



Appeal Decision

Site visit made on 6 December 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/M0655/W/22/3304557

Pear Tree Farm Barn, Well Lane, Stretton, Warrington WA4 4PA

- 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 J Thwaites against the decision of Warrington Borough Council.
 - The application Ref 2022/41444, dated 21 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is garden area to the rear of the dwelling (Pear Tree Farm Barn).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the change of use of land has taken place, retrospective planning permission has been sought. I have amended the description as shown on the planning application form removing the word retrospective, as it is not an act of development.

Main Issues

3. 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;
 - The effect on the character and appearance of the area;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site is located within the Green Belt. Policies CS1 and CS5 of the Warrington Local Plan Core Strategy (LPCS) 2014 give priority to the protection of the Green Belt, and support new development in the Green Belt where they accord with the Framework.
5. Paragraph 150 of the Framework specifies that certain forms of development are not inappropriate development in the Green Belt. Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) is the exception relevant to this case (150e). The words 'such as' indicate this is not a closed list. However, to comply with

paragraph 150e of the Framework, proposals are required to preserve openness and not to conflict with the purposes of including land within the Green Belt. The effect on openness has spatial and visual aspects and is not confined to permanent physical works but also relates to the purpose or use of land.

6. I saw that the garden is reasonably commensurate with the size of the dwelling. Nevertheless, the enclosure of land to form a garden has resulted in an incursion into an innately open field, beyond the strongly defined boundary of existing built form comprising the host dwelling, the neighbouring barn and the curtilage of Pear Tree Farm. Whilst not visible from Well Lane, the protuberance of the garden into the undeveloped field, is conspicuous in close range views from the public right of way that crosses within the field, to the south-west of the appeal site. It therefore results in a physical erosion of space and a loss of openness.
7. The change of use of land has altered the character and appearance of the appeal site from agricultural land to enclosed domestic garden consisting of mown lawn and patios. Whether or not post and rail fences are typical of countryside locations and that such means of enclosure could be erected without the need for planning permission, the use of the land as domestic garden for play, relaxation or entertaining has resulted in the erosion of the rural character of the appeal site, changing it from undeveloped to being developed.
8. Reference is made to the host dwelling not benefitting from permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), that would allow for the erection of buildings within the garden. Be that as it may, no control could be exerted by condition over other domestic paraphernalia that could reasonably be expected within a garden. These include but are not limited to garden furniture, washing lines, children's outdoor play equipment, plant pots and domestic outdoor lighting all of which would result in the domestic encroachment of the countryside.
9. Due to the scale of the proposal, the harm in respect of openness and encroachment would be relatively modest. Nevertheless, the proposal does not preserve the openness of the Green Belt, and represents encroachment into the countryside contrary to the Green Belt purposes. The proposal does not therefore meet the provisions of paragraph 150e of the Framework. It is inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also conflicts with the aims of policies CS1 and CS5 of the LPCS.

Character and Appearance

10. The appeal site is surrounded by fields separated by hedgerows and trees, with the M56 motorway to the north. Buildings, mainly dwellings, are scattered in individual or small clusters along the roadside. It is a predominantly flat, open and rural landscape.
11. The rectangular garden juts out into the larger triangular field at odds with the open, undeveloped character of the field. The angular shape appears contrived, having no obvious relationship to existing natural or man-made boundaries on 3 sides. Enclosure of the land by a timber fence and hedgerow considered by the appellant to be appropriate to the rural setting, does not mitigate the harm arising from the position of the garden, but instead serves to emphasise the

incursion into the countryside. The evergreen laurel hedge further accentuates the domestic use of the land. The proposal therefore erodes the visual integrity and undeveloped nature of this part of the countryside.

12. I consider that the siting of the domestic garden is harmful to the open character and appearance of the area. As such the proposal fails to accord with Policies QE6, QE7 and CC2 of the Core Strategy which seek amongst other things that development does not have an adverse impact on the environment, reinforces local distinctiveness and enhances the character and appearance of the local area. It would also fail to comply with paragraph 130 of the Framework, which requires development to respond to and reflect the identity of the surroundings.

Other Considerations

13. I am referred to 2 publications; Staying Safe on the Farm - A Guide for Parents (Farm Safety Foundation) and the Health and Safety Executive's Preventing Accidents to Children on Farms. I am sympathetic to the appellant's desire for a safe garden area to meet their family's needs. However, there is little information before me to show that the appeal proposal is the only way in which such needs could reasonably be met. The parking area to the front of the converted barn is extensive and there is limited evidence before me to demonstrate that this area is not suitable, nor could not accommodate a private contained garden area for the dwelling. I attribute limited weight to this matter.

Other Matters

14. During my visit I saw that the garden area does not prevent the management of the land or use of the field for agricultural purposes. This is a neutral matter in the planning balance, weighing neither for nor against, allowing the appeal.
15. Reference is made to the host dwelling having been formed through conversion under Schedule 2, Part 3, Class Q of the GPDO. I agree that the prior approval for such dwellings does not preclude future proposals to increase the size of the garden area from coming forward. However, such proposals are required to comply with the development plan, unless material considerations indicate otherwise. I have found that this proposal conflicts with the development plan and the Framework for the reasons given above.

Conclusion

16. The proposal would amount to inappropriate development in the Green Belt, resulting in a modest loss of openness and encroachment as well as harm to the character and appearance of the area. The Framework establishes that 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 are clearly outweighed by other considerations.
17. There are no matters individually or collectively that provide anything other than limited weight in favour of the proposal. These other considerations do not outweigh the substantial weight that I give to the Green Belt harm and the other identified harm in respect of the character and appearance of the area. Thus, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes - INSPECTOR