



Appeal Decision

Site visit made on 25 April 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2025

Appeal Ref: APP/M0655/W/24/3355164

Land Bound to the North by Grappenhall Lane And to the East by Barleycastle Lane, Warrington WA4 4QT

- 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 CNG Fuels Ltd against the decision of Warrington Borough Council.
 - The application Ref is 2023/01233/FULM.
 - The development proposed is Bio-CNG vehicle fuelling facility comprising fuel dispenser islands, plant compound, landscaping, creation of access and associated highways works and development.
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Decision

1. The appeal is allowed and planning permission is granted for a Bio-CNG vehicle fuelling facility comprising fuel dispenser islands, plant compound, landscaping, creation of access and associated highways works and development at Land Bound to the North by Grappenhall Lane And to the East by Barleycastle Lane, Warrington WA4 4QT in accordance with the terms of the application, Ref 2023/01233/FULM, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the appeal scheme would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including assessing the effect of the appeal scheme on the openness of the Green Belt; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The appeal site lies within the Green Belt. Policy GB1 of the Warrington Local Plan, 2023 (the LP), amongst other things, sets out that within the Green Belt, and in accordance with national planning policy, planning permission will not be granted for inappropriate development, except in 'very special circumstances', but that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents.

4. Paragraph 154 of the Framework sets out a number of specified exceptions, which includes, amongst other things, paragraph 154 h) (iii), local transport infrastructure which can demonstrate a requirement for a Green Belt location and preserve its openness and do not conflict with the purposes of including land within it. In addition, paragraph 155 explains that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:
- It would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - There is a demonstrable unmet need for the type of development proposed; and
 - The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

Grey belt

5. Grey belt land as defined in the Framework is land in the Green Belt comprising previously developed land and / or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. Additional guidance is also provided in the national Planning Practice Guidance (the PPG).
6. The criteria of paragraph 143 are the purposes of including land within the Green Belt and include a) to check the unrestricted sprawl of large built-up areas, b) to prevent neighbouring towns merging into one another and d) to preserve the setting and special character of historic towns.
7. A Green Belt Review (the Review) was carried out by the Council in 2016, in support of the preparation of the Local Plan. The Review identified parcels of land and went on to assess their contribution to the purposes of the Green Belt. The appeal site is included in parcel 'AT4' and the review identifies that the parcel is not adjacent to the urban area and forms a less essential gap between neighbouring towns. As such, for these reasons, the appeal site does not strongly contribute to any of the three Green Belt purposes (a), (b) or (d) in paragraph 143 of the Framework, and it can therefore be classified as grey belt land.
8. Consequently, the appeal site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and the proposal accords with criterion (a) of paragraph 155 of the Framework.

Unmet need

9. Paragraph 168 of the Framework emphasises the importance of renewable and low carbon energy development, making it clear, that significant weight should be given to the benefits associated with such proposals and their contribution to a net zero future.
10. My attention has also been drawn to the Warrington Climate Emergency Strategy, July 2022 (the Strategy). The Strategy recognises that logistics and freight play a key role in the local and wider economy. Indeed, an objective of the Strategy is to increase access to vehicles utilising hydrogen and biofuels and create the refuelling

infrastructure and supply chains for hydrogen and biofuels from sustainable sources.

11. The proposal is for a Bio-CNG vehicle fuelling facility for HGVs. The appellant suggests that there is a demand for over 200 refuelling stations in the UK, and the appeal site would contribute to providing such facilities. It is also suggested that the appeal site is the only suitable, available and viable location for the new facility following a robust site selection process.
12. While there is an existing facility operated by the appellant at Skyline Drive, to the north of Warrington, the proposal would serve a different catchment area to that refuelling station. In particular, the appeal scheme would serve the existing customer base on the nearby trading estates and distribution centres, so that HGVs could refuel before or after their journeys. Also, the appeal site is located further south than the Skyline Drive facility, and there would be a significant distance between the two facilities. Therefore, although there are a cluster of existing facilities in the north-west, the proposal would meet an identified need and contribute to a wider shortfall of facilities of this kind. In combination with the need for refuelling facilities to be close to existing haulage businesses, as well as the lack of existing facilities nearby, it has been demonstrated that there is an unmet need for the proposed development in this location.

Sustainable location

13. Paragraphs 110 and 115 of the Framework refer to the use of sustainable modes of transport. The nature of the use as a Bio-CNG gas fuelling station for HGVs requires a location close to the main road network. The site has good access to the highway network and the proposal would support and be located near to existing businesses that would use the facility. Therefore, in the context of the development proposed, the site represents a sustainable location and criterion (c) would be met.

Green Belt conclusion

14. For the above reasons, the proposal complies with paragraph 155 of the Framework and would not be inappropriate development in the Green Belt. Accordingly, it would comply with Policy GB1 of the LP.

Character and appearance

15. The appeal site comprises greenfield land at the junction of Barleycastle Lane and Grappenhall Lane within the open countryside. The site has a triangular shape, is relatively flat and is largely enclosed by well-established hedgerows, with a number of mature trees on the site boundaries.
16. As an agricultural field, the appeal site has a rural character. However, its proximity to the adjacent industrial park and larger trading estates, as well as its juxtaposition next to two busy roads, tempers the rural setting of the site and the wider landscape.
17. The proposal would introduce transport infrastructure onto the land, which would have a utilitarian appearance. In particular, the proposal would include, amongst other things, fuel dispenser islands, a substation, gas storage tanks, a backup generator, air compressors, a switch room, trailer bays, fencing, as well as CCTV and lighting columns. A new access and the reinstatement of a short stretch of the overgrown track off Barleycastle Lane, as well as large areas of hardstanding within

the site are also proposed which would spread across a large proportion of the site. As a result, the proposed infrastructure and engineering works would erode the rural character of the site and would have a stark appearance.

18. A significant number of trees would also be lost to accommodate the proposed access which would further open up the site from certain vantage points. Nevertheless, the proposed infrastructure would have a modest height and would be located off the boundaries with the adjacent main roads. Also, the level of impact would be largely mitigated by a generous amount of soft landscaping and once matured the proposed landscaping would screen much of the development from public vantage points. As a result, views of the proposal would be highly localised to the access and small sections of the adjacent roads.
19. Furthermore, the proposed development, would be viewed within the context of the functional appearance of the adjacent industrial park and larger trading estates. As such, although the proposal would alter the rural character of the site, the level of harm would be reduced due to the proximity of the site to neighbouring commercial and industrial development in the immediate and surrounding locality.
20. Flood lighting of the site would also result in some visual harm during hours of darkness, although significant harm to the landscape could be mitigated through the prevention of light spillage.
21. Overall, the introduction of infrastructure and associated hardsurfaces onto the site would result in a noticeable encroachment of built development onto undeveloped land, which would result in visual change to the landscape. Within the context of existing development in the locality and the relatively modest scale of the proposed development, there would be moderate harm to the character and appearance of the area.
22. Consequently, for the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. As such it would not accord with Policies DC1 and DC6 of the LP, which together and amongst other things, seek to promote good design that makes a positive contribution to local character and distinctiveness.

Planning Obligation

23. A signed s106 agreement (the s106) has been submitted during the appeal. The s106 seeks to secure obligations for land to be dedicated to the Council for future highway improvement works, notably a dual-purpose foot / cycle path and a financial contribution of £19,204 towards off site biodiversity enhancements.
24. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
25. The biodiversity contribution would compensate for the loss of biodiversity units across the site and secure the long-term management and enhancement of biodiversity in the area. This would be in accordance with Policy DC4 of the LP.
26. The land to be offered to the Council for adoption would provide future foot / cycle path improvement works where provision is currently poor. It would also allow wider

strategic highway infrastructure works to be carried out and would provide a public benefit. As such, I am satisfied that it would be reasonable and necessary to achieve relevant infrastructure improvement works.

27. I conclude that the s106 includes provisions which are necessary and fairly and reasonably related to this development and that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations and paragraph 58 of the Framework.

