
Appeal Decision

Site visit made on 23 March 2015

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 June 2015

Appeal Ref: APP/M0655/A/14/2227516
25 Burford Lane, Lymm, Cheshire WA13 0SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by PH Property (DCI) LLP against the decision of Warrington Borough Council.
 - The application Ref 2014/23568, dated 2 April 2014, was refused by notice dated 1 July 2014.
 - The development proposed is demolition of existing disused buildings and structures being retail garden centre and erection of ten 5-bedroomed homes and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised access plan¹ was submitted during the course of the planning application and considered by the Council in making its decision. I have dealt with the appeal on the same basis.
3. The Council's decision notice refers to policy GRN1 of the Warrington Unitary Development Plan 2006 (UDP) as well as to policy SRN1 of the post submission Warrington Local Plan Core Strategy (WLPCS). The WLPCS was adopted in July 2014, superseding UDP policy GRN1. Following a High Court challenge, the WLPCS was partially quashed in February 2015, although policy SRN1 remains unaffected. I have had regard to the comments made by both the appellant and the Council on this matter.

Main Issues

4. There is no doubt that the site is in the Green Belt, and therefore the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan and national planning policy relating to Green Belts; and

¹ Plan ref SCP/1329/SK06-B dated 17 June 2014.

- if the proposal represents inappropriate development in the Green Belt, whether the 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 necessary to justify it.

Reasons

5. The appeal relates to the site of a former garden centre and retail business which comprises an area (1.12 hectares) occupied by a derelict two-storey house and numerous other disused sheds, gazebos and other structures constructed of various materials including brick, concrete blocks, timber, glass and plastic along with associated areas of hardstanding; a pond surrounded by mature trees to the south (0.3 hectares); and an area of grassland to the north (0.65 hectares).
6. The site is located outside the boundary of the washed over Green Belt village of Broomedge as defined in the UDP. To the north is a detached house and commercial kennels and cattery; to the west open farmland; to the south west an agricultural field beyond which is a row of detached dwellings along Higher Lane; to the south east detached dwellings and other buildings along Burford Lane; and to the north east a horticultural business.
7. The proposal would entail the replacement of all of the buildings and structures on the site with ten detached two-storey houses arranged around a cul de sac off Burford Lane. The parts of the site comprising the pond and trees and the field to the north would both be landscaped and provided as public open space. Additional landscaping would also be carried out around the cul de sac of houses reinforcing existing trees and hedgerows to be retained, and to create a new area of woodland on the western part of the site.
8. A completed planning obligation was submitted at the appeal stage. This would ensure appropriate arrangements for the maintenance and management of the on-site open space which is an integral part of the proposal; that no residential development takes place on those areas; and a financial contribution of £90,000 to provide three off-site affordable homes in accordance with WLPCS policy SN2. I am satisfied that these provisions comply with the necessary legal tests referred to in paragraph 204 of the National Planning Policy Framework ("NPPF"). Accordingly, I will take the planning obligation into account in making my decision.

Whether the Development would be Inappropriate in the Green Belt

9. WLPCS policy SRN1 states that within the Green Belt, outside any of the Borough's defined settlements, new housing will only be approved where the proposal accords with relevant national policy. The NPPF makes it clear that development in the Green Belt is inappropriate other than for a number of defined purposes, one of which is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development².

² NPPF paragraph 89, 6th bullet point.

10. Some of the existing buildings and structures on the site cannot reasonably be regarded as being anything more than temporary, and parts of the site are currently undeveloped. However, the proposed road, houses, and private gardens would be located on the areas currently occupied by buildings, structures and hardstandings, whereas the adjoining pond, woodland and field would be landscaped and provided as areas of open space. On balance, therefore, I am satisfied that the proposal would represent the redevelopment of a previously developed site. This issue therefore hinges on the effect that the scheme would have on the openness of the Green Belt and on the purposes of including land within it compared to the existing development.

Openness

11. Openness is an essential characteristic of Green Belts³ and depends mainly on the amount of development in the area. As this part of the Green Belt includes the settlement of Broomedge and surrounding buildings along and off Burford Lane and Higher Lane, it is clearly less open than the surrounding countryside between Lymm, High Legh and Altrincham. However, the NPPF makes no distinction between the importance of openness in different parts of the Green Belt, and to my mind the key determinant here, as elsewhere, is whether the proposal would materially increase the amount of built development on the site.
12. The appellant advises that the proposal would lead to a reduction in the total footprint of built development from around 2,160m² to 1,550m²; a reduction in the total area covered by buildings, structures and hardstanding from 1.12 hectares to 0.41 hectares; and an increase in the total amount of greenspace from 0.93 hectares to 1.64 hectares.
13. However, many of the existing buildings and structures are single-storey, whereas they would be replaced by substantial two-storey houses. The Council estimates that the total volume of built development on the site is currently 6,196m³, whereas the proposal would lead to a total of 9,304m³, an increase of around 50%. This has not been challenged by the appellant⁴, and to my mind represents a substantial increase in the amount of built development on the site.
14. I am advised that the former garden centre use involved the parking of numerous vehicles, which no doubt included lorries and vans as well as cars and coaches, on the site. This would also have affected the openness of the area as is illustrated on aerial photographs provided by the appellant⁵. However, I note that the use of the field within the appeal site to the north of the developed area as an overspill car park was the subject of enforcement action and an unsuccessful appeal in 2001⁶. It seems, therefore, that vehicle parking connected to the garden centre could legitimately only take place on the existing hardstandings around the buildings and structures; this would limit the effect on the openness of the area.

³ NPPF paragraph 79.

⁴ The appellant estimates the total volume of the existing buildings and structures to be 5,551m³ but has provided no figure for the total volume of the proposed buildings.

⁵ Planning Support Statement (Gateley) Appendix 3.

⁶ Appeal ref APP/M0655/C/00/1054119, dismissed 8 May 2001.

15. Even allowing for the smaller footprint of buildings, and the significant reduction in the number of vehicles that would be parked on the site if the appeal were to be allowed, the substantial increase in the overall volume of built development, and the greater height of the houses compared to most of the existing buildings and structures, mean that the proposal would lead to a significant reduction in the openness of the site. This in turn would further reduce the openness of this part of the Green Belt which is already affected by the existing buildings in and around Broomedge. The quality of the development and landscaping, and the fact that the houses would not be prominent in the wider landscape due to existing and proposed trees and hedgerows, would not alter this fact.

Purposes of Including Land in the Green Belt

16. The appellant's evidence indicates that the proposal would be unlikely to generate any significant adverse landscape or visual effects⁷. Furthermore, the derelict buildings and structures, many of which are of poor quality temporary materials and garish colours, would be replaced by buildings whose design is inspired by Lymm Hall and the Arts and Crafts tradition in a well landscaped setting⁸.
17. The scale and layout of the residential cul de sac would be similar to others in Broomedge village close to its historic core around the cross roads. However, the site is located some distance from those other small residential estates amongst a scattering of mainly detached dwellings and other buildings to the north of the village boundary as defined in the UDP. The geographical definition of settlements for planning purposes can be a somewhat subjective exercise, and the appellant has suggested an alternative boundary, which the appeal site lies within, based on the "perceived extent of the village".
18. However, the local planning authority has responsibility for establishing such boundaries through the statutory development plan process. No change to the definition of the village is included in the recently-adopted WLPCS. The appellant's more widely drawn boundary encompasses the sporadic, mainly low density linear development and rural business uses extending further into the countryside from the crossroads along Higher Lane and Burford Lane. The construction of a new residential cul de sac would introduce a new form of development in this location physically and visually separate from the existing main built up part of the village; this is clearly indicated on the appellant's "existing aerial" and "proposed aerial" photographs⁹.
19. The former garden centre business, which appears to have grown significantly in the latter part of the 20th century and become a busy commercial enterprise before its demise a few years ago, may have been something of an anomaly in this particular rural location. It is inevitable that if the appeal were to be dismissed, the owners would wish to find an alternative viable use for the site. Whilst the Council has confirmed that a garden centre use on part of the site is lawful, it is not clear exactly what form or scale any such resumed use would take given the poor condition and temporary nature of many of the buildings and structures and the lack of any worked up scheme that benefits from

⁷ Landscape and Visual Appraisal (Barnes Walker Ltd).

⁸ Design and Access Statement (DAS) (Gateley, Dave Gowan Design Ltd and Barnes Walker Limited).

⁹ DAS page 19.

planning permission. At present, whilst many of the buildings and structures are unsightly, the limited height and low key nature of many limit their adverse impact, and the fact that many are essentially temporary may mean that they will not remain in place in the long term.

20. On the other hand, the proposal would introduce ten substantial new houses and an associated residential estate road and gardens that would be likely to remain for as long as can be foreseen. Whilst the proposed landscaping scheme would, over time, reduce the visual impact by screening the houses they would be at least partially seen for a number of years, and potentially on a permanent basis during winter months when deciduous trees would be without leaf, from the public footpath to the north west of the site, and from certain parts of Burford Lane and Higher Lane and the rear of properties on those roads. The new housing estate would be outside the settlement boundary defined in the UDP and quite separate from the main part of the village. Irrespective of the fact that it would be on a previously developed site and largely screened by existing and proposed landscaping, it would, therefore, represent a permanent encroachment of residential development into the countryside.

Conclusion on Whether the Proposal Would Represent Inappropriate Development

21. I have found that the proposal would significantly reduce the openness of the area, and represent an encroachment of residential development into the countryside. I therefore conclude on this issue that the proposal would represent inappropriate development for the purposes of national and development plan policy which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances¹⁰.

Other Considerations

22. The proposal would include a financial contribution towards the provision of off-site affordable housing, and create ten new family homes. This would bring social and economic benefits by helping to meet the need for additional housing, the increased delivery of which is clearly an important objective of national planning policy. In light of the recent High Court decision to quash the housing requirement figure in the WLPCS, the appellant considers that the contribution of windfall sites is even more vital. However, national guidance is clear that unmet housing need is unlikely to constitute very special circumstances justifying inappropriate development on a site in the Green Belt¹¹. Given the relatively limited scale of the proposal, I attach moderate weight to the social and economic benefits.
23. There are, however, also other considerations to take into account.
24. The site is within easy walking distance of the shop, post office, public house and bus stops in the village. A wider range of job opportunities, shops, schools and other services are around two kilometres away in Lymm and also somewhat further away in Altrincham and Warrington. Whilst future residents

¹⁰ NPPF paragraph 87.

¹¹ Planning Practice Guidance ID-3-034-20141006.

- would be likely to make most journeys to and from their homes by private car the site is in a reasonably accessible location for a rural area.
25. The proposal would entail the removal of unsightly buildings, contamination, tipping and made ground from the site, and lead to additional landscaping, biodiversity enhancement, and public access to open space. These would clearly represent environmental benefits to which I attach moderate weight.
26. I have already considered the potential fall back position and found that it is unclear what the scale and nature of any resumed commercial use on the site would be. In any case, I have been provided with no substantive evidence to suggest that the previous garden centre and retail use caused particular problems for nearby residents, on the local road network, or affected the vitality of nearby town centres. I note that the Council advises that it would welcome the resumption of some sort of commercial use as this would be beneficial to the local economy. Overall, I attach minimal weight to any net benefits that would arise from ensuring that a commercial use of the site does not resume.
27. It is certainly true that new housing can occasionally be allowed in the Green Belt, and it is possible that very special circumstance can exist to justify such development even if there would be a reduction of openness and an encroachment into the countryside. It is also the case that the planning system should do everything that it can to support sustainable development. I have been referred to a number of other decisions made by the Council and on appeal that illustrate these points¹². However, whilst there is a need for a consistent approach to be taken, each case has to be considered on its own merits. This necessarily entails carefully assessing and weighing harm and benefits which of course vary depending on a wide range of factors including the physical characteristics of any given site and its surroundings, the nature of the proposal, the particular need for new homes in the area, and the prevailing national and local planning policy framework.

Overall Assessment

28. I have found that the proposal would materially harm the openness of the area, undermine one of the purposes of including land in the Green Belt, and represent inappropriate development in the Green Belt. This would cause harm to the Green Belt, to which I attach substantial weight.
29. On the other hand, there would be moderate economic and social benefits arising from the provision of ten houses in a reasonably accessible location and the financial contribution towards off site affordable homes. There would also be some environmental benefits to which I attach moderate weight. Finally, there may be some minimal net benefits from ensuring the permanent cessation of a commercial and retail use in an otherwise quiet rural location close to residential properties.
30. On balance, I do not consider that the cumulative effect of these benefits would clearly outweigh the substantial harm that would be caused to the

¹² Redevelopment of the Hermit Inn, Warrington granted planning permission in May 2012; development at HMS Gosling in Lady Lane, Croft granted planning permission; appeal decision relating to M&S Discount Store, Glazebury, Warrington; appeal decision relating to land at Newmarket Lane, Rothwell, Wakefield; and appeal decision relating to Seafeld Lane, Boeley.

Green Belt. Therefore very special circumstances to justify the proposal do not exist¹³.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

Richborough Estates

¹³ NPPF paragraph 88.