



# Appeal Decision

Site visit made on 29 June 2022

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 July 2022**

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**Appeal Ref: APP/M0655/W/22/3290806**

**1 New Farm Barns, Spark Hall Close, Stretton, Warrington WA4 4NU**

- 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 Mr & Mrs Renshaw against the decision of Warrington Borough Council.
  - The application Ref 2021/38592, dated 28 January 2021, was refused by notice dated 24 August 2021.
  - The development proposed is single 2 storey dwelling, garage and associated landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issues

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

## Reasons

### *Inappropriate Development*

3. The appeal site is located within the Green Belt. Paragraph 149 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. Policies CS1 and CS5 of the Warrington Local Plan Core Strategy (LPCS) 2014 give priority to the protection of the Green Belt and support new development in the Green Belt where they accord with the Framework.
5. An agricultural barn previously occupied the appeal site however, it is no longer present. Consequently, the proposed dwelling cannot be considered to be a replacement building. Even if it were, it would not be in the same use, a

prerequisite of paragraph 149d of the Framework. Furthermore, as the appeal site is located outside of the settlement boundary for Stretton, the proposal would not constitute limited infilling in villages under paragraph 149e of the Framework.

6. The definition of previously developed land contained within Annex 2 of the Framework, specifically excludes land that is or was last occupied by agricultural buildings and land that was previously developed, but where the remains of the permanent or fixed surface structure have blended into the landscape. However, it can include residential gardens where they are not in built up areas, as directed in the *Dartford Borough Council v The Secretary of State for Communities and Local Government and Ors* [2017] EWCA Civ 141 judgement.
7. The appellants statutory declaration does little more than describe the various buildings that made up the former New Farm steading and their ownership, including the now removed barn. It does not substantiate the claim that the appeal site is curtilage to 1 New Farm Barns or is in use as a residential garden.
8. I observed that the curtilage of No 1 is the land closely associated with the dwelling, namely that to the side and rear where there is a patio, manicured lawn and ornamental planting. In contrast, the appeal site is visually and physically detached from the curtilage of No 1, appearing as a separate parcel of land beyond the garage block and a boundary fence to the south. With the exception of a small outbuilding, the appeal site is undeveloped consisting of grass and laid gravel, with fences and hedgerows to the boundaries. Whilst the land may be within the appellants' ownership, it does not follow that it is curtilage or in use as residential garden. Neither does the mowing of grass, nor parking or storage of a boat indicate this use. I do not therefore consider that the land constitutes previously developed land as defined within the Framework. This finding is based upon the evidence before me and in no way prejudices any future application to establish the lawful use of the appeal site.
9. Even if I were to conclude that the site was previously developed, the erection of a building where one does not exist, would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it. It would not therefore meet the exception for previously developed land under paragraph 149g of the Framework.
10. Consequently, the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework and would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also conflict with the aims of policies CS1 and CS5 of the LPCS (2014).

### *Openness*

11. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect. This principle was established in *Turner v Secretary of State for Communities and Local Government and East Dorset Council* [2016] EWCA Civ 466. However, the circumstances of that judgement differ from those before me, in that the Turner case involved the replacement of a mobile home and vehicle

storage yard with a new dwelling. I find nothing that would lead me to take another view on openness from the cases referred to on the Local Government Lawyer website.

12. The previous existence of a barn on the appeal site, has no bearing on the consideration of openness in this case, given it no longer exists. The construction of a substantial 2-storey dwelling along with the erection of a double garage, would result in built development where there is presently none. Public views of the site would be obtained from Spark Hall Close in the gap between The Croft and New Farm and at a medium distance across open fields from the A49. The scale and mass of the proposed dwelling would therefore impact on the spatial and visual dimensions of the site, and inevitably lead to a significant loss of openness.
13. Therefore, I find conflict with Policies CS1 and CS5 of the LPCS which aim to protect Green Belt land and keep it permanently open or largely undeveloped. I also find conflict with paragraph 138 of the Framework, given openness is an essential characteristic of Green Belts and one of its purposes is to safeguard the countryside from encroachment.