Conditions

28. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and the PPG. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
29. In the interests of securing the detailed design of the access into the site from the highway network, a condition which requires the prior approval of the design and construction of the site access is reasonable and necessary. Also, a condition to protect visibility splays once the appeal scheme is operational is reasonable and necessary in the interests of highway safety.
30. In the context of the proposed development and the implications on the highway network during construction works, the submission and approval of a construction management plan is necessary in the interests of highways safety and to protect public amenity. However, I have not included a review mechanism as adverse effects can be dealt with regardless and are covered by other legislation.
31. A condition to secure the implementation of the approved drainage details is necessary to prevent an increase in flood risk following the development. For similar reasons, it is also necessary to include a condition for the submission and approval of a drainage management and maintenance plan to ensure that the drainage scheme is managed and maintained.
32. A condition to secure tree protection measures is required to safeguard existing trees during the construction phases and a condition to secure the implementation of the approved soft landscaping scheme is necessary in the interests of visual amenity. Likewise, a condition to secure an appropriate colour of the perimeter fencing is reasonable and necessary in the context of the location of the proposed development, to protect the appearance of the landscape.
33. In respect of Great Crested Newts (GCN), the Appellant has submitted a GCN District Level Licensing Impact Assessment and Conservation Payment Certificate. As such, it is likely that favourable conservation status could be maintained for the local population of GCN. However, a condition to secure alternative mitigation is necessary in the event that a District Level Licensing scheme is not accepted.
34. Furthermore, conditions to protect and where possible conserve wildlife and biodiversity on the site is reasonable and necessary, including the further inspection of Tree T26 for roosting bats prior to it being felled. As is the suggested condition regarding a bat and bird box strategy, which would provide an opportunity for biodiversity enhancements on the site.

35. Conditions 3-7 need to be pre-commencement conditions to avoid unacceptable impacts once construction activities start on site. As such, I am satisfied that the conditions are necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of the conditions.
36. A number of informatives have been suggested by the Council as part of a draft condition document. However, informatives do not carry any legal weight. Therefore, I have not included them in the schedule of conditions.

Other Matters

37. I acknowledge the objections from Appleton Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to the encroachment on the community of Appleton Thorn, as well as pollution and traffic congestion. These factors are not in dispute between the main parties and were addressed in the Council's delegated officer report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

Planning Balance

38. The proposed development would cause a moderate degree of harm to the character and appearance of the area. There would also be the loss of Best and Most Versatile agricultural land comprising approximately 1.2 hectares of Grade 2 land (very good quality agricultural land) which also attracts moderate weight against the scheme. Therefore, the proposal would be contrary to Policies DC1, DC6 and ENV8 of the LP and while I attach considerable weight to this harm, the effect of the proposal on the landscape would be relatively localised and not significant. Even so, the proposal is contrary to policies of the development plan and while it may accord with other policies of the LP it conflicts with the development plan as a whole.
39. Bio-CNG is a renewable energy source, and the proposal would provide a facility which would provide low carbon logistical support for the local business community thereby helping to support the transition from diesel powered HGV vehicles to 100% renewable Bio-CNG vehicles.
40. Paragraph 168 of the Framework sets out that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should, amongst other things, not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; and recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.
41. While the proposal is small-scale it would support the wider roll out of facilities across the UK assisting in the provision of low carbon energy infrastructure and help haulage, logistics and distribution operators reduce their carbon footprint. Thus, helping to support renewable and low carbon energy and associated infrastructure, in accordance with the Framework. Accordingly, the proposal would

make a valuable contribution to cutting greenhouse gas emissions and I thereby attach significant weight to these benefits.

42. There would also be biodiversity and highway infrastructure improvements that would provide some positive benefits, but these are factors that attract modest weight in favour of the scheme. Nonetheless, the economic benefits to local haulage businesses and the wider economy, as well as social and environmental benefits that are identified are extensive and attract substantial weight. In my judgement, the benefits are therefore sufficient to outweigh the landscape harm and the conflict with relevant LP policies.
43. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, material considerations outweigh the harm that would arise and associated conflict with development plan policies. Consequently, material considerations indicate that the proposal should be permitted notwithstanding the conflict with the development plan as a whole.

Conclusion

44. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan Dwg No.035-01-CNG-101-E
 - Proposed Block Plan Dwg No. 035-01-CNG-103-G
 - Proposed Site Layout Dwg No. 035-01-CNG-104-F
 - Proposed Side Elevation Views Dwg No. 035-01-CNG-105-C
 - Proposed Lighting Plan Dwg No. 035-01-CNG-106-E
 - Soft Landscaping Plan Dwg No.11083-FPCR-XX-XX-DR-L-0001 P06
- 3) No development hereby permitted shall commence, except for site clearance and remediation works, until full details for the design and construction of the site access and associated off-site highway improvement works, as per the principles set out on Drawing No. 035-01-CNG-104-F, and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

- 4) No development hereby permitted shall take place until a scheme for the protection of the retained trees and hedges, as identified in the supporting document Fpcr Ecological Impact Assessment dated Sept 2023, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) Prior to the commencement of the development hereby permitted, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include:
 - Construction traffic routes, including provision for access to the site.
 - Entrance/exit from the site for visitors/contractors/deliveries.
 - Temporary roads/areas of hard standing.
 - Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements.
 - Details of street sweeping/street cleansing/wheel wash facilities.
 - Proposed locations of Site Compound Areas.
 - Siting of temporary containers.
 - Location of directional signage within the site.
 - Parking for contractors, site operatives and visitors.
 - Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of site clearance/construction.
 - Storage of materials and large/heavy vehicles/machinery on site.

- Proposed site clearance and construction hours, and construction activities, proposed hours of site access and delivery hours of all vehicles to site.
- Phasing of works including start/finish dates.
- Measures to control noise and dust.
- Details for the recycling/storage/disposal of waste resulting from the site.
- Consideration for joining a Considerate Contractors Scheme.

The approved CMS shall be implemented as approved before development begins and be maintained throughout the duration of the construction works period.

- 6) No development hereby permitted shall take place until an avoidance measures method statement for mammals and amphibians has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.
- 7) In the event that District Level Licensing for Great Crested Newts is not undertaken then prior to the commencement of development, information outlining a new mitigation approach for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The new mitigation approach shall include information on reasonable avoidance measures to protect Great Crested Newts during the construction of the development. The approved new mitigation approach shall be carried out prior to the commencement of development and remain in force for the duration of any construction activity on the site.
- 8) Tree T26, as identified in the supporting document Fpcr Ecological Impact Assessment dated September 2023, shall not be felled until it has been inspected for roosting bats. The inspection shall be carried out by a suitably qualified person. In the event that roosting bats are identified the tree shall not be felled until an appropriate license has been obtained from Natural England.
- 9) No part of the development hereby permitted shall be opened for trading until the visibility splays (4.5 x 120m) as defined on Drawing No. 22-158-011 Rev G are cleared of all obstructions to visibility exceeding 600mm in height above footway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.
- 10) The development hereby approved shall be carried out in accordance with the drainage details and principles set out in the submitted FRA & Drainage Strategy TC/FRA&DS/P9039/23/04 Flood Risk Assessment & Drainage Strategy (16 February 2024 / Issue no: 4) which was prepared by Thomas consulting, and thereafter retained as such for the lifetime of the development.
- 11) Prior to the first use of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be carried out, maintained and managed in accordance with the approved plan.

- 12) All proposed planting, as shown on Soft Landscaping Plan Dwg No.11083-FPCR-XX-XX-DR-L-0001 P06, shall be implemented no later than the end of the first planting season following the first use of the development hereby permitted. Any approved planting which is removed, dies or becomes seriously damaged or diseased within a period of five years from first planting, shall be replaced with other planting of similar size, species and maturity in the first available planting season.
- 13) All fences of the approved development shall be powder-coated in either a green or black colour.
- 14) Prior to the first use of the development hereby permitted a bat and bird box strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*****END*****