



Appeal Decision

Site visit made on 25 February 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/M0655/W/25/3371809

Land At Pennington Lane, Warrington WA5 4EF

- 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 D Locke against the decision of Warrington Borough Council.
 - The application Ref is 2025/00363/FUL.
 - The development proposed is the provision of 1 additional caravan and siting of a second family day room to existing traveller caravan site.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of 1 additional caravan and siting of a second family day room to existing traveller caravan site at Land at Pennington Lane, Warrington WA5 4EF in accordance with the terms of the application, Ref 2025/00363/FUL, and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr D Locke against Warrington Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. During my site visit I saw that works have commenced to the day room, with the concrete base and foundations laid, along with a small number of courses of brickwork. However, the day room is not completed and the caravan proposed is not in situ. Accordingly, although I am dealing with the proposal, in part retrospectively, I have considered the scheme based on the proposed plans before me.
4. The application was refused for three reasons. However, during the appeal the Council confirmed that it would no longer defend its first two reasons relating to the Green Belt (reason one) and the impact on the visual amenity of the surrounding countryside and the openness of the Green Belt (reason two). This is because the Council no longer considers the scheme to be inappropriate development in the Green Belt when assessed against criteria (a), (b) and (c) in paragraph 155 of the National Planning Policy Framework (the Framework).
5. It is common ground that the proposed development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. Moreover, the Council has confirmed that it cannot currently demonstrate a five-year supply of deliverable gypsy/traveller sites and there is no dispute that the appeal site is in a sustainable location. Considering the evidence before me, I concur with this assessment and

accordingly the proposal would comply with criteria (a), (b) and (c) of paragraph 155 of the Framework.

6. As such, I agree with the main parties that the proposed development would not be inappropriate development in the Green Belt and there is no conflict with the Framework in so far as it relates to this matter. Moreover, the residual harm to the visual amenity of the surrounding countryside from the increased development at the site could be mitigated through additional landscaping. Accordingly, there would be no conflict with Policy GB1 or Policy DC6 of the Warrington Local Plan (Local Plan), in so far as they relate to this matter. These say, amongst other things, 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.
7. As the proposed development is not inappropriate development, the need for very special circumstances is no longer necessary and, as such, other considerations, are not necessary to justify the proposal. The preliminary matters covered in this section, have informed the following main issue as the remaining matter in dispute between the main parties.

Main Issue

8. The main issue is the effects of the proposed development on biodiversity.

Reasons

9. The government's planning practice guidance sets out which planning permissions are in scope and which are exempt from Biodiversity Net Gain (BNG). The appellant applied for an exemption on the application form on the basis that the proposed development would not impact a priority habitat and would impact less than 25 square metres (5m by 5m) of on-site habitat or 5 metres of on-site linear habitats such as hedgerows. There is no dispute that the proposed development would not impact a priority habitat.
10. However, the Council consider that there has been some degradation of the land since 30 January 2020 and any consideration of on-site habitat should be based on this date in accordance with Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act). In this regard, I have been presented with a series of aerial images and photos from different dates showing how the land has evolved. However, there is no scaled detailed analysis of these images to provide certainty either way.
11. There has been no expansion of the land edged red that was defined in the 2017 planning permission¹. However, from the aerial images there appears to have been vegetation removed along the Pennington Lane roadside, near where the dayroom is shown on the proposed plan, and there also appears to have been some loss of grass within the current application site after the 30 January 2020. I can not be certain, on the evidence before me, whether the extent of loss would be within the exemption threshold.
12. However, as set out the appeal is, in part retrospective, and thus is covered by s73A of the Act. Accordingly, the BNG requirement does not apply. Indeed, the

¹ Application reference: 2017/29852

statutory pre-commencement condition would be incapable of being discharged given that works have commenced. This does not mean that the impact of the proposed development on biodiversity should not be considered.

13. Whilst I cannot be certain, of the precise extent of degradation of the application site since 30 January 2020, based on the evidence before me it is likely to be a modest amount. Moreover, I saw that there has also been some recent planting within the application site. Considering the size of the site, there would also be scope for additional planting. As such, I am satisfied that enhancements to biodiversity could be secured through a condition attached to the consent were I minded to allow the appeal. This could be linked with a landscaping scheme as proposed by the Council when it sought not to defend its second reason for refusal. It would then be for the Council to consider the final scheme of enhancements as part of the discharge process.
14. To conclude on this main issue, the proposed development would not have a harmful effect on biodiversity. As such, it would accord with the requirements of Policy DC4 of the Local Plan and the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that the Council will work with partners to protect, conserve, and restore biodiversity, secure a measurable net gain for biodiversity and enhance public access to nature across the Plan area.

Other Matters

15. I have had regard to all the other matters raised by local interested parties, including highway safety, the capacity of schools and works undertaken at the site. However, the access is an established access point, and I have no substantive evidence of any history of accidents or safety issues from its use. Moreover, no objection has been raised by the Council or statutory consultees in this regard. As such I am satisfied that the increased use from the proposed development would not lead to an unacceptable impact on highway safety.
16. There is no substantive evidence to indicate that local services, such as schools, are under pressure to the extent that they cannot sustain the proposal. Other works undertaken on site, beyond the scope of those sought for approval as part of this appeal, are not matters for my consideration. Whilst works on the proposed development before me have commenced, I have found that the proposal would accord with the policies of the development plan as a whole and national policy. In this regard despite the weight to be afforded to any intentional unauthorised development as a material consideration, it would not tip the balance against the grant of planning permission.

Conditions

17. I have adapted the Council's suggested conditions where necessary and in the interests of precision, brevity, the retrospective nature of the scheme and to reflect my findings in the main issue. As the scheme is in part retrospective, I have not included the standard time limit condition. I have, however, imposed a condition (1) specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. I have included a condition which restricts the occupation to Gypsies and Travellers (2) so as to ensure that the appeal sites meet the long-term needs of the gypsy and traveller community.

18. A scheme of landscaping and biodiversity enhancements as part of a Site Development Scheme (SDS) (3) is necessary in the interests of the visual amenity of the area and the aims of the Local Plan and national policy to provide enhancements to biodiversity. The appellant has provided a copy of a similar condition for a SDS where a three-month period was given for its submission. I consider this timeframe to be reasonable, and in line with the example provided, I have ensured it can be enforced against if the required details are not submitted for approval within the three month period, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with the approved timetable of implementation.
19. Whilst noting the detailed specifications laid out in the Council's suggested conditions in relation to BNG, I do not find it necessary to be as prescriptive given my findings in the main issue in relation to the statutory BNG regime. In this regard, it is a matter for the Council to decide whether the Site Development Scheme submitted to discharge the condition is acceptable.
20. The land edged red (the appeal site defined in the Site Location Plan, drawing number 1) and plans in the appeal scheme also show and include the land containing the existing caravans previously approved as part of the application reference: 2017/29852. As such, I have also carried over conditions from this earlier permission where relevant and necessary to the land edged red in the appeal site location plan. These include restricting the total number of caravans (4), restrictions on commercial activities and associated vehicles (5, and 6). These are necessary in the interests of certainty to define the permission to that applied for and in the interests of the amenity of occupiers of nearby residential properties.

Conclusion

21. The proposal would accord with the development plan when read as a whole and I find there to be no material considerations, that would indicate that the decision should be taken other than in accordance with that plan.
22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan, drawing number 1; Existing and Proposed Site Plans, drawing number 2; and Proposed Site Plan and Day Room Detail, drawing number 3.
- 2) The development shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision the following details (hereafter referred to as the site development scheme) shall have been submitted to and approved in writing by the local planning authority:
 - Proposed tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities and details of existing tree, hedge and shrub planting to be retained and any other means of enclosure;
 - Biodiversity enhancement measures;
 - A schedule of maintenance; and
 - A timetable for the implementation of the Site Development Scheme.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

The approved site development scheme shall thereafter be maintained in accordance with the approved schedule of maintenance. Any trees or other plants which within a period of 5 years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) No more than five caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the land (edged red in the Site Location Plan, drawing number 1) at any time.
- 5) No more than three commercial vehicles shall be kept on the land (edged red in the Site Location Plan, drawing number 1) for use by the occupiers of the caravans on the land, and such vehicles shall not exceed 3.5 tonnes in weight.
- 6) No commercial activities shall take place on the land (edged red in the Site Location Plan, drawing number 1), including the storage of materials.

End of Schedule