



Appeal Decision

Site visit made on 25 January 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/M0655/W/22/3300833

Higher Oak Farm, Higher Lane, Lymm, Warrington WA13 0RG

- 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 K Robertson against the decision of Warrington Borough Council.
 - The application Ref 2021/39870, dated 29 July 2021, was refused by notice dated 14 February 2022.
 - The development proposed is an agricultural workers dwelling (permanent).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs has been made by Mr K Robertson against Warrington Borough Council. This application is the subject of a separate decision.

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 of the development on the openness and purposes of the Green Belt; and,
 - If the proposal is inappropriate development, 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

4. Higher Oak Farm is a free-range rare breed poultry enterprise located on the south side of Higher Lane. There is currently a temporary worker's dwelling present on the site and outline planning permission has since been granted for a permanent farm manager's dwelling¹ (the previous appeal). Full planning permission is sought through this appeal for a permanent manager's dwelling.

¹ Appeal Ref: APP/M0655/W/21/3276261

Whether the proposal is inappropriate development

5. Policy CS5 of the Warrington Borough Council Local Plan Core Strategy (July 2014) (the CS) states that development proposals within the Green Belt will be approved where they accord with relevant national policy. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework.
7. The main parties agree that the proposal fails to meet any of the exceptions set out in paragraph 149, and indeed paragraph 150, of the Framework and thus it constitutes inappropriate development in the Green Belt. I agree with this position.

Effect on openness and purposes

8. Paragraph 137 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
9. In spatial terms, the proposal would introduce built form in an area which is currently devoid of development. Although single storey, the dwelling would have a sprawling footprint and a steeply pitched roof with projecting elements, thus it would be of substantial massing overall. The proposed carport and plant room would add further floorspace and volume to the development and would be detached from the dwelling. There would also be turning and parking areas between them, further increasing the total coverage of development.
10. Visually, the proposal would be sited close to the existing agricultural barn which is of a substantial size. When viewed from public vantage points along the highway, the existing barn and existing landscaping would screen a sizable amount of the proposed development.
11. Although the surrounding land is predominantly large open fields which are bound by mature landscaping, not all views of the proposal would be prevented. Glimpses could still be obtained from neighbouring land. The proposed sprawling property, with its varying roof forms, gabled projections, large expanses of glazing and detached carport structure, along with the external areas for domestic purposes, would have a significant presence and would add to the extensive coverage already created by the existing barn and its hardstanding area. Overall, this domestic incursion would have a substantial urbanising effect to this part of the Green Belt.
12. Given the largely undeveloped characteristics of the appeal site and the surrounding land, the proposal would also result in an extension of built form into an open area and thus would encroach into the countryside.
13. Taking all the above factors into account, the proposal would result in a significant and harmful loss of openness to this part of the Green Belt and would conflict with one of its purposes in that it would fail to assist in

safeguarding the countryside from encroachment. It would therefore conflict with the aims of Green Belt policy as set out above.

Other considerations

14. The Framework is clear 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 that 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.
15. The Inspector in the previous appeal decision determined that the essential needs of the enterprise amounted to very special circumstances which outweighed the Green Belt harm. The evidence before me with regards to the needs of the enterprise demonstrates that a presence on the site, within sight and sound of the flock, is required throughout the day and night. This is due to the high levels of husbandry involved, namely tending to the needs of the eggs, pullets and birds, as well as to rapidly fend off predators and address any power or equipment malfunctions which, if left, could result in significant harm to the flock and the business overall. The essential need for a permanent workers dwelling has again been demonstrated through this appeal.
16. However, the proposal considered under the previous appeal decision was submitted in outline form, with matters of scale being reserved and not therefore before the previous Inspector. Thus, the circumstances of this appeal are very different as matters such as the scale of the dwelling are now before me for consideration. Accordingly, whilst the previous appeal decision weighs heavily in favour of this appeal proposal in so far as it relates to its need, it does not follow from the previous decision that this appeal should also be allowed, nor does it represent a realistic fallback position as reserved matters were yet to be agreed.
17. Turning to the matter of the size of the proposed dwelling, my attention has not been drawn to any development plan policy which stipulates what size of dwelling would be appropriate, nor am I aware of any national policy or guidance on this matter. I note that it would have four bedrooms (one en-suite), a family bathroom, a kitchen/dining room and a lounge. The rooms would be of a generous size. All in all, the proposed dwelling would provide good living space to attract, accommodate and retain a family connected to the enterprise.
18. There would also be an office and decontamination room. I accept that the office within the existing barn building would not provide private space to conduct confidential business. The decontamination room would provide additional washing facilities for biosecurity. Provision of these rooms within the dwelling seems necessary and reasonable. I also appreciate that the floor area of the proposal, even with the inclusion of the farm office and decontamination areas, is below the average for a detached house in the country, according to published data as provided by the appellant.
19. The evidence before me suggests that the existing business can support the proposed dwelling. The Council has not challenged this and there is no evidence to the contrary to demonstrate that the submitted costs of the

proposal are inaccurate. I also note that the proposal before me is marginally smaller than the parameters drawing which was before the previous Inspector.

20. Nonetheless, there is nothing before me to suggest that the scale of the proposal is the absolute minimum required to provide a home which would accommodate a family associated with the enterprise. Whilst I appreciate that it is not necessary to require the dwelling to be no more than the minimum national standards, I am not persuaded that a smaller dwelling, with reduced detriment to the openness of the Green Belt, could not also provide a suitable home which meets the needs of the enterprise.
21. The matters presented above replicate and are no more than those in the previous appeal decision, which concerned only the principle of the development along with the matter of access. There is no additional justification or circumstances above and beyond those previously presented.
22. Numerous examples of rural workers dwellings which have been approved across the country have been provided in support of the appeal proposal. Whilst each is different, collectively they seek to indicate that there is no limit to the size or scale of such proposals and that larger dwellings than the appeal proposal have been allowed elsewhere. I do not disagree with this stance.
23. However, I am not able to make a fully reasoned comparison between this appeal and the examples, based on the provided extracts of appeal decisions alone. It is not clear to me whether the circumstances of each are directly comparable or whether there were other considerations in those examples which either individually or cumulatively amounted to very special circumstances which outweighed the Green Belt harm. The merits of each case are likely to be very different. The examples therefore offer no more than limited relevance in support of the proposal.
24. I appreciate that the proposal has been designed as a modern farmhouse which incorporates materials and design approaches typical of the area. However, this is a neutral matter which does not weigh in favour of the proposal.
25. It has been suggested that the proposed boundary wall could be constructed under permitted development rights and that the siting and curtilage of the proposed development is similar to the previous appeal proposal. Be that as it may, it is the totality of the built form in this instance which results in the harm I have identified.

Whether very special circumstances exist

26. I have identified that the appeal scheme would be inappropriate development in the Green Belt and has harmful implications in terms of the erosion of the openness of the Green Belt and the conflict with one of its purposes. In accordance with the Framework, I afford this Green Belt harm substantial weight.
27. Whilst the previous appeal decision and the need for the proposed dwelling weighs heavily in favour of this proposal, these matters are afforded no more than significant weight. As such, I find that the other considerations in this case do not clearly outweigh the harm that I have identified, thus the very special circumstances required to justify a grant of planning permission have not been demonstrated.

28. The proposal is therefore in conflict with Policy CS5 of the CS and the associated policies of the Framework, which seek to protect the Green Belt from inappropriate development, except where very special circumstances are demonstrated.

Other Matter

29. I note the appellant's agreement to a number of conditions. In particular, the requirement for a landscaping scheme. However, this is a neutral matter and does not overcome the proposal's harm to the Green Belt.

Conclusion

30. The proposal conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

H Ellison
INSPECTOR