
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/M0655/W/22/3300785

Cranborne House, Stretton Road, Appleton, 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 Mrs Joan Howard against the decision of Warrington Borough Council.
 - The application Ref 2021/40201, dated 22 September 2021, was refused by notice dated 30 March 2022.
 - The development proposed is the demolition of existing swimming pool building and the construction of a new two storey five bedroom detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above has been taken from the planning application form. However, the version found on the appeal form and the decision notice which refers to the appeal scheme as a proposed four bedroom dwelling more accurately reflects the proposal before me and the submitted plans. I have considered the appeal on this basis.
3. Revised plans have been submitted by the appellant with the appeal that remove the window serving bedroom 4 and instead see the inclusion of two roof lights to serve this bedroom. The amended plans also show two solar heating panels on the front roof plane. The Council has had the opportunity to consider the plans and has decided not to comment on them. Having regard to the Wheatcroft Principles, I do not consider that the amended plans prejudice the Council or any interested party as the scheme remains principally the same, so I have reached my decision based on the amended plans.

Main Issues

4. The main issues in this case 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 living conditions of the occupants of Wardleys, with regard to privacy; 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

5. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. Policies CS2 and CS5 of the Local Plan Core

Strategy (CS) set out that development proposals in the Green Belt will be approved where they accord with relevant national policy. CS Policy CC1 does permit conversions and redevelopment proposals within settlements inset from the Green Belt, however the appeal site is not within one of the settlements listed. Therefore, the proposed development is required to meet one of the exceptions to inappropriate development set out in Framework paragraph 149.

6. The appeal site once formed part of Wardleys before it was separated into a discreet plot of land in 2018. The proposed dwelling would replace an existing building, but the proposed use would not be the same as the building's existing use as a swimming pool. Thus, the appeal scheme would not accord with exception d) of Framework paragraph 149. Furthermore, exception c) would not be complied with as the existing building would be demolished before the proposed dwelling is constructed. The appeal scheme would not therefore be an extension or alteration of a building.
7. The appellant also refers to exception g). Given the existing building, I consider that, at least the area of land on which the building stands, is previously developed land. But, even if the whole of the appeal site were previously developed land, for the proposal to accord with exception g), it must also not have a greater impact on the openness of the Green Belt than the existing development. Openness has a visual and spatial aspect.
8. The existing building covers a footprint of around 9.2 metres by 15.2 metres. It is single storey in scale, and it has a curved roof. Internally, part of the building's volume is below external ground level due to the swimming pool. The building is set back from the road and in from the southern boundary lined by trees next to the open agricultural field adjacent.
9. The proposed dwelling would have a similar footprint, albeit the dwelling would be of a rectangular shape and not include a curved elevation at one end. The appellant also proposes to make effective use of the swimming pool shell as a hot water reservoir in conjunction with solar heating panels, but the proposed dwelling would be considerably different in terms of its scale and massing. Hence, the proposed dwelling would have a greater visual impact on the openness of the Green Belt than the existing building. There would also be a spatial impact, albeit to a limited extent, given that the footprint would not noticeably change.
10. The Council refer to up to a 10% uplift as being a 'non-material' increase, but there does not seem to be any policy basis for that view. Whilst the Council's House Extensions Supplementary Planning Document refers to a 33% increase for extensions and alterations over the size of the original building, this part of the document relates to Framework paragraph 149 c) which is concerned with an extension or alteration of a building, which is not the case here. The key test therefore remains whether the proposal would have greater impact on the openness of the Green Belt than the existing development.
11. Trees within and along the site's boundaries would help screen the proposed dwelling, but they would not prevent the dwelling from being invisible from the road especially during the months when the trees are not in leaf. However, I do recognise their contribution in terms of security, privacy and the character of the area. They could well be removed at any point as they are not subject of a tree preservation order, and although the appellant may be willing to give an undertaking that this will not happen, there are no guarantees either way

before me and circumstances could well change. Nevertheless, the retention or removal of the trees does not change my earlier assessment.

12. I note the appellant's point about the height of Wardleys and an extension added to it some time ago, but the Framework directs me to consider just the proposed dwelling and the existing building.
13. Any comings and goings and domestic paraphernalia linked to the dwelling proposed would be proportionate to a single-family dwelling. Given the existing condition of the land, the building and the vehicles parked on the land, I am not convinced that a change in the appearance or use of the land for comings and goings and domestic paraphernalia would equate to a greater impact on the openness of the Green Belt than the existing development. I do not therefore agree with the Council's assessment in this regard, but this does not alter my conclusion on this issue that the proposed development would not accord with Framework paragraph 149 g).
14. As such, I conclude that the development proposed would be inappropriate development in the Green Belt, having regard to the development plan and the Framework. Conflict would arise with CS Policies CS1, CS2 and CS5 and Framework paragraph 149 c), d) and g). These seek to protect the Green Belt from inappropriate development unless it accords with the listed exceptions.

Living conditions

15. The scheme on which planning permission was refused included a bedroom window close to the shared boundary with Wardleys. This window would have provided future occupants with a view into the rear garden of Wardleys. However, the amended plans now mean this will no longer be the case and there will be no privacy effect on the occupants of Wardleys, whilst the roof lights would ensure that future occupants of bedroom 4 would receive natural light and have satisfactory living conditions.
16. On this basis, the proposal would not cause harm to the living conditions of the occupants of Wardleys, with regard to privacy. No conflict would arise with CS Policy QE6 which only supports development that would not lead to an adverse impact on the amenity of future occupiers in relation to overlooking/loss of privacy.

Other considerations

17. The Council do not dispute that it cannot demonstrate a five-year supply of deliverable housing sites nor the appellant's assessment of the current level of supply. However, the additional dwelling that would be created by making effective use of the land whilst enhancing its appearance attracts limited positive weight due to the scale of the proposal. There would be modest economic benefits from the proposal in terms of direct and indirect jobs, spending in the local economy during the construction phase and thereafter by future occupants.
18. The dwelling would not be a new isolated home so there would be no conflict with Framework paragraphs 79 and 80. The proposal would not cause harm to the character and appearance of the area or lead to highway related issues. These matters carry neutral weight as they are policy requirements. There would be some modest landscape and biodiversity benefits subject to the imposition of planning conditions to secure native planting and bat boxes.

19. The proposed dwelling would see the existing swimming pool shell used as a hot water reservoir which would be used along with solar heating panels. Both would be environmental benefits for future occupants and help reduce their dependency on fossil fuels. There may also even be knock-on benefits to the national grid if energy generated is exported. However, notwithstanding the importance and beneficial nature of including such measures, they carry limited to moderate weight in favour of the proposal due to the scale of the scheme.
20. The appellant has referred to a new dwelling at Cranbourne House which replaced a single storey dwelling. However, I do not know how the decision was arrived at or all the circumstances of this case to know whether there are direct comparisons with the scheme before me. Hence, it carries little weight.

Conclusion

21. The proposed development would be inappropriate development, which the Framework states 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 note the appellant's comments on the Council's suggested planning conditions, but I consider that these, along with 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.
23. Given that the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed, the tilted balance is not engaged in this case notwithstanding the Council's inability to demonstrate a five-year supply of deliverable housing sites.
24. This leads me to 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.
25. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR