



Appeal Decision

Site visit made on 16 April 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/M0655/W/24/3352761

Vacant land to the South of Delph Lane, Warrington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gary Ormisher (Cemco 21 Ltd) against the decision of Warrington Borough Council.
 - The application Ref is 2024/00204/OUT.
 - The development proposed is an outline planning application for 2 no. single storey dwellings with all matters reserved.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is for outline planning permission with all matters reserved for later consideration. I have considered the appeal accordingly.

Main Issues

3. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
5. The National Planning Policy Framework (Framework) establishes that development in the Green Belt is inappropriate unless one of the exceptions set out at paragraph's 154 / 155 of the Framework apply. This includes the exception at paragraph 154 e) relating to limited infilling in villages.

6. The Framework does not define a 'village' or 'limited infilling' and nor have I been provided with any such definitions from the development plan. Reference has been made to case law which has determined that whether or not a proposed development constitutes limited infilling in a village for the purposes of the Framework is a question of planning judgement. This is reflected in the appeal decisions referenced by the appellant and this proposal's compliance with the exception relating to limited infilling in villages would also entail an assessment of the merits of this case.
7. The appeal site is situated amongst a group of buildings on Delph Lane based around the Myddleton Hall estate. The appellant has described it as a small hamlet that is functionally linked to the settlement of Winwick by continuous footways and a regular bus service. Whilst it is common ground between the main parties that Winwick is a village, there is a distinct physical break at the eastern side of Winwick beyond the Winwick Link Road where development is more fragmented and interspersed with open areas of land.
8. There is a farm shop nearby that provides for everyday food and drink essentials, and a range of facilities and services are available within walking distance in Winwick. As there is existing development around the appeal site, there is not the impression of being in the open countryside. Nevertheless, the appeal site and other buildings in its vicinity are separated from Winwick by notable areas of open land on both sides of Delph Lane/Myddleton Lane. Consequently, whilst the appeal site would infill a gap between existing buildings, it would not be within a village for the purposes of paragraph 154 of the Framework.
9. I therefore conclude that the proposal would be inappropriate development as it would not represent limited infilling in a village. It would therefore conflict with Policy GB1 of the Warrington Local Plan (Local Plan) and paragraph 153 of the Framework, which set out, amongst other matters, that inappropriate development within the Green Belt will not be approved except in very special circumstances.
10. Given my conclusion on this issue that the proposal would be inappropriate, the introduction of residential development on what is currently an open area of land would result in both a spatial and visual loss of Green Belt openness.

Character and appearance

11. The appeal site is situated in a rural area that contains groups of buildings surrounded by fields and open areas of land. The generally flat topography, along with the presence of vegetation and trees along Delph Lane gives the area a verdant, spacious character.
12. The development of the appeal site would result in the closing of a gap between a small group of buildings. However, buildings situated along Delph Lane are not unusual features in the area. Whilst there would be some change in existing views over the appeal site, this small development would still be seen in the context of the wider agricultural landscape and the rural, spacious character of the area would not therefore be unduly harmed.
13. I therefore conclude that the proposed development would not have an unacceptable adverse effect on the character and appearance of the area. As such, it would comply with Local Plan Policy DC6 which seeks development proposals to make a positive contribution to local character and distinctiveness

within the surrounding area. It would also comply with Paragraph 135 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character.

Other considerations

14. The proposal would contribute to the delivery of housing in the area and provide single storey dwellings for which there is a growing demand. The landscaping proposals would increase the number of native trees and hedgerows and enhance the biodiversity of the site. These matters weigh in favour of the appeal, although as the development involves a small residential scheme, this would attract limited positive weight as would the environmental benefits set out.

Other matters

15. The proposal would be acceptable in other regards, including in relation to ecology, trees, flood risk and drainage. It could also deliver a development that is capable of meeting the nationally described space standards, providing sufficient private amenity space and car and cycle parking provision. These are neutral matters and not ones which weigh in favour of the proposal.
16. There are a number of listed buildings in the vicinity of the site, but the Council raise no concerns in this regard, and having regard to the separation and the likely scale of the development, I also consider the proposal would preserve their settings.

Conclusion

17. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.
18. I have attached limited weight in favour of the proposal given it involves a small residential scheme, and to the environmental benefits given the scale of the development proposed. The other considerations raised, as well as the lack of harm in relation to character and appearance are neutral matters.
19. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
20. I therefore conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR