



Appeal Decision

Site visit made on 17 December 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/M0655/W/24/3348066

11 Wilton Lane, Culceth and Glazebury, Warrington WA3 4BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs W Silcock against the decision of Warrington Borough Council.
 - The application Ref is 2023/01500/FUL.
 - The development proposed is the demolition of existing dwelling and outbuildings. Construction of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and outbuildings. Construction of new dwelling at 11 Wilton Lane, Culceth and Glazebury, Warrington WA3 4BD in accordance with the terms of the application, Ref 2023/01500/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The main parties have been given the opportunity to comment on this version and in reaching my decision I have taken account of the responses received. For the avoidance of doubt, where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.
3. The appellant has set out, within the appeal statement, how the proposed dwelling would satisfy the requirements of Policy DEV2 of the Warrington Local Plan (LP), which requires, as a minimum, that all homes should be provided to Building Regulations Standard M4(2) 'Accessible and Adaptable Dwellings'. Such additional information has been considered by the Council and has led to it confirming that it is now satisfied that the proposal complies with such requirements.
4. Accordingly, the Council has chosen not to defend the second reason for refusal have been addressed. Based on the evidence before me, I am satisfied that the proposal would accord with the requirements of LP Policy DEV2.

Main Issue

5. The main issue is whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

6. The revised Framework states, at paragraph 153, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP Policy GB1 is consistent with the Framework as it includes a general presumption against inappropriate development.
7. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Relevant to this appeal is exception 154(g), which, in the revised Framework, allows for the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. There is no dispute between the parties that the appeal site meets the definition of previously developed land (PDL) as set out in Annex 2 of the Framework and I find no reason to conclude otherwise. The effect of the development on the openness of the Green Belt will therefore determine whether it is inappropriate development.
9. It is clear from measurements set out in the officer report, which have not been disputed by the appellant, that the proposal would result in a reduction in the footprint of buildings on site and a very minor increase in volume. The proposal would, however, result in additional floorspace. Furthermore, the proposed dwelling would be considerably higher than any of the existing buildings and would extend beyond the current residential curtilage. Nonetheless, any increase in the impact of development within the site, on the spatial and visual openness of the Green Belt, would be modest, and would be offset by the proposed consolidation of development into one building.
10. The proposal would extend the existing residential curtilage, thereby introducing additional boundary features and domestic paraphernalia onto land that is currently undeveloped. Nevertheless, due to such aspects being seen within the context of existing boundary treatments and other buildings, their impact on the openness of the Green Belt would be limited. In addition, the proposed hard surfaced areas, to accommodate parking spaces and the driveway, would be considerably smaller in extent than that which would be removed as part of the proposed development.
11. Overall, I find that any harm to the openness of the Green Belt would not be substantial. As such, given that the proposal involves partial or complete redevelopment of PDL, it falls within exception 154(g) of the revised Framework and is, therefore, not inappropriate development.
12. Even if the appeal site meets the definition of grey belt, it would not be regarded as inappropriate by virtue of paragraph 155 of the Framework, as the proposal is a replacement dwelling and would not, therefore, address any unmet need for housing. Nonetheless, this does not alter my finding that the development meets the 154(g) exception and, for that reason, is not inappropriate.
13. To conclude, the proposal would not be inappropriate development in the Green Belt and would not conflict with LP Policy GB1.

Conditions

14. The Council has suggested conditions, which I have reviewed and amended in line with guidance and best practice, and to ensure consistency.
15. I have imposed the standard time limit condition, and, in the interests of certainty, a condition that specifies that the development is carried out in accordance with the approved plans.
16. I include a condition regarding construction works so that the construction process is suitably controlled in the interests of highway safety and to protect the living conditions of nearby residents. This is a pre-commencement condition to ensure that appropriate controls are in place before development commences. To minimise risks for future occupiers, neighbouring occupiers and the environment, conditions are also required to ensure that contamination is appropriately addressed.
17. To ensure the satisfactory appearance of the proposed development, I have considered it necessary to attach conditions relating to external materials and landscaping. In the interests of nature conservation and habitat creation, I have attached conditions to secure implementation of amphibian safeguarding measures and to prevent the removal of vegetation during the nesting season.
18. In accordance with LP Policy DEV2 and to ensure that the dwelling is accessible and adaptable, I have imposed a condition requiring that it is constructed in accordance with the optional Building Regulations requirement M4(2).
19. I have included, in the interests of highway safety, a condition relating to the provision of parking and servicing space. It is also reasonable to require the provision of electric vehicle charging points to promote more sustainable forms of transport.
20. The Council has also suggested the removal of certain permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Paragraph 55 of the Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In addition, the Planning Practice Guidance also states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness.
21. I have found the acceptability of the development to be reliant on it not leading to substantial harm to openness. Therefore, to allow for the replacement of the outbuildings to be demolished by additional new buildings, or the enlargement of the dwelling, without control would run contrary to this.
22. The Council has recommended the removal of other permitted development rights. However, the extent of such development would be restricted by the criteria set out in the GPDO and would be constrained by, and limited to, the residential curtilage. Furthermore, there is no compelling evidence before me that suggests that the construction of hard standings, gates, walls, fences or other similar structures under permitted development rights would have an unacceptable effect on the openness of the Green Belt or its purposes. As Wilton Lane is a classified road there are no permitted development rights to construct a means of access to the

highway. Accordingly, only the removal of permitted development rights for extensions and outbuildings would be justified.

Conclusion

23. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 06921 002 Rev A Location Plan; 012 Rev G Proposed Site Plan; 113 Rev C Proposed Site Section; and 021 Rev C Proposed Plans & Elevations.
- 3) No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of construction has been submitted to and approved in writing by the local planning authority. The method statement shall include, but is not limited to:
 - Construction traffic routes, including provision for access to the site.
 - Entrance/exit from the site for visitors/contractors/deliveries.
 - Siting of temporary containers.
 - Parking for contractors.
 - Schedule for large vehicles delivering/exporting materials to and from site.
 - Details of street sweeping/street cleansing/wheel wash.
 - Hours of working.
 - Phasing of works.
 - Details of turning facilities for use by construction vehicles.

The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

- 4) No development (except demolition and site clearance) shall take place until the works in Sections A and B below are undertaken and completed:

A: CHARACTERISATION - With consideration to human health, controlled waters and wider environmental factors, the following documents must be completed (as required) to characterise potential risk to sensitive receptors and submitted to the local planning authority for approval:

- i) Preliminary Risk Assessment (PRA or Desk Study);
- ii) Generic Quantitative Risk Assessment (GQRA) informed by intrusive investigations;
- iii) Detailed Quantitative Risk Assessment (DQRA);
- iv) Remedial Options Appraisals.

Submission of a PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it.

B: REMEDIATION & VERIFICATION STRATEGY - As determined by the findings of Section A above, a Remediation (if required) and Verification Strategy shall be submitted to and approved in writing by the local planning authority. The strategy must detail the proposed remediation measures and how works will be verified.

The actions required in Section A and B above shall be completed in accordance with the LCRM (Environment Agency, 2023) guidance.

- 5) Prior to the construction above slab level of the building hereby approved, written and photographic details of the external roofing and facing materials (including manufacturer's details) shall be submitted to and approved in writing by the local planning authority. Materials samples shall be made available to view on site and shall NOT be deposited with the local planning authority. The development shall be constructed in accordance with the approved details/samples.
- 6) Prior to the construction above slab level of the building hereby approved, a programmed landscaping scheme which shall include replacement for the loss of trees within the site, shall be submitted to and approved in writing by the local planning authority. The scheme shall include species, size, quantities and spacings of planting and shall be implemented during the first planting season following completion of the development. Any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five-year period commencing with the date of planting shall be replaced.
- 7) The development shall not be brought into use until the works in Sections A and B below are undertaken and completed:

A: REMEDIATION & VERIFICATION - Remediation (if required) and verification shall be carried out in accordance with the strategy approved pursuant to condition 4. Following completion all remediation and verification measures, a Verification Report must be submitted to and approved in writing by the local planning authority. The Verification Report must include information verifying any remedial measures; details of imported fill materials (source/quantity/suitability); details of exported fill materials; and details of any unexpected contamination as described in Section B below.

B: REPORTING OF UNEXPECTED CONTAMINATION - All unexpected or previously unidentified contamination encountered during development works must be reported immediately to the local planning authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), contamination must be characterised, and risk assessed, with remediation/verification measures carried out as necessary.

The actions required in Section A and B above shall be completed in accordance with the LCRM (Environment Agency, 2023) guidance.

- 8) No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey has been carried out by a suitably experienced ecologist immediately prior to clearance, and written confirmation that no active bird nests are present has been submitted to and approved in writing by the local planning authority.
- 9) The development hereby permitted shall be carried out in accordance with the Proposed Building – Amphibian Impact Assessment dated 24 November 2023.

- 10) The dwelling hereby approved shall be constructed to achieve Building Regulation Standard M4(2) 'Accessible and Adaptable Dwellings'.
- 11) The development hereby permitted shall not be brought into use until the areas for parking and servicing indicated on the submitted plans, have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.
- 12) A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and approved in writing by the local planning authority. The scheme shall be provided prior to first occupation and retained as such thereafter.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):
 - i) no extensions shall be carried out to the dwelling;
 - ii) no garages or outbuildings shall be erected within the curtilage of the dwelling; and
 - iii) no dormer windows shall be added to the dwelling;unless planning permission for such development has been granted by the local planning authority.