



Appeal Decision

Site visit made on 15 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/M0655/W/21/3287535

The Hollow, Kay Lane, Lymm, Cheshire WA13 0TN

- 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 Trevor Whittaker against the decision of Warrington Borough Council.
 - The application Ref 2021/39888, dated 28 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed described as 'Resubmission of application 2018/33905 - Full Planning, proposed new dwelling and detached plant room in lieu of an existing building where a change of use to a dwelling with detached garage and garden store has been approved - planning consent ref. 2017/29997'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement of case confirms that the address of the appeal site has been re-registered and is now 'The Hollow, Kay Lane, Lymm, Cheshire WA13 0TN'. I have therefore used this address in the banner heading above.
3. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development proposed is a new dwelling and detached plant room.

Background

4. Planning permission 2018/33905 was previously granted on the site for a new dwelling and detached plant room. This was subject to a Unilateral Undertaking (UU) to ensure that this permission and a previous consent 2017/29997 for the change of use of an agricultural building and land to create a new dwelling and associated operational development could both not be implemented at the same time. There is no dispute between the parties that the approval 2017/29997 has expired, and that the planning permission 2018/33905 is still extant.

Main Issues

5. The appeal site lies in the Green Belt. The main parties agree that the proposal would be inappropriate development in the Green Belt and I have no reason to disagree. On this basis, the main issues are:
 - The effect of the development on the openness of the Green Belt,

- The effect of the development on the character and appearance of the area;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposed development.

Reasons

Openness

6. The appeal relates to a roughly rectangular shaped area of grassed land that contains a single storey detached agricultural building. Although there are a few other dwellings in the locality, including Cherry Nurseries House which was under construction at the time of my site visit, the surrounding area is rural, and predominantly characterised by open fields and agricultural land.
7. The National Planning Policy Framework (the Framework) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
8. On my site visit I noted that the proposed dwelling would be of a larger size and scale than the single storey agricultural building that it would replace. It would also result in a more intensive use of the site, with the creation of parking and turning, and greater pressure for domestic paraphernalia, such as washing lines, play equipment and garden furniture, within its generous excavated terrace area.
9. The presence of mature hedgerows along the nearby highways would restrict long distance views of the proposal, and I appreciate that the terrace area would be lower than the existing ground level. Nonetheless, the proposal would be clearly visible from the first floor windows of nearby houses, including the adjacent Cherry Nurseries House and from the vehicular access point for the proposal and this neighbouring property, which punctuates the hedgerow on the northern side of Kay Lane.
10. As a result of all of these factors, the proposal would thereby would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment in both visual and spatial terms contrary to the Framework and Policies CS1 and CS5 of the Warrington Borough Council Local Plan Core Strategy 2014 (Core Strategy) which amongst other matters seek to protect the openness of the Green Belt.

Character and Appearance

11. The Council are concerned that the design of the proposed dwelling, particularly the chimney and roof elements, would not be in keeping with its rural surroundings. However, the few houses that are in the locality are varied in terms of their style and materials. The proposal would also be located adjacent to a large relatively contemporary dwelling. Therefore, although it would replace a simple dual pitched agricultural building, I do not consider that the form and design of the proposed dwelling would be harmful within this context.

12. In reaching this view I note the Council reference its Design and Construction Supplementary Planning Document 2010 (SPD) and in particular paragraph 8.4. However, this relates to the conversion and re-use of buildings in rural areas rather than the construction of a new building and I therefore give this very limited weight.
13. As such, I find that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. It would therefore not conflict with Policy QE7 of the Warrington Borough Council Local Plan Core Strategy 2014 (Core Strategy). Amongst other matters, these seek to reinforce local distinctiveness and enhance the character, appearance and function of the local area. In addition, it would also accord with the design objectives of the Framework.

Other Considerations

14. The Appellant's evidence refers to a potential fallback option through the extant planning permission (2018/33905). For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission was refused, but it would also need to be equally or more harmful than the scheme for which permission is sought.
15. The Council's statistical measurements in respect of the proposal's additional size and volume are disputed by the Appellant. Nonetheless, the Appellant's submitted diagrams and evidence clearly show that the proposal would be of a greater bulk and massing than the previously approved dwelling particularly in relation to the bulk of the roof. The terrace area would also be larger than that previously approved, thereby increasing the potential for domestic paraphernalia. To that end, I can only give the extant planning permission moderate weight.
16. The Appellant also sets out that the proposal would provide a spatial benefit when compared to the extant permission at the site. This is because the proposed plant room would be sited in closer proximity to the proposed dwelling.
17. However, the relocation of this building would make it possible to construct both plant rooms under 2 separate permissions if this appeal was to be allowed. Irrespective of the different circumstances that resulted in the requirement for a UU under permission 2018/33905, the absence of such an executed Agreement or Undertaking in this case would mean that there would not be an appropriate mechanism in place to guarantee that both plant rooms could not be constructed. This would have the potential to cause further harm to openness.
18. Reference has also been made to the lack of objection from the Parish Council. However, I consider that this does not weigh significantly in favour of the proposal.

Green Belt balance

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be an adverse impact on the openness of the Green Belt. Therefore, 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 is clearly outweighed by other considerations.

20. Taking into account all of the other matters raised, the increased bulk of the appeal proposal, even when considered against the fallback position outlined by the Appellant, would result in a loss of Green Belt openness. The benefits of locating the plant room closer to the dwelling would not outweigh that harm. Furthermore, the lack of mechanism to ensure that two plant rooms could not be built further diminish the benefit that would result.
21. In considering the substantial weight given to the Green Belt harm, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policies CS1 and CS5 of the Core Strategy.

Conclusion

22. Taking all matters into consideration, the appeal scheme would conflict with the Development Plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision should be made otherwise in accordance with it. I therefore conclude that the appeal should be dismissed.

Mark Caine

INSPECTOR