
Appeal Decision

Site visit made on 7 November 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/V4305/W/22/3292690

Land to the south of Holly Farm, Chapel Lane, Cronton WA8 4NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Lawrence against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 21/00360/OUT, dated 27 April 2021, was refused by notice dated 24 August 2021.
 - The development proposed is outline application consisting of the formation of 4no. semi-detached dwellings with access off chapel lane - resubmission of outline planning application 19/00596/OUT.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with matters relating to access and layout for consideration now only. The three remaining matters have been reserved for future consideration. I have considered the appeal on this basis.

Main Issues

3. The main issues are: (a) whether the proposed development is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework); (b) the effect of the proposal on the character and appearance of the area, with particular regard to the mature trees and landscape features across the site's frontage with Chapel Lane; and (c) if the proposal is inappropriate development, 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 inappropriate development

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. Policy CS5 of the Knowsley Local Plan Core Strategy (Local Plan) states that inappropriate development will not be permitted in the Green Belt except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations. To know whether a development is inappropriate or not, this policy needs to be read alongside Framework paragraph 149 which sets out several exceptions to inappropriate development.
5. In this case, exceptions e), f) and g) are relevant. Exception e) relates to the

limited infilling in villages. To accord with this exception a development needs to be in a village, represent infilling and for that infilling to be limited.

6. Whilst the Local Plan Policies Map contains an adopted settlement boundary for the village of Cronton, the case of *Julian Wood v SSCLG and Gravesham Borough Council*¹ held that the boundary of a village defined in a local plan may not be determinative for the purpose of assessing if a site is in a village. The situation on the ground also needs to be considered and whether a site is in a village is a matter of judgement.
7. Cronton is a historical village within a rural context comprising of open fields, hedgerows and trees around its extent. The appeal site lies to the south of the settlement boundary of Cronton, on the border of the administrative areas of Knowsley and Halton. Much of the development within the village's settlement boundary is to the north of the traffic light-controlled junction of Cronton Road, Smithy Lane and Chapel Lane. However, ribbon development lines Chapel Lane as it extends southwards from the junction to the appeal site. There are limited gaps on the eastern side of Chapel Lane within the administrative boundary of Knowsley, with development on the western side more limited.
8. The administrative area of Halton is on the opposite side of Chapel Lane, and it largely extends to the east, west and south of the appeal site. Beyond the initial area of Hough Green, Halton includes the town of Widnes. Both are urban in nature. Playing fields and Parklands Sports Club are to the south of the appeal site beyond a landscaped boundary. Open fields are to rear of the appeal site.
9. In spatial terms, the site is on the boundary of two administrative areas, one being clearly urban, the other a rural village settlement that is not wholly defined by the Local Plan settlement boundary. There are clear visual links between the site and Halton even with the adjoining playing fields, but the appeal site is not divorced from Cronton as development along Chapel Lane, which is principally residential in nature, and within the administrative area of Knowsley, is read as being part of Cronton. I note the Council's reasoning that the site has more in common with Widnes, but signposts on Chapel Lane next to Parklands Sports Club indicate an arrival into Cronton. Further signposts indicating the edge of Cronton can be found on Cronton Road and do not accord with the settlement boundary in the Local Plan Policies Map. The site's location also reflects the ribbon form of development along the lane, and whilst this spills into the administrative area of Halton, I consider that the site lies within the village of Cronton.
10. The terms 'limited' and 'infilling' are not defined in the development plan or the Framework, so they are matters of judgement. The Council point to the dictionary definition of infill as 'the act of filling or closing gaps, etc, in something, such as a row of buildings'. Although there is a dwelling to the north of the appeal site, with the playing fields to the south, the appeal scheme cannot be said to fill or close a gap between existing buildings or built development. Whether or not the playing fields are previously developed land is irrelevant as they afford a visual and physical break in development, with the Sports Club located near to the junction of Chapel Lane and Parklands some distance away. This view is consistent with the decision at 25 Mill Lane² albeit

¹ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

² Appeal Decision Ref: APP/H4315/W/16/3158141

in a nearby village. Hence, even if I consider that the development proposed were limited, the proposal does not accord with Framework paragraph 149 e).

