



Appeal Decision

Site visit made on 21 December 2023

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/M0655/W/23/3321141

Land To The Rear Of 57-91 Orford Road WA2 7SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by The Egerton Trust against the decision of Warrington Borough Council.
- The application Ref 2022/41814, dated 3 July 2022, was approved on 14 April 2023 and planning permission was granted subject to conditions.
- The development permitted is Erection of a 24-unit agricultural field shelter to support alpaca grazing.
- The conditions in dispute are Nos 4 and 5 which state that:
Condition No 4 *'The development hereby approved shall not be brought into use until a scheme for the prevention of shelter waste run off pathways from discharging into nearby ponds / watercourses has been submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented on site and retained thereafter.'*
Condition No 5 *'Before first use of the shelter hereby permitted, an ecological mitigation scheme, including a timetable for implementation, shall be submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. Development shall be carried out in accordance with the agreed details'.*
- The reasons given for the conditions are:
Condition No 4 *'To ensure that the proposed development will not cause pollution of ground and surface waters both on and off the site and to accord with Policy QE6 of the Warrington Core Strategy, Warrington SPD: Environmental Protection and the NPPF'.*
Condition No 5 *'In the interests of nature conservation, policy QE5 and in accordance with the NPPF'.*

Decision

1. The appeal is allowed and planning permission Ref 2022/41814 for Erection of a 24-unit agricultural field shelter to support alpaca grazing at Land To The Rear Of 57-91 Orford Road WA2 7SS, granted on 14 April 2023 by Warrington Borough Council, is varied by deleting condition Nos 4 and 5 and substituting for them the following condition:
 - 1) A scheme for the prevention of shelter waste run off pathways from discharging into nearby ponds/watercourses shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented on site before the development is brought into use and shall be retained thereafter.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Background and Main Issues

3. Planning permission has been granted for a field shelter to support alpaca grazing. The appeal seeks permission to carry out the development without complying with condition No 4, which requires a scheme for the prevention of shelter waste run off pathways from discharging into nearby ponds/watercourses, as well as condition No 5, which requires an ecological mitigation scheme.
4. The main issues are therefore the effect that removing condition 4 would have on the quality of ground and surface waters and the effect that removing condition 5 would have on ecological interests of the site.

Reasons

Ground and Surface Water Quality

5. Policy QE6 of the Warrington Local Plan Core Strategy, Adopted July 2014 (LP), states that development will only be supported which would not lead to an adverse impact on the environment, including the quality of water bodies. It goes on to state that where development is permitted which may have an impact on such considerations, the Council will consider the use of conditions or planning obligations to ensure any appropriate mitigation or compensatory measures are secured.
6. The appeal scheme involves the introduction of an alpaca animal shelter and gravelled parking area associated with the intended use of the wider field for the grazing of 24 alpaca. The animal shelter would be in close proximity to a pond located to the southeast, whilst a further pond lies to the northeast and Padgate Brook lies to the west.
7. The containment of animals within this shelter would result in a concentration of animal waste within a small area, which would have the potential to pollute surface water run-off entering the adjacent pond. The appellant states that the amount of run-off for a shelter of this scale would be minimal due to the nature of the use and how the animals will be rotated between the fields. However, no detailed information is provided to explain this further, particularly how often the shelter is likely to be used, by how many animals at any given time, for what duration, and how any waste will be stored/collected. Without further explanation, I cannot be certain that the proposal would not pose a pollution risk to the surrounding water environment.
8. It has not been demonstrated therefore that a condition for the prevention of shelter waste run off from discharging into nearby ponds/watercourses is not required. Accordingly, Condition 4 is reasonable and necessary in order to meet the requirements of LP Policy QE6, as set out above. It is also necessary to meet the requirements of paragraphs 180 and 191 of the Framework, which require that planning decisions take account of likely effects on the natural environment and prevent new development from contributing to water pollution.

Ecological Interests

9. The Council's reason for Condition 5 references LP Policy QE5 and the Framework. LP Policy QE5 requires the protection and enhancement of sites of recognised nature and geological value. Whilst the information before me indicates that the site is designated as Semi Natural Green Space, land that can provide important opportunities for contact with nature, it does not indicate that it is within one of those areas recognised for their nature and geological value, which LP Policy QE5 seeks to protect. Paragraph 180 of the Framework requires that decisions contribute to and enhance the natural environment, whilst paragraph 186 states that development should be refused that would result in significant harm to biodiversity.
10. The consultation response from the Greater Manchester Ecology Unit (GMEU) refers to the development resulting in the loss of a small area of improved grassland, a low ecological value habitat. The GMEU recommendation for some form of habitat creation refers to 'a probable minor reduction in the ecological value of grassland through the introduction of grazing'. However, the appeal scheme does not relate to the grazing of land by alpacas, only the erection of an animal shelter and associated hardstanding to part of the field. I note that the proposed building would be positioned where a previous building once stood associated with a former use as a fishery, and I observed at my site visit that a large part of the appeal site contains partial hardstanding and piles of rubble. On this basis, it would appear unlikely that the appeal scheme itself would result in any significant harm to the ecological habitat of the site.
11. Consequently, condition 5 requiring ecological mitigation is not reasonable or necessary in order to safeguard ecological interests of the site. The development without condition 5 would thus comply with LP Policy QE5 and the requirements of the Framework in this regard.

Other Matters

12. I have had regard to the representations made by the public. Given the nature of the appeal scheme, it is unlikely to generate a significant level of vehicle trips or high demand for parking and so it would not have an unacceptable impact on highway safety or the living conditions of occupiers of nearby properties in this regard. I note that the site is susceptible to flooding and there is concern for animal welfare, but use of the land itself for grazing of alpacas does not form part of this proposal. The information before me does not suggest any interference with existing flood defences.
13. The site is some way from nearby residential properties, separated by the raised railway and I note the advice from the Council's Environmental Protection Officer that this should be sufficient to maintain the living conditions of occupiers of neighbouring properties to an acceptable level in relation to odours. From the information available, I have no reason to disagree. Similarly, whilst residents have raised concerns with vermin, littering, fly tipping and anti-social behaviour, there is little substantive evidence to demonstrate that the appeal scheme would add to any such issues.
14. Any future developments at the site would be subject to a separate planning application and would need to be considered on its individual planning merits, as would any existing proposals on nearby land.

15. These matters were considered where relevant by the Council at the application stage and did not justify refusal of the proposal. Whilst I can understand the concerns of local residents, based on my own observations and having considered all the information before me, there is no compelling evidence that would lead me to come to a different conclusion to the Council on these matters.

Conditions

16. For the reasons outlined above, Condition 4 remains reasonable and necessary. It is relevant to planning and relevant to the development to be permitted. However, whilst the condition secures the submission of a scheme for the prevention of shelter waste run off pathways from discharging into nearby ponds/watercourses for approval by the Local Planning Authority, prior to the development being brought into use, it does not specify a timescale for implementation of the approved scheme. It is not therefore sufficiently precise or enforceable and so I have replaced the condition with a revised one, to rectify this. The main parties have been given the opportunity to comment on this change.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

S Brook

INSPECTOR