



Appeal Decision

Site visit made on 19 April 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/M0655/W/21/3288812

Greenscene Nursery, Burford Lane, Broomeedge, Warrington, WA13 0SE, 370409, 386211

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Doubleday against Warrington Borough Council.
 - The application Ref 2021/39523 is dated 28 May 2021.
 - The development proposed is the erection of a single self-build dwelling and replacement outbuilding.
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Decision

1. The appeal is dismissed and planning permission for the erection of a single self-build dwelling and replacement outbuilding is refused.

Preliminary Matters

2. This appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application the Council has indicated that the application would have been refused.
3. I note two suggested reasons for refusal raised in the Council's appeal submissions, namely regarding the Green Belt and character and appearance. However, I also note that the Council raised the issue of living conditions. I therefore find that there are three main issues about which this appeal turns.

Main Issues

4. Therefore, mindful of the above the main issues are:
 - 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,
 - Whether the development would provide a suitable standard of living conditions for future occupiers; and,
 - The effect on the character and appearance of the surrounding area.

Reasons

Whether Inappropriate Development

5. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except

in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.

6. Subject to a number of exceptions, as listed in Paragraph 149, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages. Policies CS5, CC1 and CC2 of the Warrington Borough Council Local Plan Core Strategy (the LPCS, July 2014) largely rely on the policies of the Framework with limited additional requirements that are broadly consistent with the Framework, and I give these policies full weight.
7. The Framework does not specify that a village must have a settlement boundary or that only those parts of the village within the boundary are deemed to be a village for the purposes of the exception under Paragraph 149. I find it to therefore be down to a planning judgement made against the facts of the case as to whether a site is within a village.
8. Whilst the appeal site is outside the settlement boundary for Broomedge, I noted during my site visit that there were dwellings on both sides of the road beyond the appeal site, when traveling away from the settlement boundary. These primarily formed a linear frontage along Burford Lane, but included properties set back or behind this frontage which collectively result in a built-up area. Of particular note was Willowpool, an apparently fairly recent development that includes a number of properties which form a buffer between the appeal site and open countryside. I also noted that Burford Lane was served by a pavement and streetlights which, in combination with the above, further contributed towards the perception of being within the village. Therefore, for the purposes of this assessment, I find that the appeal site is within the village of Broomedge, in both a visual and physical sense.
9. In considering this, I have been mindful of the examples of appeal decisions raised by both main parties, including the recent appeal at this site¹. However, I have been provided with only limited details of each case and as such I do not know the full circumstances of each. Moreover, all proposals must be considered on their own merits. Nevertheless, with regard to the previous appeal at this site I find, from the information available to me, that the context has changed and, as outlined above, the site is now within a village for the purposes of Framework Paragraph 149.
10. Whilst the appeal site is sizeable, given that it is surrounded by spacious plots, I find that it forms a relatively small break within the surrounding built-up area. Moreover, it is within a village and given the close proximity of a number of surrounding properties it relates more to this built-up area than the open Green Belt. The proposal would infill this break and consolidate the built-up area in to one group on both sides of Burford Lane. The proposal would therefore be infilling and, as the proposal is for only one dwelling, I consider it to be limited infilling.
11. In light of the above, the proposal is limited infilling in a village and, as such, would not be inappropriate development within the Green Belt. The proposal

¹ Reference APP/M0655/W/19/3243857

would therefore comply with LPCS Policies CS5 and CC1. Although I have been mindful of LPCS Policy CC2 as it relates to development within the countryside, it is not particularly relevant to this case. However, Paragraphs 147, 148 and 149 of the Framework are relevant, as set out above, and the proposal would comply with these. The Council have gone through other exceptions but as the proposal has been found to meet the exception set out under point (e) of paragraph 149 I have found it unnecessary to consider these.

Living Conditions

12. The proposed dwelling would be a five bedroom single storey building with a habitable basement. One bedroom would be provided on the ground floor while a further four bedrooms would be provided within the basement. The proposed plans on Drawing No 1 show that bedrooms 1 and 2 have external windows while bedrooms 3, 4 and 5 have no external windows but have been provided with internal windows.
13. Given the above I find that there would be a good level of light to, and outlook from, bedrooms 1 and 2 and that as a result these would be pleasant rooms with an acceptable standard of living conditions for future occupiers.
14. In contrast the remaining three bedrooms would not be provided with any outlook beyond the basement hallway. Moreover, although there is a large roof lantern serving the stairwell, this is some distance from the bedrooms and it has not been demonstrated that any light from the lantern would reach bedrooms 3, 4 or 5. This is especially so for bedroom 3 which is furthest from the stairwell and has the smallest window of the three bedrooms. I therefore find that these rooms would be oppressive and dark given the lack of natural light and outlook and future occupiers would be reliant on artificial lighting as a result. As such this would result in a poor quality of accommodation to the detriment of future occupiers' living conditions.
15. In light of the above, I find that the living conditions provided for future occupiers would not be acceptable and would therefore conflict with Policy QE6 of the LPCS which requires that, amongst other matters, development respects the living conditions of future occupiers of new housing schemes with regard to outlook and natural light. The proposal would also conflict with Framework Paragraph 130(f) which seeks for development to promote well-being with a high standard of amenity for future users.

Character and Appearance

16. At the time of my site visit a tall solid fence was in place along the front of the appeal site, I understand from the evidence before me that it has been granted a lawful development certificate. The fence is similar to hoardings more commonly associated with building sites and therefore is not in keeping with the hedges and low boundary walls common within the wider street scene. In this way the appeal site boundary treatment does not contribute positively towards the overall character and appearance of the street scene.
17. Whilst the proposal would result in a new front boundary that is not particularly typical of the area, given its height, material and colouring, I find that the proposed design and appearance of the treatment would be of a far higher quality than that of the existing boundary treatment. Moreover, it would be residential in character.

Planning Balance

18. In light of the above I have found that the proposal would cause harm and as such conflict with the development plan. The Council have confirmed that they are unable to demonstrate a five-year housing land supply. Although the appeal site is within the Green Belt where Framework Paragraph 11(d)(i) would usually apply, it would not in this case as I have found no harm to the Green Belt. In light of this, Paragraph 11 is engaged.
19. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling towards the Council's under provision. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some limited social and economic benefits resulting from future occupiers. Notwithstanding the small scale of the proposal, given the lack of a five-year housing land supply, these benefits attract moderate weight.
20. The proposal would not, by way of its design, result in harm to the character and appearance of the surrounding area, but this is not a benefit of the proposal itself and as such I attach it neutral weight.
21. Conversely, the layout of the proposal, resulting in three basement bedrooms without good access to natural light and outlook would provide a poor quality of living conditions for future occupiers. This matter attracts significant weight and as such the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR