
Appeal Decision

Site visit made on 1 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/M0655/D/21/3281429

Thornheyes, Stretton Road, Stretton, Warrington WA4 4NW

- 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 Niall Ford against the decision of Warrington Borough Council.
 - The application Ref 2021/38846, dated 22 February 2021, was refused by notice dated 4 June 2021.
 - The development proposed is the erection of a single-storey, double bay, oak framed garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the decision notice which more concisely describes the proposal than the description given in the application form. I note that the appellant has also adopted this form of words for the description in their appeal form.

Main Issues

3. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (the Framework). I concur with that position.
4. Therefore, the main issues are as follows:
 - The effect of the proposal on the openness of the Green Belt; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Openness

5. The appeal site comprises a semi-detached property which fronts Stretton Road although the majority of its curtilage is located to the side. This garden area is lined by a fence and mature hedge, while vehicular access is through security

gates to the far end of the curtilage close to where the garage is proposed to be located.

6. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt.
7. Although there is a small timber shed positioned where the proposed garage would be located, the proposal is of a significantly larger scale and would have a greater impact on the openness of the Green Belt in spatial terms. Despite the boundary hedge/fence and security gates offering some screening, due to its height the new garage would be visible from the road to drivers and to pedestrians using the footpath. This would reduce the openness of the Green Belt in visual terms.
8. Whilst I agree that the effects on openness of the Green Belt caused by the proposal would be limited and localised, harm to the openness of the Green Belt would still occur. The Framework states in paragraph 148 that when considering any planning application, substantial weight is given to any harm to the Green Belt.

Other Considerations

9. The appellant has cited the permitted development rights afforded for the erection of outbuildings could potentially allow a larger garage which would be more harmful to openness to be erected than that proposed. However, the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) does not affect the policies of the Framework or the development plan, and I must assess the proposal as it is presented to me. Moreover, implementing this permitted development right would involve moving the garage away from the boundary and closer to the vehicular access point. Given the shape of the garden area, which is much wider than it is long, the garage would likely obstruct the means of access for vehicles. As such this would appear to be an impractical means of positioning the garage and this fallback position therefore carries limited weight.
10. I have had regard to the appellant's statement which advises there would be no harm to the living conditions of occupiers of neighbouring properties nor are there any adverse impacts on the character and appearance of the area from the design, scale, style and materials of the garage. However, these matters are not in dispute and a lack of harm is not a benefit and weighs neither against nor in favour of the proposal.

Green Belt Balance and Conclusion

11. The Framework requires that substantial weight is given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and limited harm to the openness of the Green Belt. The Framework states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. For the reasons given, I attribute little weight to the fallback position. Consequently, I conclude that the other considerations put forward would not,

in their totality, clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development therefore do not exist and the development would conflict with the Green Belt protection aims of the Framework and those of Policy CS5 of the Warrington Local Plan Core Strategy (adopted July 2014), which states development Proposals within the Green Belt will be approved where they accord with relevant national policy.

13. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR