn to four appeal decisions relating to residential development in the Green Belt. With regards to the appeal decision¹ at 'Cherry Lane Barn, Lymm' the Inspector noted the position of the site directly adjacent to the village. At 'Land adjoining Coppice Road, Higher Poynton'², there was agreement between the main parties that the site was situated within a village. At 'Coppull Moor Lane'³, Coppull' the Inspector in that instance was satisfied that Coppull could be described as a village and noted that there was nothing to obviously separate the site from the rest of the settlement.
21. The Inspector that dealt with the appeal at Dark Lane, Gawsorth⁴ made the reasonable observation that it is not beyond reason for a site to be part of a village even if there is a gap of some sorts. Having considered the specific pattern of development in that instance, the Inspector concluded that the site was just within what could be considered the village. Clearly therefore, the Inspector's conclusion on the matter was very finely balanced.
22. In all the above instances, I do not find them to be directly analogous to the proposal before me. Therefore, I have assessed the appeal on its own merits, having regard to the site-specific circumstances described which include a significant gap between the appeal site and the main core of the nearest village at Croft.

¹ Appeal Ref APP/M0655/W/20/3249630

² Appeal Ref APP/R0660/W/18/3201548

³ Appeal Ref APP/D2320/W/16/3154595

⁴ Appeal Ref APP/R0660/W/19/3236214

Planning Balance and Conclusion

23. The Council has acknowledged that it cannot demonstrate a 5-year housing land supply. In the circumstances the development plan is not up-to-date and paragraph 11d of the Framework is engaged. 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 areas of particular importance protected by the policies in the Framework include Green Belts. I am also mindful of the Written Ministerial Statement of December 2015 which made clear that most development in the Green Belt is inappropriate and unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
24. I have found the development is not limited infilling in a village nor does it meet any of the other exceptions to inappropriate development in the Green Belt when considered against the Framework. In addition, the proposal would result in moderate harm to the openness of the Green Belt. This Green Belt harm is a matter to which I afford substantial weight in decision making terms in line with Paragraph 148 of the Framework.
25. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
26. The other considerations advanced in favour of the proposal would collectively only carry modest weight in its favour. In conclusion and on balance, the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist. Consequently, the proposed development would conflict with the Framework insofar as, amongst other things, it seeks to ensure that in the Green Belt land is kept permanently open, and this provides a clear reason for refusing the development proposed in line with paragraph 11(d) (i) of the Framework.
27. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR