



Appeal Decision

Site visit made on 1 August 2024

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024.

Appeal Ref: APP/M0655/W/23/3334110

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 failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Kirk Robertson against Warrington Borough Council.
 - The application Ref 2023/01129/REM, dated 11 September 2023, sought approval of details pursuant to condition No 1 of a planning permission Ref 2020/38116 granted on 21 April 2022¹.
 - The development proposed is described as "Farm manager's dwelling (permanent)".
 - The details for which approval is sought are appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed, and the reserved matters submitted under application ref 2023/01129/REM dated 11 September 2023 are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition 1 of planning permission ref 2020/38116 dated 21 April 2022, subject to the conditions attached in the schedule to this decision.

Preliminary Matter

2. For the avoidance of doubt, outline planning permission has already been granted for the proposed development. I can only consider the acceptability of the matters before me which are appearance, landscaping, layout and scale. There is no scope to reconsider matters which were dealt with at the outline stage.

Main Issues

3. The main issues are:
 - Whether the development 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 of the Green Belt.
 - Whether any 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.

¹ Appeal Ref APP/M0655/W/21/3276261.

Reasons

Whether the development would be inappropriate development in the Green Belt

4. The site forms part of Higher Oak Farm, which is situated within the Green Belt. The Framework states that the 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
5. The application sought approval of reserved matters for a farm manager's dwelling pursuant to an outline planning permission. The proposed development would be a two-storey house incorporating single-storey elements, with steeply pitched roofs and using traditional materials to reflect the local vernacular. It would have an L-shaped footprint with its principal elevation facing east. The house would accommodate four bedrooms and a family bathroom on the first floor, with a kitchen/diner, sitting room and farm office with a decontamination area on the ground floor.
6. The house would be accessed via an existing track from Higher Lane. Permeable paving is proposed for the parking area, driveways and patio, and a landscaping scheme has been provided which would include native planting. The driveways would be secured with gates, and a small cycle store would be provided along with a vehicle charging point.
7. The Framework advises that the construction of new buildings is inappropriate development in the Green Belt. The proposed dwelling would not fall within any of the exceptions set out in paragraph 154 of the Framework and, consequently, it would be inappropriate development in the Green Belt.

The effect on openness

8. Higher Oak Farm is located at the south-eastern edge of the settlement of Lymm. The land beyond the built up area is relatively flat and comprises farmland with trees and hedgerows, and some scattered residential development mainly along the roads. The village of Broomedge lies to the east.
9. The application site forms part of a medium-sized field, which is enclosed by mature trees and hedgerows. A free-range poultry business operates from the farm. There is a substantial agricultural building towards the front of the field, a further building to the east and several timber coops and runs, along with a polytunnel. There is an existing static caravan on the site, which is used and occupied as an agricultural worker's dwelling. This was granted temporary planning permission on 25 June 2019, subject to a condition requiring the removal of the structure within three years². The removal of the caravan would improve the appearance of the site as it is visible from the road due to its position at the end of the driveway. The proposed house would be sited to the south of the agricultural building in a less prominent position.

² Appeal Ref APP/M0655/W/18/3209412.

10. It is accepted that openness has a spatial aspect as well as a visual aspect. The proposal would be a two-storey detached residence situated within land that is largely free from built development. It would occupy space that was formerly open and would be visible from Higher Lane and nearby residential properties. The development would, therefore, have a spatial and visual effect on openness.
11. However, openness is the counterpart of urban sprawl, and it does not imply freedom from any form of development. Rather than treating any change as having a greater impact on openness of the Green Belt, the correct approach is to consider the impact or harm, if any, wrought by the change. Whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications. The visual qualities of the land may be an aspect of the planning judgement in applying this broad policy concept. Also, the impact of development on openness is not necessarily related to size but also purpose.
12. The application site is part of a farm holding and there are several existing agricultural buildings on the land. The house would be located to the rear of a large barn that would provide screening from Higher Lane. The mature trees and hedgerows surrounding the land provide further screening from the road and from nearby properties. The proposed house would be of a vernacular design that would reflect the style of a traditional farmhouse. Although it would be sizeable, the house would not be out of place when viewed in association with the nearby agricultural buildings. It would appear as a farmer's dwelling sited within an agricultural unit when viewed in context.
13. The Council is concerned that the house would not be a modest family home commensurate with the needs of the enterprise. However, the starting point is the planning permission for a farm manager's dwelling. The farm manager currently occupies a static caravan on the site, which was a temporary measure while the enterprise was becoming established. That permission has now expired and so there is an unmet need. The proposed development would be a two-storey house that has been designed to meet the needs of a farm manager with an average sized family, taking account of longer term needs. The proposed development would not be inconsistent with the outline permission.
14. The Council argues that the proposed house would be far in excess of the minimum standards set out in the Nationally Described Space Standards³ for a four bedroom dwelling and cannot be described as modest. In particular, it is suggested that the office and decontamination area are not necessary as these exist elsewhere on the wider site. I accept that the house could be made smaller through the removal of the farm office and decontamination area on the ground floor and the consequent removal of bedroom one. This would result in a two-storey house with a smaller, rectangular footprint.
15. However, this would not necessarily reduce the impact of the building on openness. The proposed L-shaped design would break up the bulk and mass of the building. The rear wing would provide additional space in a relatively efficient design that echoes a traditional Cheshire farmhouse. The use of single-storey elements also provides floorspace while adding interest to the design. The removal of the single-storey and the rear wing would not lessen

³ MHCLG, 'Technical housing standards: nationally described space standard' 2015.

the impact on openness in my judgement and may result in a design that is less appropriate to its rural location.

16. Moreover, the proposed design is functionally sound, and the layout is logical. The decontamination area would serve a valid purpose and would be located within the single-storey part of the house closest to the existing barn, with unobstructed access. The adjoining farm office would be easily accessible from the farm buildings, via the decontamination area, and would serve a justifiable purpose as an area to conduct confidential business. The principal elevation faces east and towards a driveway and parking area that would allow visitors unconnected with the farming activities to access the house without crossing into the main farmyard.
17. The Council also expresses concern about the ridge and eaves heights. The pitch of the roof could be reduced, and the eaves lowered, if the roof space were utilised. This may lessen its prominence but, again, it would not necessarily make the building more appropriate in its context. The roof pitch enables the use of traditional materials and is part of the overall design. I do not consider that lowering the height of the house would bring about any discernible lesser impact on openness.
18. Overall, I consider that the proposed development would have the appearance of a farm worker's house that is occupied in association with the farm holding where it is sited. It would be well-screened, and its traditional design and proposed materials would not be out of place within the wider landscape.
19. I appreciate that this part of the Green Belt plays an important part in safeguarding the area from urban sprawl. However, a single detached dwelling that is sited in a position that relates it to the nearby agricultural buildings would not contribute to urban sprawl or encroachment. It would be a farm manager's dwelling and would appear as such. In addition, this part of the Green Belt is not devoid of development. Larger detached houses are not uncommon. The design and purpose of the proposed development takes account of the wider characteristics of the locality, and it would not be incongruous.
20. I understand that an application for an agricultural worker's dwelling was refused planning permission, and a subsequent appeal was dismissed⁴. The scheme in that case was a relatively large and modern single-storey structure with multiple gable features. The scheme before me seeks to respond to the matters of scale and design raised by the previous Inspector. I am satisfied that the differences between the previous scheme and that before me are sufficient to justify a different conclusion.
21. Overall, I conclude on this matter that the proposed development would not have a harmful impact on openness.

Other Matters

22. The development would provide a family dwelling for a farm manager pursuant to the outline planning permission. The essential need for a house on the site to respond to the husbandry demands of the enterprise has been established. The farm manager's accommodation would enable the business to continue

⁴ Appeal ref: APP/M0655/W/22/3300833 dated 17 April 2023.

operating and contributing to the rural economy. These considerations carry considerable weight.

Conclusion

23. I have found that the development would be inappropriate development in the Green Belt. Inappropriate development is harmful by definition and this harm carries substantial weight.
24. There is an essential need for a worker to manage and run the farm, which would in turn contribute to the rural economy. These matters have been established through an outline planning permission and carry considerable weight. The other considerations advanced clearly outweigh the totality of the harm. This amounts to the very special circumstances necessary to justify the development.

Conditions

25. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. As explained above, planning permission for the development was granted at outline stage. An application for the approval of reserved matters is, by definition, an application for the approval of details pursuant to the permission. Any conditions which are necessary to control matters that fall outside the scope of the reserved matters should be imposed at the outline stage. Therefore, I can only impose conditions which directly relate to the matters for which approval is sought.
26. The Council is seeking conditions related to contamination and reasonable avoidance measures for amphibians. These would have been imposed at the outline stage if considered necessary. The Council also requires a condition restricting permitted development rights. This is not necessary as it would duplicate condition 6, which is imposed on the relevant outline permission.
27. I shall impose a plans condition to ensure the development is carried out according to the revised plans submitted with the application.
28. A condition requiring the prior approval of materials is necessary as the external materials would be important in ensuring the development is appropriate to its context.
29. A landscaping scheme is provided with the application plans (drawing ref D1976.3E). This scheme would be appropriate as it would provide boundary hedging and new trees. A condition is required to ensure the approved scheme is implemented and maintained.
30. A charging point for electric vehicles is proposed and a condition is required to ensure its implementation and retention. This is necessary to contribute to the Council's strategic aim of reducing carbon emissions associated with new development, as set out in Policy INF1 of the Warrington Local Plan 2023.

Conclusion

31. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

32. The development would, therefore, accord with the Framework and Policies GB1, DEV2, DC6 and DC1 of the Warrington Local Plan (2023) which seek, among other things, to protect the Green Belt from inappropriate development, unless very special circumstances exist, while also promoting good design that respects the local area and ensuring new houses meet the needs of occupants in terms of space standards. The proposal would accord with the development plan taken as a whole, therefore.

33. For the reasons given above, I conclude the appeal should succeed.

D Moore

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans - D1976.1G (Floor Plans); D1976.2E (Elevations) and D1976.3E (Site Plan).
- 2) No development consisting of final external facing or roofing materials shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping as shown on plan ref D1976.3E shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) Prior to the first occupation of the dwelling, a single electric vehicle charging point shall be provided and retained as such thereafter.