#### *Character and Appearance*

14. Despite the variety in appearance of the surrounding dwellings at The Croft, New Farm and New Farm Barns, the design of the proposed development would not sit comfortably amongst the existing built context. The use of render on the porch and at first floor level on the front elevation would contrast sharply with the predominant use of brick on surrounding dwellings. Where render is found on New Farm and New Farm Barns, it is in the form of mock tudor features, rather than in large unbroken blocks. Likewise, the hipped roof would be out of context given the predominance of gabled roofs. The hip to the modern garage blocks being an anomaly, that is not reflective of the main roofscapes of surrounding dwellings. Such features would combine to present a suburban development, incompatible with the countryside setting of the appeal site.
15. The proposed dwelling would be sizeable, with a footprint that would be both wider and deeper than either the adjacent former barn range or modern detached garage block. Whilst lower in height than New Farm, it would be taller than the New Farm Barns range, resulting in visual harm from an overbearing and incongruous form of development.
16. I am referred to examples of recent housing constructed on Stretton Road and London Road (A49) which I observed formed either part of ribbon development along distributor roads, or the development of a larger site as a housing estate. The contexts are different to the appeal site. Furthermore, I have no evidence before me as to the circumstances of these housing developments including whether they are located within the Green Belt, and the development plan context that they were permitted under. Irrespective of this, the existence of other suburban housing within the wider locality does not justify development that fails to take account of its specific surroundings.
17. Consequently, I conclude that the proposal would materially harm the character and appearance of the area. As a result, it would fail to comply with Policy QE7 of the LPCS (2014) which seeks amongst other things, that new

development enhances the character and appearance of the local area and harmonises with the scale, proportions and materials of adjacent buildings.

### *Other Considerations*

18. The Warrington Updated Proposed Submission Version Local Plan (UPSVLP) 2021 has recently been submitted to the Planning Inspectorate for examination. The emerging plan proposes the removal of the appeal site from the Green Belt and inclusion as part of a larger residential allocation known as the South East Warrington Urban Extension. I acknowledge that the Arup 2017 Green Belt Review identifies the area around the appeal site as having a weak contribution to the Green Belt. The emerging plan has also been through 2 revisions and 3 periods of consultation with the site consistently removed from the Green Belt.
19. However, the removal of land from the Green Belt is difficult and controversial, with evidence required to justify exceptional circumstances. The Council advise that there have been significant objections to the urban extension. I cannot be certain that the UPSVLP will be adopted in its current form, including the proposed revisions to the Green Belt boundary. Consequently, limited weight should be attached to the emerging policies at this relatively early stage of examination. Based on the evidence before me, the appeal site remains in the Green Belt and the policies within the LPCS (2014) take precedence, along with those of the Framework.
20. The consideration of exceptional circumstances for the review of Green Belt boundaries as part of local plan preparation, is different to the approach within the Framework for assessing individual proposals affecting the Green Belt, where very special circumstances need to be demonstrated.
21. The proposed dwelling would be within walking distance of local shops, services and public transport. It would be a self-build dwelling that would contribute towards meeting the Council's housing requirements. It would also be constructed with environmentally friendly measures. However, the benefit of 1 new home in those respects would inevitably be modest. Compliance with minimum separation distances, a lack of harm to the living conditions of neighbouring occupiers and the existence of electricity and other utilities are to be expected from all developments, and so are neutral factors that weigh neither for, nor against, allowing the proposal.

### **Planning Balance and Conclusion**

22. The Council has not disputed the appellant's claim that they are unable to demonstrate a 5 year deliverable housing land supply. If this were to be the case, I would be taken to paragraph 11 of the Framework and consider the most important policies out of date. I should then grant planning permission unless, having regard to the specific circumstances of this case, the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed.
23. As explained above, the proposed dwelling would give rise to harm to the Green Belt that would not be clearly outweighed to the point that very special circumstances exist. Referring to footnote 7 of paragraph 11, this is one such policy that, when applied, provides a clear reason for refusing the development

proposed. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

24. The proposed dwelling would be inappropriate development in the Green Belt resulting in a significant loss of openness and harm to the character and appearance of the area. The Framework establishes that 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 are clearly outweighed by other considerations.
25. Given substantial weight to be given to Green Belt harm combined with the other identified harm, the harm is not clearly outweighed by the other considerations. Consequently, the very special circumstances to justify inappropriate development in the Green Belt do not exist, and I conclude that the appeal should be dismissed.

*M Clowes*

INSPECTOR