11. Although I note the appeal decision at Main Road³, my findings on this issue are case-specific and that decision turned on whether the site was part of the village. The reason why exception e) is not satisfied here relates to the proposal not representing infilling. That was not at issue in the Main Road case.
12. In terms of exception f) there is no substantive evidence before me to indicate a need for the proposed dwellings as affordable units in the context of the development plan. Although it is unclear whether the proposed dwellings would be bungalows or two-storey dwellings, and if they would be suitable for elderly occupants, there is no legal agreement or planning condition before me that would secure the use, type and nature of the dwellings proposed that leads me to consider exception f) is complied with.
13. The appeal site is, in relation to exception g), part of the garden of the dwelling at Holly Farm. The land has the appearance and function of a garden. It could therefore be considered to be previously developed land, but even if it is, for exception g) to be complied with the proposal must not have a greater impact on the openness of the Green Belt than the existing development.
14. Although the landscaped boundaries of the site do reduce views into the site from public vantage points, the addition of four dwellings, their associated gardens and parking areas, together with the access and any domestic paraphernalia would all affect the visual and spatial openness of the Green Belt by introducing built form to a site that is currently a garden, largely open and with landscaped boundaries. The proposal would have a greater impact on the openness of the Green Belt than the existing development and it would not therefore accord with exception g).
15. I conclude, on this issue, that the proposed development is inappropriate development in the Green Belt, having regard to the development plan and the Framework. Conflict would arise with Local Plan Policy CS5 and Framework paragraph 149 e), f) and g). These all do not permit inappropriate development in the Green Belt except in very special circumstances.

Character and appearance

16. To facilitate access to the proposed development from Chapel Lane a small area of trees and hedgerow along the site's frontage would be removed. They are part of the verdant nature of Chapel Lane. However, most of the trees and other landscape features along the site's frontage would be retained whilst others could be planted within the site, with details provided at reserved matters stage. The development would also not affect the protected tree at the front of Holly Farm. The loss of existing landscaping would not be harmful as the remaining landscaping would continue to contribute positively to the Chapel Lane frontage.
17. I note the Council's concerns with the layout and house type proposed, but the locality includes considerable variety in terms of style, scale and finish. The development would also be contained within the site's existing boundaries. Given that matters relating to scale, appearance and landscaping are reserved matters I conclude, in respect of this issue, that, subject to planning conditions, the proposal would not harm the character and appearance of the

³ Appeal Decision Ref: APP/W3005/W/19/3221793

area and that no conflict would arise with Local Plan Policies CS19 and CS21 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan. These seek, among other things, development to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment; and make provision for existing trees to be retained, and if this is unavoidable to make adequate provision for their replacement.

Other considerations

18. The appeal site is at low risk of flooding and a planning condition could be imposed to secure satisfactory details of surface and foul waters. The proposal would have no adverse effects on the living conditions of neighbouring occupants and satisfactory access and parking provision is proposed so that there would be no highway safety implications. These matters all attract neutral weight in my opinion.
19. I note the appellant's points about development in other areas of Green Belt. However, these points seem to relate to the local plan process and the release of Green Belt land for new housing development. A s78 appeal is not the place to consider the merits of releasing Green Belt land for development. That is for the local plan process. But in any event, I do not have the substantial evidence base before me to consider the merits of such arguments. Nevertheless, even if the Council can demonstrate a five-year supply of deliverable housing sites, it remains the case that the proposal would help contribute to the supply and mix of housing and make effective use of previously developed land despite my findings in respect of Green Belt. The proposal would result in economic benefits through jobs and spending during the construction phase and future ongoing spending in the local economy by future occupants. These benefits would be limited due to the scale of the proposal.
20. I note the Preliminary Roost Assessment of Trees is over four years old, which may mean there have been changes on the site which affect the reliability of this assessment. I note the low potential for the proposal to affect bats, but as I am dismissing the appeal for other reasons, I have not considered the effect of the proposal on bats, a protected species, further.

Conclusion

21. The proposed development would be inappropriate development which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
22. I consider that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, I conclude that the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
23. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR