To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards

B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

18 January 2012

Development Management Committee
Thursday, 26 January 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Jennie Cordwell, Democratic Services Assistant – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: jcordwell@warrington.gov.uk

A G E N D A

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item 1. Apologies for Absence

To record any apologies received.
<table>
<thead>
<tr>
<th>Item</th>
<th>Code of Conduct - Declarations of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Item</th>
<th>Minutes</th>
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<tbody>
<tr>
<td>3</td>
<td>To confirm the minutes of the meeting held on 5 January 2012 as correct records.</td>
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<table>
<thead>
<tr>
<th>Item</th>
<th>Planning Applications (Main Plans List)</th>
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<tr>
<td>4</td>
<td>Report of the Executive Director of Environment and Regeneration Services.</td>
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<tr>
<th>Item</th>
<th>Results of Planning and Enforcement Appeals</th>
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<tr>
<td>5</td>
<td>Report of the Executive Director of Environment and Regeneration Services.</td>
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<thead>
<tr>
<th>Item</th>
<th>Address</th>
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<tbody>
<tr>
<td>5.1</td>
<td>Apple Jacks Farm, Stretton Road, Appleton</td>
</tr>
<tr>
<td>5.2</td>
<td>Brookside Farm, Lady Lane, Croft</td>
</tr>
<tr>
<td>5.3</td>
<td>32 West Avenue, Stockton Heath</td>
</tr>
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<td>5.4</td>
<td>8 Ellesmere Road, Culcheth</td>
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<td>10 Smithy Brow, Croft</td>
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<td>5.7</td>
<td>18 Falconers Green, Kingswood</td>
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<tr>
<td>5.8</td>
<td>Farm Cottage, Cliff Lane, Grappenhall and Thelwall</td>
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</table>
Part 2

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

NIL

If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington.
Agenda Item 3

DEVELOPMENT MANAGEMENT COMMITTEE

5 JANUARY 2012

Present: Councillor T McCarthy (Chair)
Councillors D Earl, G Friend, L Hoyle,
S Parish (Substituted for G Settle),
F Rashid and J Richards

DM44 Apologies for Absence

Apologies for absence were received from Councillors B Axcell, B Barr,
T Higgins, C Jordan, L Ladbury and G Settle.

DM45 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
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<tbody>
<tr>
<td>S Parish</td>
<td>DM48</td>
<td>Councillor Parish had a colleague that had objected to the application</td>
<td>Councillor Parish left his seat and took no part in the application discussion or the decision making process</td>
</tr>
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DM46 Minutes

Resolved,

That the minutes of the meeting held on 8 December 2011 were agreed as a correct record and signed by the Chair.

DM47 Planning Applications

Resolved,

That -

1. pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed and entered into the Planning Register;

DM48 2011/18815 – Land at the junction of Stocks Lane and Warrington Road, Penketh, Warrington - Proposed new commercial building containing three units with both A1 and A2 use classes
The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval. Representations were heard against the officer recommendation.

Resolved,

That planning application 2011/18815 be approved as recommended

DM49 2011/18861 – 3/9 Chetham Court, Warrington, WA2 8RF – Proposed change of use of Units 3-9, Chetham Court to create 6 new units, including a coffee shop (A3/A5 Use) and 5 A3/A4 Use units, the reconfiguration and creation of associated car parking and the re-cladding of the building to improve its appearance

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval.

Representations were heard in favour of the officer recommendation.

Resolved,

That planning application 2011/18861 be approved subject to updated conditions, a section 106 agreement obligation and the referral to the Secretary of State

Signed…………………………

Dated ………………………
### DEVELOPMENT MANAGEMENT COMMITTEE

#### Thursday 26th January 2012

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<th>Item</th>
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<th>App Location/Description</th>
<th>Recommendation</th>
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<td>1</td>
<td>2</td>
<td>2011/18728</td>
<td>Land To The North Of Hall Lane, Stretton, Warrington, WA4 4NY</td>
<td>Approve</td>
</tr>
</tbody>
</table>

- Proposed change of use land to form showmen's family quarters including siting of caravans, amendments to existing access, additional fencing, gates and landscaping.
Application Number: 2011/18728

Location: Land To The North Of Hall Lane, Stretton, Warrington, WA4 4NY

Ward: Hatton, Stretton And Walton

Development: Proposed change of use land to form showmen's family quarters including siting of caravans, amendments to existing access, additional fencing, gates and landscaping.

Applicant: Mrs G Camm and Mrs D Seldon

RECOMMENDATION: Approve subject to conditions

Conditions:

1. Approval for a temporary period of three years
2. Use to be discontinued within 3 years of this permission
3. Approved plans & drawings
4. Residential occupation by the applicant families only
5. Two residential plots only
6. Details of hardsurfacing to be agreed
7. External lighting to be agreed
8. No use as a fairground
9. No equipment over 4.5 metres high without prior consent
10. No generators on site
11. Open storage in defined areas only
12. Any maintenance; 0800-1800 Mon to Fri; 0800-1300 Sats; not all all on public holidays
13. No testing/use of public address etc system (s)
14. No equipment etc on site unless owned by applicant
15. Screen fencing along western boundary
16. No existing trees too be topped, lopped or felled without consent
17. Landscaping to be agreed
18. Landscaping to be implemented
19. Tree protection during construction
20. Access to be widened prior to first use
21. Parking/turning areas to be provided/retained
22. Noise limit at boundary
23. Means of foul/surface water drainage to be agreed
24. Land remediation
25. Details of acoustic fence to be agreed

Standard Time limit - full 3 years
Description

The Applicants

- The application is made by “Travelling Showpeople” – members of the Showmen’s Guild of Great Britain – whose particular lifestyle, working and locational needs are recognised in Circular 04/2007 “Travelling Showpeople”
- Travelling Showpeople are a distinct group – which are distinguished from Gypsies and other travellers in national planning policy and guidance, and in other forms of legislation
- In this case, the applicant family consists of two sisters and their respective husbands and children (7 persons in total). Both households currently stay at a showmen’s site in Hyde – which is now no longer available to them.
- The applicants have been searching for an alternative site for a number of years, without success. The applicants own the application site – and have stated they will not occupy the site without first getting planning permission

Proposed Occupation and Use of the Site

- This is a full application for a mix of uses – including a permanent residential use – as part of a base for Travelling Showpeople
- One of the two married couples - the Camms - operate a number of amusement arcades in the Northwest region. During the working season, Mr Camm would primarily be away (off site) to operate and manage his amusement complex in North Wales while Mrs Camm would remain in Stretton to allow their son to benefit from a continuous education. Mrs Camm and their son would travel to North Wales each weekend and during all of the main school holidays to help out. Out of season, the family would live at Stretton and Mr Camm would travel to and from his arcade businesses in the North West region on a daily basis
- The application is made solely for the benefit of two named married couples, with three children between them (ie 7 persons in total) and proposes the following to be stationed/stored on the site:
  - one 13.7m by 6m chalet
  - one 14m by 7.3m chalet
  - three 7m by 2.4m caravan annexes
  - one children’s ride – 5.4m long
  - one box draw bar trailer (arcade) – 9.1m long
  - one 7.5 ton box body lorry – 6m long
  - one 16.5 ton box body lorry – 7.6m long
  - two “sprinter” vans
  - three cars
- Only the arcade trailer and 16.5 ton lorry would be parked in the open – all other rides and vehicles would be parked inside the two existing permanent buildings on the site
- The site is fully serviced with utility supplies. A septic tank would be used for foul drainage
The two “permanent” buildings on the site would be retained and used to store vehicles.

Other temporary – “portacabin” style - buildings on site would be removed.

It is not proposed to extend development or use beyond the previously-developed area of the site.

No new permanent buildings or additional hardstand is proposed.

The applicants do not operate any fairground rides/equipment larger/higher than that listed above. On-site maintenance would be very limited – as most routine maintenance is conducted by specialist companies off-site.

A 2 metre high acoustic fence is proposed along the northern boundary of the site – the northern portion of the former Roots and Shoots site thereby becoming physically separate.

A new and improved access from Hall Lane – located slightly further away from Northwich Road than the existing is proposed.

In terms of site occupancy levels and patterns, the two chalets will remain on the site throughout the year. The two touring annexes for Mr and Mrs Seldon’s two boys will typically leave the site during the working season (March to November) to attend fairs and events as a family both in and around Warrington and beyond, returning to the site only between events, or cancellations because of bad weather etc. In this regard, the application site is located within the Seldon Family’s travelling catchment within the Northwest region.

Mr Camm would spend the great majority of his working time during the showmen’s working season attending to his 4 arcade centres (1 in North Wales, 3 in the northwest). The application site is 30 minutes closer to all premises than from his existing site at Hyde. Most weekends during the season and during school holidays, Mrs Camm and their son Douglas will join Mr Camm in Talybont, North Wales to help out with part of the family business located there. During the week, Mrs Camm will remain on the application site to enable Douglas to benefit from continuous education at this existing school in Stockport.

The other part of the applicant family (ie 4 persons) - Mrs D Seldon and family - have no ties whatsoever to North Wales – their trading operations focus solely on travelling to and attending fairs, galas and event within the Northwest of England.

During the winter months (outside the travelling season) both the Camms and the Seldons will stay permanently on the application site. Mr Camm will continue to travel to his 3 arcade businesses in the northwest (he does not attend the premises in North Wales out of season), taking his son to school in Stockport on his way each morning.
### Location

- A vacant 0.48 ha previously developed site in green belt comprising approximately the southern half of a larger site used previously as part of the “Roots and Shoots” nursery/landscape contracting business
- The northern part of the former Roots and Shoots site is not proposed to be affected by the proposed change of use
- Some permanent and temporary buildings used previously by Roots and Shoot, together with extensive hardstanding, currently remain on site
- The existing buildings on the site are barely visible from outside the site, through the existing peripheral vegetation
- The site has an approx 50 metre frontage with Northwich Road (A559) to the east and of approx 90 metres with Hall Lane to the south
- The remainder of the Roots and Shoots site forms the northern boundary – with part of the road traffic island for junction 10 of the M56 beyond that
- There are residential properties to the east, west and south – including the grade II* listed Stretton Hall
- Access to the existing site is from Hall Lane – this is proposed to be widened and moved slightly further from its junction with Northwich Road

### Relevant History

Planning permission for the temporary change of use of land and buildings from storage to operation of landscape contractors business in connection with ongoing nursery business was granted in October 1984 (84/16470) – and this was renewed for a further temporary period in October 1986 (86/19062).

Full permission for the use of land and buildings for operation of landscape contractors premises in association with ongoing nursery business was granted in January 1989 (88/22760).

A Certificate of Lawfulness for the use of whole site for storage (B8) associated to a landscape contractors business was refused in October 2007. A Certificate of Lawfulness for the use of the southern part of the site for storage (B8) associated to a landscape contractors business (in breach of conditions 2 & 3 of 88/22760 for more than ten years) was refused in June 2008 (2008/12797).

### Main Issues and Constraints

Principle (Green Belt; Need for the Use; Housing Land Supply)
The “fall-back” position
Highway matters
Impact on nearby living conditions
Setting of Listed Building (Stretton Hall)
Nature Conservation matters
Trees/landscaping
**Key policy/guidance checklist**

- PPS1 – Delivering Sustainable Development
- PPG2 – Green Belts
- PPG13 – Transport

**North West Plan Partial Review (July 2009)**

DCLG Circ 04/2007 “Planning for Travelling Showpeople”

**Supplementary Planning Guidance/Documents:**

Managing the Housing Supply

**Adopted Warrington UDP policies:-**

<table>
<thead>
<tr>
<th>GRN2; DCS15; HOU1; HOU2;</th>
<th>Principle (Green Belt; Need for the Use; Housing Land Supply)</th>
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<tr>
<td></td>
<td>It is noted that the total floorspace of existing buildings on the site amounts to approx 413 sq m – the total proposed floorspace is approx 505 sq m. The proposed development and use of the site is acknowledged to be “inappropriate” by definition in green belt – so “very special circumstances” are needed to outweigh harm by way of inappropriateness – and any other harm which may be shown. Due to planting around the periphery of the site, overall it is considered that harm to the openness of green belt - by way of inappropriateness – is limited. It is – nonetheless – necessary to consider what very special circumstances might exist to outweigh this limited harm – together with any other harm – which might occur. Very special circumstances do not necessarily have to be rare or unique – but compelling arguments should be made as to why a site in green belt – rather than a non-green belt site – should be used to meet known unmet need. Two sets of very special circumstances have been put forward by the applicant – and they are partly inter-connected arguments – Need and the Lack of Availability of Alternative Sites.</td>
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**Need**

The North West Plan Partial Review (July 2009), in policy L7 is clear that Councils should work to achieve the levels of provision required by 2016 as soon as possible – through either the planning application or LDF plan-making processes.

The most recent Gypsy and Traveller Accommodation Assessment (2007) concluded that there is a need for an additional 10 plots for Travelling Showpeople within the Borough up to 2016. No Development Plan site allocations have yet been made – and so this identified need currently remains unmet.

It is acknowledged in Circular advice and elsewhere that Showpeople are usually unable to compete financially for land which has development value within existing settlements – and that this often forces a search in areas outside settlements and for sites which tend to have green belt and/or other constraints. The applicant’s describe their long search for alternative sites – below – as “exhaustive” and this is reflected in their efforts across 11 local authority areas, 85 agents practicing in the Northwest and discussion with the former North West Regional Development Agency.
It is also material to consider need on a “need where it is seen to arise” basis, in terms of the particular needs of individual groups of Travelling Showpeople – based on their own circumstances. In this case, it is accepted that the applicants no longer have a legal entitlement to remain at their existing base in Hyde which is – in any event – known to be overcrowded, with no room at all for any additional caravans or equipment. Consequently, there is no room for Mr & Mrs Seldon’s boys to remain on site in their own annex accommodation.

It is considered that there is a compelling need to accommodate Travelling Showpeople in the Borough at this time – and that the need as demonstrated amounts to one strand of the applicant’s case for very special circumstances.

Availability of Alternative Sites
The applicants have sought to show that the site proposed in Stretton is the only one in their “area of search” which is suitable – in terms of Circ 04/2007 and available to them – in terms of ownership/control. As required by Circular 04/2007 advice, the applicant’s area of search extends across those authority areas from which it would be practical for them to travel to/from the various fairs and permanent amusement arcades which they operate. Currently, Mr Camm travels to Talybont and to his other amusement arcades in the north west during the working season whilst Mrs Camm remains on site at Hyde, to allow their son Douglas to remain at school in Stockport continuously. As set out elsewhere in this report, accommodation of the type and scale now proposed – which also includes provision for out-of-season equipment/vehicle storage – is not available either at Hyde or at Talybont.

In addition to searches via the other local authorities, agents etc referred to above – the WBC Planning Policy unit has been approached by the applicant’s agent on occasions over several years (on behalf not only of the current applicant – but on behalf of other groups of locally operating Showpeople also) enquiring as to the availability of any land which might be suitable for use as now proposed. No suitable or available site has been forthcoming as a result of these enquiries. The Council itself has endeavoured to find a suitable and available site in their, or public, ownership but this progress has not yet resulted in success. The Council is aware from experience that several Travelling Showpeople within the Borough have also genuinely, extensively and independently searched for land in private ownership – but this too has so far proved unsuccessful.

Unlike the Camms, whilst Mrs D Seldon and family have no ties whatsoever to North Wales – their trading operations are known to focus on travelling to/from and attending fairs, galas and events within the Northwest of England, so that the site at Stretton would also be suitable as a base to service their area of search. According to Circular advice, an approach such as this – which considers the practicalities of servicing the main areas of likely work from a single, residential base – is correct and appropriate.

Together with the case for need – set out above, it is considered that the applicant’s search for an alternative site are - in combination - capable of amounting to very special circumstances which outweigh harm to green belt – by reason of
“inappropriateness” alone. Whether any other harm – which might result from the proposal is also outweighed by these factors – is considered below. (Detailed Policy advice on matters discussed so far is set out in Appendix 1 below.)

<table>
<thead>
<tr>
<th>The “fall-back” position</th>
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| The Council has previously refused - in June 2008 - to accept that the Lawful Use of this part of the former Roots and Shoots site was for storage (B8) associated with a landscape contractors business (2008/12797). It is accepted however that the site has been used for a landscape contractors operation in association with an older plant nursery business – all of which was granted planning permission in 1989 (88/22760) – and so is Lawful in that regard. The use of the site in accordance with the 88/22760 consent appears therefore to be the “fall-back” position. Significant weight should only be attached to the prospect of the resumption of that former use – as the “fall-back” – if there is a high likelihood that this use would re-occur should permission now be refused for the current proposal for the showpeople’s base. Overall, some weight should be attached to the likelihood that – if permission is now refused – a landscaper’s business may Lawfully resume on the site – if it were disposed of. Some weight should also be attached to the likelihood that this – or another commercial use - might be more intensive – and possibly more disruptive – than the previous use by “Roots & Shoots”.

<table>
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<th>Highway matters</th>
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| There are bus stops – in each direction – near to the site – with routes to a range of facilities. Access to the M56 is approx 200m away – which would prevent lengthy trips by large vehicles along unsuitable roads. Subject to condition, there is no objection on accessibility or Highways grounds (Appendix 2 below).

<table>
<thead>
<tr>
<th>Impact on nearby living conditions</th>
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| A strength of the site is that it is relatively self-contained - visually and functionally. It is acknowledged that in order to locate Showperson’s bases in locations which are sustainable – for example which are within easy reach by public transport of local facilities – they will inevitably be located near to existing housing. Due to the nature of possible noise from the site; the fact that the site would itself primarily comprise residential use; and the distances to the nearest dwellings outside the side – it is considered that serious harm to nearby living conditions would not occur. Nonetheless, a noise impact assessment has been submitted and assessed with the conclusion that noise from the site would be compatible with the existing environment. Subject to condition – to restrict noise levels measured at the site boundaries – there is no objection on noise grounds from the Council’s Environmental Protection section.

The applicants do not operate any large items of fairground rides and equipment – on-site maintenance would be very limited – as most routine maintenance is conducted by specialist companies off-site. Use of an improved access on Hall Lane - near to the junction with Northwich Road -would prevent the need for vehicles accessing the site to pass through a highly-populated, extensive residential area. Even if the site was in the midst of residential suburbs, it is not expected that vehicular trips to and from the site would be seriously harmful to nearby living conditions.

As visibility of equipment, accommodation units etc on the site would be very limited, it is not considered that the use would result in a change in character and/or appearance which would be seriously harmful to the site’s wider setting. In this context, the
| **Setting of Listed Building (Stretton Hall)** | Although the nearest part of the application site is only separated from the edge of the grounds to Stretton Hall by the width of Hall Lane (ie approx 3.5 metres), it is considered that given the physical separation – by the lane itself and by boundary planting – and the clearly functional differences between the curtilage and grounds of Stretton Hall and the application site (which have prevailed historically), that the proposal would not seriously affect the setting of the Hall. The Stretton Hall building itself is approx 80m from the nearest edge of the application site. For these reasons, it is also concluded that no other application – for development which may affect the setting of a listed building - is needed in this instance. By reason of the limited visual impact of the proposed development, it would not be likely to have a greater impact on the character/appearance of the wider setting of the listed building – than did the Roots & Shoots operation. |
| **Nature Conservation matters** | The applicant has commissioned an Ecological and Bat Survey – the conclusions of which are not disputed by the Council’s Natural Environment Officer – Appendix 3 below. |
| **Trees/Landscaping** | The applicant has commissioned an Arboricultural Survey, which has been reviewed by the Council’s Tree Officer. There is no objection on these grounds – subject to conditions to protect all trees hedges which are shown for retention and that the opportunity is taken to strengthen and manage the site’s peripheral planting. |

**Comment:**
- “Very special circumstances” do not have to be “unusual” or “rare” – but must be compelling – and show that any harm to green belt is clearly outweighed
- National Planning advice and appeal case-law is very clear that matters of need and the availability of alternative sites are the main consideration that can amount to very special circumstances
- Members should attach weight – as they see fit – to each element of the case for very special circumstances which have been put forward by the applicant
- A strength of the site is that it is relatively self-contained, visually and functionally. Such “segregation” might prevent the successful social integration of the Showpeople within the surrounding community – but, on balance, probably no more so than if the site were used for “mainstream” residential development - occupied by non-Showpeople

**Responses to consultation**
(Full details on file)

**Planning Policy**
No objection – Appendix 1 below.
Highways
No objection subject to conditions – Appendix 2 below.

Environmental Protection
No objection subject to conditions.

Nature Conservation
No objection subject to condition – Appendix 3 below.

Environment Agency
To be verbally reported.

Responses to Notification (Full details on file)
David Mowat MP – Objects –
1. Inaccuracy of the definition ‘Travelling Show People.’
The definition of Travelling Showmen is in the DCLG Circular Planning for Travelling Show People:- Show people are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs.
Family one, The Seldons claim to operate fairground equipment at fairs and shows and travel across the country.
Family two, The Camms, claim to operate fairground equipment at fairs and shows and travel across the country. They also appear to operate fixed site amusement arcades in Wales and across the North West. In reference to a permanent site in situated in Talybont, Mr Camm has submitted an application dated 18 April 2011 for a Lawful Development Certificate for a Showmen’s Family Quarters to the Snowdonia National Park Authority. In this application, Mr Camm refers to himself as a locally operating Travelling Showmen working at the Sands Leisure Complex in Talybont. This site commenced use as a Travelling Showmens’ Family Quarters in March 1994 and has been in use for a continued period or ten years. In response to this point raised by Cllr Kennedy in his objection, the agent acting on behalf of the applicants responded that this application was submitted not on behalf of Mr Camm but his mother and brother. For what reason was this application not submitted in their names rather than in the name of Mr Camm ? Although this particular application has not yet been approved, by Snowdonia National Park, I request that WBC further investigates the large area which the Sands Leisure Complex encompasses. Specifically, I require further details about the amount of accommodation currently provided for the Travelling Showmen community on this site as well, both legal and illegal, as the capacity and use of land for storing equipment and vehicles. I also would like to request further information about the size and location of Mr Camm’s other businesses.

With reference to information provided by the Sand Leisure Centre Website. wc.sandlesleisurecomplex.co.uk the family entertainment centre operated by the Camms ‘is one of the biggest on the North Wales coast’, The permanence of the site is furthermore indicated by the operating hours cited as ‘11am till 10pm during off peak season and 9am till 11pm during school holidays.’
In response to Cllr Kennedy’s submission of objection to the proposed site, the agent states that Mr Camm plans to spend most of his time attending to this arcade as well as the various others he has situated across the North West and Wales. It would appear that Mr Camm’s full time employment is not as a Travelling Showmen, but as a self employed man who spends the most part of his time attending to his various businesses rather than fairs. Do the guidelines stipulate how much time a Travelling Showman needs to spend travelling to and attending fairs in order to qualify as such or does membership of the Showmens’ Guild constitute adequate proof? On this particular point, I request a breakdown of both families’ annual itinerary and details of the location and dates of the fairs that they attend as self employed Travelling Showmen.

Whilst I recognise that the traditional pattern of Showpeople’s travelling is changing and that the community has generally become more settled, in light of the above points I would urge WBC to strongly reconsider the families’ claim to ‘lack of any ..alternative’. I also further request for WBC to further investigate the reasons why the families now need to vacate their premises In Hyde as I do not feel that this matter has been adequately answered.

In summary, I contest that although clearly Showpeople the aforementioned evidence of a permanent site would suggest that the Camm family is not a travelling one. The families have access to a permanent site that is not situated on Greenbelt where they can reside, store and maintain both vehicles and equipment as necessary. Therefore, as only one family can be considered as ‘Travelling Showpeople’ and the strength of this application under ‘very special circumstances’ is considerably weakened. On this point, I would like to add that the Seldon family was not listed on the original application of 24th August 2011. I urge WBC to consider this application in the same way as any other business operating through multiple sites.

2. Failure to Consult with the WBC Planning Department
Under DCLG Circular 04/2007, Travelling Showpeople are required to contact the local planning authority for advice and guidance before purchasing the land upon which the intend to submit an application. Prior to the purchase of the site, neither family did so. Had the applicants consulted with the WBC, they would have been referred to the brownfield site in Woolston that has been specifically earmarked for such a proposal and which is not situated in green belt. With respect to local Planning Guidelines, several local residents with both local connections and interests in the area have enquired about the site. These residents have been advised by WBC that it is green belt and that any applications submitted would be unlikely to succeed. Should the applicants have consulted with WBC they would have been supplied with the same information. Instead, they chose to make a speculative purchase of the site disregarding all respect to local planning guidelines and precedent in the process.

Again, I do not believe the agent’s response to the above point adequately responds to this point. Had the applicants enquired they would have been notified of the existence of suitable sites that were not situated on in green
belt. I request further information about the site search that the families are purported to have done prior to the purchase of this site. I therefore urge WBC to consider this application in line with the consistency that has been applied to all other planning enquires and applications made in regard to this site, as well as to other sites, as to how it determines residential planning applications in Green Belt areas.

3. Existence of Adequate Sites in the Warrington and Cheshire Area
I do not believe that this application merits approval in this green belt area as long as adequate provision for the Traveller, Gypsy and Travelling Showmen communities exists in the Warrington and Cheshire area. The application is on the cusp of both a parliamentary and council boundary and I believe that when considering adequate provision within the borough this should be taken into consideration.

Although I fully understand and respect the rights and requirements of Travelling Showpeople to have access to suitable sites for both residence and storage, I strongly oppose the planning application on the above grounds.

Parish Council
Object
• **Change of Use:** The Land was for many years used for the operation of a landscape contractors premises in association with the ongoing nursery business and the Parish Council is aware that in 2007 and 2008 a Lawful Development Certificate for B8 (storage use) was rejected. In addition to the fundamental change of use to include residential accommodation, the nature of the applicants business will also involve a significant change of use to storage.

• **Availability of Other Sites:** Question why the applicants are no longer entitled to reside at their current quarters in Hyde given that they have resided there for over 40 years. Also believe that applicants also spend a considerable time located in permanent accommodation near to their business in Talybont. The Parish Council believes that this application is based primarily upon the convenience of reduced commuting time for the applicants rather than on a genuine need for accommodation.

• **Failure to consult with Planning Officers:** Under Annex E of Circular 04/2007, travelling show people are advised to contact the Local Planning Authority for advice and guidance before purchasing land upon which they intend to submit an application. The advice clearly states that permission for development in such (Green belt) areas is subject to stricter control and the likelihood of getting planning permission for any development is much lower. Neither the applicants nor their advisors, sought to contact WBC for advice on this application. Had this advice been sought then presumably the applicants would have received the same advice as that given to other local business people who have approached the Borough Council regarding the potential development of this land i.e. that Green belt status must be preserved. Instead the applicants appear to have embarked upon a speculative purchase of the site at a considerably
reduced price, in anticipation that the special circumstances applying to travelling show people will allow them to embark upon the type of development that would not be allowed to anyone else. In the view of the Parish Council this approach is wholly unfair.

- **Proximity to Grade II* Listed Building and Issues pertaining to GRN1:** At no point has consideration been given to the fact that the proposed development is within a few metres of Stretton Hall, which is a Grade II* Listed building. It is not even noted on the plans. The Unitary Development Plan states that: “the Council will permit the development or redevelopment of land adjoining or in the vicinity of a Listed building only where it is clear from the proposals that they will not give rise to physical damage, visual intrusion or other adverse effects on the Listed building or its wider setting. In further support of this issue, whilst the widening of Hall Lane to allow access for the proposed vehicles may be possible, this change fundamentally alters the character of this single track country lane and entry route to the aforementioned Listed building, as well as other properties. It is also in a highly visible position within the centre of the village. The Planning Department have maintained the stance for many years that the land, which is within the Green Belt, would not be classed as appropriate for residential use as the circumstances in GRN1 are not met. The Parish Council would maintain that this application is in direct conflict with this policy.

- **Future Plans**
  The current application covers only part of the site acquired by the applicants. Using the guidelines issued by the Showmens Guild of Great Britain, and assuming that the area of the whole site is slightly over 2 acres, this land would be suitable for up to 20 plots/pitches. If this application is approved the Parish Council would be very concerned that other applications would then be submitted to extend the occupancy up to the capacity available. Such escalated development would not respect the scale of, and would dominate, the nearest settled community.

- **Summary**
  Stretton Parish Council understands the rights of travelling show people to have suitable accommodation for their personal and business needs. The Parish Council also appreciates that Warrington Borough Council has accepted an obligation to provide 10 additional plots for show people by 2016 and it is very disappointing to note that in the 4 years since this obligation was identified the Borough Council has not pro-actively sought to find more suitable sites to meet this commitment.

**Comment:**
- It is acknowledged that the proposal entails the material change of use of land
- The applicant’s have lost their entitlement to reside at the Hyde site, following the demise of their father
- The recent application for a Lawful Development Certificate (which was only partly approved) was not for the benefit of any of the applicants at Stretton
- Whilst pre-application discussion with the Council is strongly encouraged by Circular advice, its absence is not a valid ground to refuse planning permission
Although the nearest part of the application site is only separated from the edge of the grounds to Stretton Hall by the width of Hall Lane (ie approx 3.5 metres), it is considered that given the physical separation – by the lane itself and by boundary planting – and the clearly functional differences between the cartilage and grounds of Stretton Hall and the application site (which have prevailed historically), that the proposal would not affect the setting of the Hall

This application should be determined strictly in accordance with the proposals which are submitted at this time. If there are sound reasons to refuse permission for further use/development at some point in the future – then that will be a matter for decision at that future time

Cllr P Kennedy

Objects;

The applicants have submitted a very detailed application - very much appreciate the detail that has been provided

The land has never been used for residential purposes, and in 2008 a Lawful Development Certificate application (2008/12797) for storage – use class B8 was rejected. Since the demise of the Roots & Shoots business, informal approaches have been made to WBC, to ascertain if the land could be used for residential purposes. Such use, because of its location within the Green Belt, was deemed to be inappropriate development as it would not meet the very special circumstances as given in policy GRN1. In considering my response to this application, I have also fully considered the Local Government Circular 04/2007: Planning for Travelling Showpeople, and the detailed guidance therein

WBC needs to have a consistent approach as to how it determines residential planning applications in the Green Belt - this application should not be treated as having very special circumstances, as required by Green Belt policy GRN1, when compared to those which have previously been rejected

In support of my objection, I firstly cite the recent application (2011/18487) by a lifelong Warrington resident and local farmer, Mr John Cross, to build a small three bedroom bungalow on his farm to accommodate himself separately, his Wife who has been diagnosed with Multiple System Atrophy (a progressive illness resulting in increased loss of mobility) and an overnight carer. This application was rejected by Warrington Borough Council for the following reasons:

The proposed development would cause harm to green belt by reason of inappropriateness and by way of a permanent loss of openness and these adverse impacts are not considered to be outweighed by any very special circumstances. The proposal would, therefore, be in conflict with policy GRN1 of the adopted Warrington UDP. The proposed development would add unnecessarily to the surplus of available housing land in the Borough in conflict with policies HOU1 and HOU2 of the adopted Warrington UDP and the approved Supplementary Planning Document “Managing the Housing Supply”. As the application by Mrs Camm – 2011/18728, is for greater residential use and also has a commercial element, and overall it actually has substantially less merit than that submitted by Mr Cross, I
would respectfully ask WBC to agree with me, and reject the application for the same reasons

• Not aware that the applicant or her family have local connections here in Warrington, which is sometimes deemed to be a very special circumstance, in applications such as these. Indeed from the application dated 18 April 2011 (copy attached), for a Lawful Development Certificate for a Showmen’s Family Quarters to the Snowdonia National Park Authority, the applicant, Mr Dion Camm, Mrs Camm’s Husband, is stated to be a locally operating Travelling Showman, working as Mr Camm and his family do at the Sands Leisure Complex in Talybont, Gwynned, which is well in excess of 90 miles from Stretton.

• Reference is made in the application to the family no longer having any legal entitlement to reside at the Showmen’s site at Hyde, Greater Manchester, after the death of Mrs Camm’s father. The implication being that an alternative Showmen’s Family Quarters is now required. However I would point out that that such a need would not be a very special circumstance for allowing this application, as that need is clearly met elsewhere, given that in the previously mentioned application to the Snowdonia National Park Authority, it states that Mr Dion Camm, together with his Wife and Son reside in Sands Cottage at the Sands Leisure Complex in Talybont, Gwynned, and that a site (next to Sands Cottage) commenced use as a Showmen’s Family Quarters for the Camm family in March 1994, and has been continuous for a period in excess of 10 years and consequently is now established. It would also be entirely reasonable to assume that not only does the site provide residential accommodation for the Camm Family, but also storage and parking for their Showmen’s Commercial Vehicles and Equipment

• Proposal clearly does not meet the criteria for the very special circumstances for permitting development in the Green Belt

Comment:
• It is acknowledged that the proposal entails a material change of use of land; is inappropriate in green belt – and requires very special circumstances to justify it – as would other forms of residential and commercial development here

• No very special circumstances were held to exist for the proposal for a three bedroom bungalow for Mr Cross – to which Cllr Kennedy refers. Green belt policy applies equally to both cases – with very special circumstances needing to be shown in each

• Circular 04/2007 advice is clear that local connection to Warrington is a material consideration, but that planning permission should not be refused solely because there may be no “local connection”. In this case, however, there is such a local connection. One of the applicant’s husbands – Michael Sheldon - has attended fairs in and around the Warrington area (Warrington Walking Day; Victoria Park; Orford Park; Sankey; Penketh; Burtonwood and Earlstown) for over 40 years - originally with his parents and their equipment - as a small child - right up until the present day with his own equipment. In addition, both Deborah Seldon and Gail Camm also attended fairs within the Warrington area with ‘Silcock’s Fairs’ as children with their parents. When
Deborah got married to Michael, she then attended the same fairs with her husband, as she continues to do so today. Mr and Mrs Seldon’s two sons also work in the family business and similarly attend fairs in the Warrington area - as well as those further afield.

- The application for a Lawful Development Certificate (LDC) to retain existing accommodation in Talybont was made by the applicant’s husband on behalf of his younger brother and mother-in-law – ie NOT for the applicants at Stretton
- The issue of the LDC has not removed the applicant’s need for a new Showpeople’s base, as proposed
- The site at Talybont does not provide storage and parking for the Showmen’s commercial vehicles and equipment, and so would not meet the Camm’s accommodation needs in this way either
- The Camms operate a number of amusement arcades in the Northwest region. During the working season, Mr Camm would primarily be away from the site proposed at Stretton to operate and manage his amusement complex in North Wales - while Mrs Camm would remain in Stretton to allow their son to benefit from a continuous education. Mrs Camm and their son would travel to North Wales each weekend and during all of the main school holidays to help out. Out of season, the family would live at Stretton and Mr Camm would travel to and from his arcade businesses in the Northwest region on a daily basis
- Availability of alternative sites is also a material consideration. In this case whether very special circumstances exist – which outweigh the harm to green belt by reason of inappropriateness and any other harm which might be identified – is a matter for Members to determine

In excess of 105 letters from individuals:
- change to character/security of village;
- site would become a caravan park; number of caravans etc will increase over time;
- the sale of my house fell through because the buyer found out about this proposal;
- traffic impact; noise; pollution; impact on wildlife; pedestrian safety;
- poor access, increased congestion
- noise and disturbance; equipment maintenance; vehicle movements not restricted to normal working hours;
- other traveller sites available in local area – more provision at this site would be dis-proportionate;
- harm to openness and character of green belt;
- green belt policy has always been applied to the village – until now;
- no very special circumstances exist;
- no pre-application with WBC Planning Dept;
- proposal removes possibility of an appropriate use at the site;
- one of the applicant’s has two other residential sites – Hyde and Talybont;
- local doctors are already overloaded;
- nearest schools and shops are on the other site of the M56;
- bus service is limited – finishes early evening & does not run on Sundays;
- unclear why a 2 metre acoustic fence is needed;
- plenty of brownfield sites are available elsewhere; semi-industrial or derelict land in central Warrington or at Stretton Airfield;
- there is a trend of small garden centres setting up – then applying for houses;
- precedent; village residents in large houses with large gardens will put caravans/chalets on them to house family members because house prices are so high;
- if applicants were law-abiding, employed, council tax paying persons – they
would not be allowed to build or live on green belt – one rule for us and
another for travellers;
- applicants have no local connections;
- separate accommodation for one 12 year old and two teenagers does not
inspire confidence for behaviour control;
- site not allocated for this use;
- conflict with UDP policies GRN1; 2; 3; 6; REP1; DCS15 and BH3;
- listed Stretton Hall and gardens have been left off map in planning
application;
- applicants want to leave their current site due to a family feud;
- don’t need a Warrington base – Stockport would be better as nearer to
school for applicant’s son;
- applicants would gain huge financial enrichment if planning permission is
given;
- other proposals, by local businesses for commercial and residential use of
the site, were rejected by WBC Planning at pre-application stage;
- proposal has less merit than recently refused scheme for one bungalow by
Mr J Cross in Grappenhall;
- applicants businesses are outside normal commuting distance from Lower
Stretton;
- no benefit to local community;
- not in keeping with character of semi rural farming hamlet; would not
harmonise with other dwellings;
- nuisance factor;
- conflict with policy H19;
- applications were refused for Roots & Shoots, so surely permission should
be refused again now;
- WBC should look after my very special circumstances; my husband needs to
move house for health reasons – but we can’t sell our house because of this
proposal;
- caravans etc would be an eyesore;
- harm to listed building;
- clear potential for expansion and intensification;
- if approved, risk that use would spread to adjoining land to north;
- unreasonable favouritism to showpeople;
- harm to trees and shrubs;
- site would be first impression of Warrington on this gateway site;
- if applicants can afford private schooling – why can’t they buy a home and
land closer to their son’s school;
- over-development & loss of privacy;
- inadequate drainage;
- approval would oblige WBC to monitor use and development of site;
- approval would leave space for more pitches to locate here later.

Objections made on behalf of Stretton Residents Group by Emery Planning
Partnership:
Summary:
- dubious whether applicants fall within definition of “Travelling Showpeople” –
y they are managers of fixed amusement arcades
- unlike use by Roots & Shoots, proposed use would cause noise and disturbance outside normal working hours
- national government intends to tighten Travelling Showpeople policy to ensure that it is not easier for one group of people to obtain planning permission in green belt than another
- RSS implies that Warrington can meet its development needs outside of green belt
- draft RSS Partial Review states site selection should be made via the LDF process
- UDP policy DCS15 states that sites for Travelling Showpeople should not be permitted in green belt
- no operational need to locate here
- insufficient information to confirm that there is a lack of alternative sites within the applicant’s area of search
- insufficient very special circumstances to outweigh harm to green belt
- appeals against similar refusals of planning permission at 162 Manchester Road, Astley, Wigan and at land off Park Farm Road, north of Lodge Farm, Upminster have been dismissed
- highway safety; larger vehicles
- noise impact from applicant’s vehicles has not been considered in submitted report
- impact on setting of Stretton Hall has not been fully assessed

Comment

- There is considered to be no doubt that both applicant families class as Travelling Showpeople insofar as the definition given in Circ 04/2007 is concerned – and this is re-inforsed by the view of the Showmen’s Guild of Great Britain who state that both applicant families are “bona fide” Showpeople
- Policy DC15 has been superceded by criteria in Circ 04/2007 – there is no outright prohibition of the proposed use in green belt
- The application sets out detailed information on operation need; alternative sites and the area of search
- Appeal decisions at Manchester Road, Astley, Wigan and in Upminster differ from the current proposal is significant regards; Members are well-versed in the need to determine each application on its own merits
- A Heritage Statement – which includes and assessment of impact on Stretton Hall was submitted in November 2011

The Applicant’s “Area of Search” (AoS)

- Detailed information – including maps showing all of the local authority (LA) areas contacted during the applicant’s site search - has been provided
- Details of the estate agents within each LA were also contacted
- AoS defined by need for the site to be mutually convenient for both applicant families
- Location of all fixed arcades and fairs operated/attended by both applicant families taken into account (this necessarily ruled some LA areas out over others)
- Those LA areas where only part of their extent were considered suitable in locational terms, were also included in the AoS
- The search process highlighted what sort of sites would be preferable – ie previously developed land within the built up area – but also made it clear that “anything and everything would be considered”
- Details of 18 other potential sites identified by this search process have been provided – none of which could be secured on grounds either of cost or on other grounds of suitability/availability
• A second search was carried out for the applicant in August 2011 after the purchase of the application site (as the search exercise is part of an on-going process)

• A map showing both the “fixed” and “likely/other” locations of all arcades and attractions attended by the applicants – together with a list of fairs attended – has been provided. It is clear from the distribution of these locations, that Stretton would be geographically well positioned to serve the intended catchment

• The “Talybont site”
• The recent application for a Lawful Development Certificate (which was only partly approved) was not for the benefit of any of the applicants at Stretton
• In any event, the business at Talybont is seasonal, and is closed at the end of the holiday season. Even if available to the applicants, a regular commute to the applicant’s fixed arcades - which are operational throughout the year – would be untenable

• Unlike Mr & Mrs Camm, Mr & Mrs Seldon do not operate in north Wales and have no connection to the site at Talybont

• At Talybont, there is no base as is now proposed at Stretton – there is a leisure complex, a manager’s bungalow and two static caravans (one of which is still unauthorised) with no permission to store any showmen’s lorries, rides or other associated equipment

• Both Mr & Mrs Camm and Mr & Mrs Seldon live at “the Hyde site” as they have done for several decades. They pay their Council tax there and they are on the electoral register there. Had Talybont been a viable solution, this would not have been the case

• The “Hyde site”
• The applicants do not have long term security of tenure here – following the demise of Mrs Camm and Mrs Seldon’s father
• In any event, the Hyde site is overcrowded – and there is not sufficient space for the families’ current and future accommodation needs

• This has led to the two families to seek a permanent solution for themselves

Conclusions and reasons for recommendation/decision

The proposed development and use of the site is acknowledged to be “inappropriate” by definition in green belt – so “very special circumstances” are needed to clearly outweigh harm by way of inappropriateness – and any other harm which may be shown. Due to the “brownfield” nature of the site and the substantial existing planting around the periphery of the site - overall it is considered that harm to the openness of green belt - by way of the inappropriateness – is limited.

Detailed information has been submitted by the applicants with regard to the distribution of the sites they need to visit as part of their working lifestyle; with regard to how they have conducted a longstanding search for a site which would meet their needs and with regard to the lack of availability of alternative sites. It is acknowledged that there is currently no Development Plan provision for a suitable site, either in Warrington - or in any of the other local authority areas which have been subject to the search process. It is acknowledged also that there is a known unmet need for accommodation for Showpeople, as reflected in the detailed Policy advice on this matter (Appendix 1 below).
It is acknowledged that the proposal would cause some reduction of the openness of green belt – and that there would therefore be some harm to green belt by way of “inappropriateness”. It is concluded however that very special circumstances exist which outweigh this limited harm. On this basis, it is recommended that permission is granted for a three year temporary period. Such a time-limited consent may allow time for the local planning authority to identify a suitable and deliverable alternative permanent site through the process of the Local Development Framework [in accordance with policy L7 North West Plan Partial Review (July 2009) and DCLG Circ 04/2007 “Planning for Travelling Showpeople”. Once a suitable and deliverable alternative permanent site has been identified and is confirmed as available for occupation, the very special circumstances which have justified the proposed use at this site would no longer apply - and so would no longer override Green Belt policy. In this way, the grant of consent for a temporary period would accord with PPG2 and with policy GRN1 of the adopted Warrington UDP – in that the long term objective of policies which seek to protect the Green Belt from inappropriate development would not be undermined.

It is considered that very special circumstances exist which clearly outweigh the limited harm to the green belt in this case. The need for the proposed use and the lack of alternative sites are accepted. Overall, the proposed use is considered to be compliant with the objectives and criteria in Circular 04/2007 “Travelling Showpeople”; with policy L7 of the North West Plan Partial Review (July 2009) and with policies HOU1; HOU2; GRN1; GRN2; GRN3; LUT20; HOU7; GRN22; REP10; DCS7 and DCS15 of the adopted Warrington UDP.
Appendix 1 – Advice from WBC Planning Policy

<table>
<thead>
<tr>
<th>Need for Travelling Showpeople Accommodation within the Borough:</th>
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<tbody>
<tr>
<td>Please find below comments on the above proposal from a planning policy perspective. I have grouped comments around what I consider to be the key issues central to the determination of this proposal as follows:</td>
</tr>
<tr>
<td>- Need for Travelling Showpeople Accommodation within the Borough;</td>
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<tr>
<td>- Delivery of alternative Travelling Showpeople Accommodation;</td>
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<tr>
<td>- Conformity with the approved Development Plan;</td>
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<tr>
<td>- Consideration of very special circumstances; and</td>
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<tr>
<td>- Emerging National Planning Policy Framework.</td>
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<tr>
<td>My comments culminate with a summary of conclusions.</td>
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<tr>
<td>At the outset it should be noted that, based on the information provided, I am satisfied that the applicants for the above proposal are bona-fide Travelling Showpeople in accordance with the definition provided by Circular 04/2007.</td>
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<tr>
<td>The Council has a legal obligation, based on the requirements of the 2004 Housing Act, to plan for the housing needs of the Travelling Showpeople community. This obligation involves firstly identifying the level and type of accommodation that this community requires within the Borough before subsequently acting to facilitate delivery.</td>
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<tr>
<td>The recognised way of assessing the accommodation needs of Travelling Showpeople is through a Gypsy and Traveller Accommodation Assessment (GTAA). Warrington undertook a GTAA¹ in 2007 on a joint basis along with the neighbouring Cheshire Authorities, Halton and St. Helens. This study concluded that there was a need in Warrington for an additional nine Travelling Showpeople plots prior to</td>
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| Delivery of alternative Travelling Showpeople Accommodation: | 2016. Circular 04/2007 makes clear at paragraph 21 that information from the local GTAA, or in Warrington’s case the sub-regional, should inform policies within the Regional Spatial Strategy (RSS) and that ultimately it is those policies within the RSS which “should identify the number of plots required (but not their location) for each local planning authority.”  

The adopted RSS for the Northwest did not address the requirements of Circular 04/2007 and hence a Partial Review of the strategy commenced in 2008 to remedy this. A draft policy, Policy L7, set out the proposed scale and distribution of Travelling Showpeople plot provision across the region and specifically identified the minimum additional plots required prior to 2016. Ten additional plots were identified as required within Warrington through this process.  

Draft Policy L7 was submitted to the Secretary of State in July 2009\(^2\) and was subsequently subject to an Examination in Public in March 2010. Throughout this process draft Policy L7 was supported by the Council on the grounds that the required level of provision within the Borough closely aligned with the level of need identified through the sub-regional GTAA.  

Owing to the proposed revocation of the RSS by the new Coalition Government when they came into power, the Panel Report for the Partial Review of the RSS was not formally issued, instead being published for information only. As such draft Policy L7 did not proceed to formal adoption and hence it does not constitute a statutory part of the Borough’s Development Plan. Nevertheless the EiP process to which draft Policy L7 was subjected to represents the most comprehensive and inclusive debate to date within the region regarding the scale and distribution of Travelling Showpeople plot provision to be planned for. With regards to the evidence informing policy development and the aforementioned debate, the Government have made clear that this constitutes a |
material consideration which in this case has evidently been afforded added weight by the Panel recommendations.

Whilst noting that the applicants currently reside elsewhere within the region, it must be recognised that in many instances this is a consequence of a historic failure to provide enough sites across a variety of locations and hence a failure to afford this community a genuine choice. A study prepared by the Showmen’s Guild in 2008 on travelling and operational base preferences\(^3\) demonstrates this latter point. In any event it should be noted that Circular 04/2007 makes clear that simply because the applicant is already housed does not constitute a valid reason to dismiss the need for additional sites.

**In conclusion it can not be disputed that the evidence makes clear there is a quantitative need to deliver an additional ten Travelling Showpeople plots within the Borough of Warrington prior to 2016.**

To date no provision has been delivered to help achieve the level of Travelling Showpeople accommodation identified as required through the process of the sub-regional GTAA and subsequent RSS. Furthermore no schemes for such accommodation are currently in the development pipeline within the Borough. The Council have sought to give consideration to the potential of land in their ownership which is proposed for disposal and in addition to this a number of Travelling Showpeople have been signposted to owners of land in private ownership who are known to be disposing of sites which appear suitable (although for clarity it should be noted that the Council did not however signpost the applicants or anyone to the owners or appointed agents of the site in question). It is therefore evident that despite efforts to date no alternative suitable sites have yet been forthcoming.

With regards to ensuring the delivery of future provision within the Borough, the Council intend to
Conformity with the approved Development Plan:

publish their draft Local Development Framework Core Strategy in October 2011. This strategy, which will constitute the heart of the new statutory Development Plan, will contain for the first time in the Borough’s history a definitive level of accommodation need (in plot numbers) for Travelling Showpeople to be planned for within the Borough up until 2027. Once adopted in autumn of 2012, the Core Strategy will constitute a catalyst for making genuine progress towards delivering accommodation for Travelling Showpeople, committing the Council to specific delivery targets and importantly the progression of site allocations to provide assurances that planning permissions will be forthcoming on specific sites.

Work on an allocations Development Plan Document is however unlikely to commence until late 2012 and will therefore unlikely be formally adopted as part of the statutory Development Plan until early 2014. Given these timescales, and given that these could be subject to slippage, it would appear inappropriate to currently dismiss the need to deliver a site on the grounds of prematurity.

**In conclusion the quantitative need for additional Travelling Showpeople plots within the Borough has not been off-set by the delivery of provision to date nor likely to be off-set in the immediate future by provision in the development pipeline.**

Assessment against the Development Plan Proposals Map identifies that the development site is located within the Green Belt. As such national planning policy in the form of PPG2 and local Development Plan Policy GRN1 ‘The Green Belt’ are pertinent in assessing the extent to which the principle of the proposal is acceptable form a planning policy perspective.

I concur with the applicant that the site is evidently previously developed in nature and that in principle those elements of the proposal which rely on the re-use of the existing buildings are clearly in keeping with the aforementioned national and local Green Belt policy approach and hence represent appropriate development.
Regarding the introduction of chalets, caravans and equipment on the site, it is evident that providing these elements are genuinely as mobile as alluded to in the applicant’s design and access statement (and are to remain so in perpetuity), that the remainder of the proposal relates to a material change in the use of the land as opposed to one which entails the erection of any new buildings.

Development Plan Policy GRN1 identifies that proposals for a material change of use of the land will be appropriate provided they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it.

With regards to openness it must be recognised that this proposal relates to the reuse of an established previously developed site which by virtue of its presence already impacts on the openness of the Green Belt in this locality. The extant planning consent for the site is not conditioned to require the reinstatement of the land to an open state on cessation of that use and as such the nature of the site as it stands today must be taken into account in any decision regarding its proposed future use. Whether or not the change of use element of this proposal is appropriate or not with regards to openness therefore logically depends on whether or not the proposed use would have a materially greater impact on the openness of the Green Belt than that which the site exerts at present or which it could exert through any legal and probable fall back position.

When and whether a material change in the use of land constitutes inappropriate development is a complex issue. A review of case law has established that there is no scientific or clear cut way to define how openness is assessed / measured. There is evidently some logic in the notion that openness should be to keep the land free from development and hence any increase in the footprint area or volume of structures built or kept on the land could be deemed to amount to reducing openness. I however instead concur with thinking set out in Development Control Practice that clearly any assessment as to whether ‘openness’ would be preserved or not is a
matter of judgement based upon the merits of each case, with the former notion being plainly too simplistic. In this case, where it is evident that the proposal is comprised of an activity which does not interfere with the actual physical characteristics of the land, I consider the governing factor here to be a comparison of the effects of the site on the openness of the wider setting arising from the previous and proposed future uses of the land.

Applying this logic, from a desktop based perspective, the proposed use does not appear that dissimilar in operational land requirements to the sites former and extant use. It is evident for example that the former use of the site was not solely confined to the permanent buildings and hence use was made of the land surrounding these buildings. In comparison I do not consider that the new proposal is materially different in ‘openness’ terms to the former use of the site because any reduction in openness is in my opinion de-minimis, particularly given that some elements of the proposal will actually be off-site for large parts of the year. It should also be noted that the proposal does not, owing to the mobile nature of accommodation to be introduced, include any changes which would prohibit the site easily reverting to its existing state in the event that use as a Travelling Showpersons quarters ceased. Furthermore it should also be recognised that as the LPA we would be entirely justified in controlling, through condition, the nature of any use of land surrounding the buildings to prevent any greater impact on openness.

Based on the aforementioned reasoning I do not consider that the proposal constitutes inappropriate development by way of reference to preserving openness and would highlight that this is a stance which paragraph 3.8 of PPG2, and specifically criteria (a) and (b), appears to support:

“The re-use of buildings inside a Green Belt is not inappropriate development providing:

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which
Consideration of Very Special Circumstances

might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);”

With regards to conflicting with the purposes of including land within the Green Belt, the proposal, primarily because it relates to the reuse of a previously developed site, would not appear to:

- lead to the unrestricted sprawl of large built up areas; or
- contribute to the merging of neighbouring towns; or
- result in encroachment into the countryside; or
- adversely affect the setting and character of any historic towns; or
- undermine urban regeneration efforts.

As such the principle of the proposal is also considered appropriate from this perspective.

In conclusion, and from a planning policy perspective, the principle of the re-use elements of the proposal represent appropriate development. The principle of the change of use of the land elements are also considered to represent appropriate development because it would appear that the proposal does not conflict with the purposes of including land within the Green Belt and because any reduction in the openness of the Green Belt would be de-minimis. As such there are no objections to the principle of the proposed development and the acceptability or otherwise of it should therefore be determined through a Development Management lead detailed site evaluation within the context provided by Development Plan Policies GRN6, DCS1 and DCS15.

It should be noted that because the development is considered, in principle at least, to constitute appropriate development, from a planning policy perspective the demonstration of very special circumstances are not considered necessary. In the
event that a site visit brings to light site specific issues or that as the Development Management officer you do not concur with my reasoning that the proposed development constitutes appropriate development within a Green Belt setting, PPG2 makes clear that very special circumstances would have to be demonstrated to justify any planning approval.

The applicant alleges that very special circumstances do exist, the thrust of which is that there is a quantitative need for Travelling Showpeople provision within the Borough and that there are not currently any alternative suitable and available sites in sequentially preferable locations. Case law makes clear that such circumstances are capable of amounting to very special circumstances and hence capable of justifying inappropriate development within a Green Belt setting.

It can not be disputed that there is a quantitative need for additional Travelling Showpeople accommodation within the Borough. No provision towards meeting this need has been delivered to date and there are no schemes currently in the pipeline to do so. Despite efforts to date no alternative sites have yet emerged as suitable and available.

Clearly any very special circumstances have to be weighted against the quantified resulting harm from allowing the proposed development to determine if a departure from the Development Plan would be warranted. This is a decision which however evidently rests with the Development Management officer. From a planning policy perspective it should be noted that recent appeals within the Borough have taken the stance that the aforementioned issues do constitute very special circumstances and furthermore that these were sufficient to justify planning approval. Any decision should therefore be mindful of this precedence.

Whilst the timescales associated with the Council’s plan-led approach to identifying sufficient land for Travelling Showpeople do not in my opinion justify a refusal on the grounds of prematurity, the timescales
Emerging National Planning Policy Framework (NPPF): are considered appropriate to ensure that if concluded as being ‘inappropriate’ development, a temporary consent would be justified. Through reference to the timetable for the preparation of a site allocations DPD set out earlier in this policy response, a temporary consent for a period of three years would be considered sufficient time for the Council to identify a specific and deliverable alternative site.

Despite being only a draft document at present, there are indications that the direction provided by the National Planning Policy Framework (July 2011) is being afforded consideration by the Planning Inspectorate and hence is capable of constituting a material consideration in the determination of planning proposals. If such a view is taken it is important to note that of specific interest to this proposal is the revised position as to what constitutes appropriate development within the Green Belt. Whilst the NPPF largely retains the approach advocated by PPG2 on this matter, it proposes at paragraph 144 to add to the list of circumstances which define when development will be deemed to be appropriate to include:

“limited infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

If the proposal was to be assessed within the context of the NPPF, it is apparent that providing the new use has no greater impact on the openness of the Green Belt than the existing situation, as appears to be the case, that the principle of the proposal would evidently be appropriate.

Also of relevance is the Government's recently published (April 2011) draft policy statement entitled ‘Planning for Travellers’. Intended to replace Circulars 01/06 and 04/07 the new statement is to be, once adopted, incorporated within the NPPF to
Conclusions and Recommendations:

- Provide a national and consistent steer on the planning process and development management aspects of planning for Travellers. The policy statement largely retains the approach currently advocated by the Circulars but does introduce a small number of new requirements.

- One new requirement of relevance is the notion that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites for Travellers (in the same way as required for conventional housing) then it should consider favourably applications for the grant of a temporary planning permission. If this proposal was to be assessed within the context of the NPPF inclusive of the planning for Travellers statement, then, based on being unable to demonstrate a five year supply of deliverable sites, the Council should at the very minimum consider favourably the grant of a temporary consent until such time as an alternative suitable site for permanent occupation can be identified.

- It can not be disputed that there is a quantitative need for additional Travelling Showpeople accommodation within the Borough of Warrington. There is currently a lack of suitable and available alternative sites with no provision currently in the development pipeline. Whilst the Council are acting to rectify this through the formal allocation of land through the statutory Development Plan process, these efforts are not considered to be sufficiently advanced enough to reasonably justify the refusal of this proposal on the grounds of prematurity.

- The site is within the Green Belt and as such PPG2 and local Development Plan Policy GRN1 are most pertinent in assessing the extent to which the principle of the proposal complies with the statutory Development Plan. The issue of greatest concern is whether or not the proposal is considered to constitute appropriate development within the context of a Green Belt setting.

Having assessed the proposal there can be little doubt that in principle the re-use elements represent appropriate development. It is also considered that in
principle the change of use of the land elements also constitute appropriate development because any reduction in the openness of the Green Belt appears to be de-minimis. There are not therefore any issues with the principle of the proposal and the acceptability or otherwise of it is therefore dependent on the outcomes of a Development Management lead detailed site evaluation within the context provided by Development Plan Policies GRN6, DCS1 and DCS15.

Setting the existing Development Plan aside it should also be noted that the concessions afforded by the emerging National Planning Policy Framework, particularly in relation to Green Belt policy, work in favour of the proposal.

In conclusion, and from a planning policy perspective, I consider that notwithstanding the applicant’s view the principle of the proposal is appropriate within a Green Belt setting. As such there are no objections from a planning policy perspective.

Appendix 2 – Comments from WBC Highways

| Proposed Access Arrangements | It is proposed to access the site via Hall Lane, a narrow adopted highway which runs between the A559 Northwich Road and the A49 Tarporley Road and is gated at its junction with the A49 Tarporley Road. Due to the existing width of Hall Lane, it is currently unsuitable to accommodate HGV's. To accommodate the vehicular traffic expected as a result of the development the applicant proposes to widen Hall Lane by introducing wider kerb radii and additional carriageway width for the first 30m of the access. The existing vehicular access to the site from Hall Lane would also be widened as a result of the proposals. The proposed access improvements are shown on |


Proposed Traffic Generation

drawing number NTT/634/001 P1.

Drawing number NTT/634/001 P1 also demonstrates that visibility splays of 2.4m x 70m can be provided at the widened junction of Hall Lane and the A559 Northwich Road. This is acceptable. In addition we can confirm that the land required for the widening of Hall Lane as shown on drawing number NTT/634/001 Rev P1 is adopted highway.

A swept path analysis has been provided by the applicant (drawing number NTT/634/001 (SP) Rev P1) in order to demonstrate that a close coupled drawbar vehicle measuring some 18.3m length can be accommodated at the proposed widened access of Hall Lane and the site access.

The swept path analysis provided by the applicant has been reviewed by the Council’s Highways Design section. This has confirmed that the proposed widening of Hall Lane and site access will be able to satisfactorily accommodate a 18.3m length vehicle, and that manoeuvring in and out of the site onto the A559 Northwich Road in both north and south directions can also be satisfactorily achieved.

The Transport Statement provided in support of the application identifies that access widening is required in order to allow access to the site for the following vehicles:

- Pick up truck;
- 4x4 jeep;
- 7.6m rigid body box lorry that pulls a 9.1m drawbar trailer – (total length 16.7m);
- Long wheelbase panel vans;
- Large touring caravans; and
- Trailers containing children’s rides (5.5m length)

In terms of traffic movements to and from the site, the Transport Statement states that the following traffic generation can be expected:

- Movement of the above vehicles at the start and end of the working season (Easter to Bonfire Night);
- Infrequent returns to site during the season; and
- Residential use of the site by one family throughout the year, and residential use by two
### Summary and Conclusions

families outside of the working season.

The Transport Statement also states that HGV movements are not expected to be during peak hours.

In terms of the previous traffic generation of the site associated with its use as a landscape contractors, it is understood that this involved approximately 6 vehicles attending / leaving site on a daily basis with at least 3 LGV / HGV deliveries to site per week. This activity took place all year round.

In light of the above, it would appear that in terms of traffic generation, total traffic movements now proposed would appear to be lower than those associated with the previously approved use of the site.

In view of the above, no highways objections are raised in respect of the proposals. However, should the application be approved we would request that the following condition is attached:

"Prior to occupation of the site, the junction of Hall Lane and Northwich Road shall be widened as shown on drawing number NTT/634/001 Rev P1."

In addition the following informative is offered:

The applicant should be aware that in order to construct the proposed access improvements to Hall Lane, a S.278 agreement will need to be entered into with the Council. For further information the applicant should contact John Drake, Principal Engineer (Assets / Design) on 01925 442668.

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### Appendix 3 – Comments from WBC Nature Conservation –

The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with Planning Policy Statement 9 (PPS9), as an authority Warrington Borough Council need to ensure that when granting any planning permission it
would not conflict with these policies. The results of any surveys and landscape masterplans will be used to determine this when considering any planning permission.

One of the key principles of PPS 9: Biodiversity and Geological Conservation is that planning decisions should aim to maintain, and enhance, restore or add to biodiversity conservation interest. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (see PPS9 paragraph 14).

We also advise that any proposals should aim to avoid damage to existing biodiversity features, and to create opportunities for enhancing biodiversity through the delivery of Local Biodiversity Action Plan (LBAP) targets. LBAPs identify the action required at a local level to deliver UK and regional targets for habitats, species, public awareness and involvement. They also identify targets for other habitats and species of importance in the more local context of their geographical area.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

This application is supported by an Ecological walk.
<table>
<thead>
<tr>
<th><strong>Information</strong></th>
<th>over and bat survey by Emec ecology, which was carried out at the appropriate time of year and to Nationally Recognised standards by suitably qualified persons. I have no cause to disagree with the findings of this report. No protected species were found to be at this location and the development will have no impact on any designated sites.</th>
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<tr>
<td><strong>Bats and buildings</strong></td>
<td>The buildings on site were checked externally by a licensed bat worker and surveyed in accordance with national guidance. Due to the make up of the buildings they are highly unsuitable for use by bats and the survey concluded no evidence was found and it was unlikely bats would use these structures as they do not provide the right conditions. There are no issues regarding bats and the proposed removal / reuse of the buildings.</td>
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<tr>
<td><strong>Breeding birds</strong></td>
<td>Some of the buildings and vegetation on site provide nesting opportunities for birds. Therefore I’d recommend the following is attached to any permission minded to be granted in relation to this: Nesting Birds Informative: The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Buildings with opportunities for birds to access them, trees and scrub are likely to contain nesting birds between 1 March and 31 August. These features are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.</td>
</tr>
<tr>
<td><strong>Landscape</strong></td>
<td>There is currently a variety of vegetation on the site which will provide habitat for invertebrates, birds and small mammals including bats (from a feeding and commuting point of view but not roosting). The site perimeter of trees and hedgerow species is a strong feature and probably the most important. This should be retained and enhanced. Owing to the sites historical use and disturbed nature, little in the way of habitat has been allowed to develop. The species currently dominating are indicative of the former landscaping company’s use of the site and are</td>
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<tr>
<td>None native invasive species</td>
<td>common on such sites that have been left whereby natural succession takes over.</td>
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<td>A single bee orchid (Ophrys apifera) was found on site and this is a species which is a sporadic flowerer and classed as scarce/vulnerable in Cheshire. Considering the sites former use it is possible that this plant was brought into the site with top soil from elsewhere. The area where this plant is located is not to be impacted by the development proposals and therefore the plant should not be impacted on, nor should others if there are more.</td>
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<tr>
<td><em>Within the area of land to remain undeveloped there are also comfrey plants and buddleia bushes which are both useful nectar sources for invertebrates including bees, a species under threat. The areas of bramble are also useful and while this northern area of the site may not look aesthetically maintained it does provide something of a refuge for wildlife in its undisturbed nature. As this area is to be left unaffected by the proposals and also fenced off from the main development this is a positive impact.</em></td>
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<tr>
<td><em>Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. This plant was found to be present on site and therefore we advise that a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed on the site is undertaken. From a site visit undertaken on 21st September it was noted that the stands highlighted in the walk over survey have already been chemically treated (notable by the colour change and die back). It is commendable that the applicant is already progressing this issue.</em></td>
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<tr>
<td>As per PPS9 and the suggestions of the ecological report it would be beneficial to introduce some bat and bird boxes into the perimeter trees on site. Advice on this should be sought from an ecologist as boxes need sighting correctly in order for them to be used.</td>
<td></td>
</tr>
<tr>
<td><em>Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.</em></td>
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</table>

The full recommendations from the Emec report should
be taken on board by the applicant (P3, Executive Summary). Should any lighting be required on site it should be restricted to the hard standing and light spill should not impact on the northern end of the site or the surrounding perimeter vegetation. There is already impact on the perimeter from the adjacent street lighting so reducing further impact would be beneficial.
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

Report of the: Executive Director Environment and Regeneration Services
Report Author: Michael Davies – Principal Planning Officer
Contact Details: Email Address: mdavies@warrington.gov.uk
Telephone: 01925 442813

Ward Members:

1. **SUMMARY PAPER – REPORT ON:**
   Results of Planning and Enforcement appeals.

2. **Purpose of the Report:**
   To advise members of the results of appeals.

3. **Recommendations:**
   To note the reports.

4. **Reason for Recommendation:**
   To inform Members of the results of appeals.

5. **Confidential or Exempt:**
   Not applicable

6. **Financial Considerations:**
   None.

7. **Risk Assessment:**
   Not required.

8. **Equality Impact Assessment:**
   No equality impact assessment is considered to be required.
9. **Consultation:**
Not relevant

10. **Clearance Details** *(Record of clearance of report)*:

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Executive Board Member</td>
<td>No</td>
<td></td>
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<tr>
<td>SMB</td>
<td>No</td>
<td></td>
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<tr>
<td>Relevant Executive Director</td>
<td>No</td>
<td></td>
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<tr>
<td>Solicitor to the Council</td>
<td>No</td>
<td></td>
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<tr>
<td>S151 Officer</td>
<td>No</td>
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<tr>
<td>Relevant Head of Service</td>
<td>Peter Taylor</td>
<td>Yes 13.1.12</td>
</tr>
</tbody>
</table>

11. **Background Papers:**
Planning application and appeal documents

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Axford</td>
<td><a href="mailto:paxford@warrington.gov.uk">paxford@warrington.gov.uk</a></td>
<td>01925 442827</td>
</tr>
</tbody>
</table>
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18026
APPEAL REF: M0655/D/11/215485

LOCATION: Apple Jacks Farm, Stretton Road, Appleton

DESCRIPTION: Development of land without complying with conditions on a previous planning permission

OFFICER RECOMMENDATION; None – a “non-determination” appeal.

APPEAL DECISION: Allow – subject to 2 new conditions

MATERIAL CONSIDERATIONS:
Effect that varying the conditions as requested would have on the living conditions and businesses of nearby residents and in particular those at Moss Hall Farm.

BACKGROUND
- Permission was sought for the retention of existing buildings/structures/car parking, the erection of replacement buildings/extensions and the extension of the number of existing car parking spaces and the change in use of the land from agriculture to leisure purposes without complying with conditions attached to permission 2009/14801
- The conditions in dispute are nos. 13 & 16 which state:-
  13) The leisure facilities .. shall not be open…outside the months of July to December without prior consent and;
  16) The facilities shall not be open..outside the hours of 0900 and 1830 without the prior agreement of the LPA.

INSPECTOR’S FINDINGS:
- Council accepts proposed amendment to condition 16 and for the removal of condition 13 (subject to the imposition of a further condition relating to the use of fireworks) both for a limited period up until the end of November 2012
- A balance has to be struck between disturbance and intrusion into the lives of local residents and farming enterprises and the economic and social benefits that are generated by this leisure enterprise
- The leisure enterprise is successful and generates income and jobs; there would need to be good reason to impose restrictions that would harm its success
- Reasonable to grant a new permission with conditions 13 and 16 deleted, but with new conditions relating to the number of occasions when later opening is permitted and when the use of fireworks and the like should be permitted, as follows:
  a) The facilities shall not open outside hours of 0900 and 1830 with the exception of up to 31 days during the months of October and November when the facilities shall not open outside the hours of 0900 to 2300;
  b) The use of fireworks or other explosive devices including air cannons associated with the themed attractions shall not take place outside the period from 1 July to 1 January

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector drew his own conclusions – based on complaints received concerning late opening, fireworks and bonfires
- New conditions would safeguard residential amenity and the welfare of farm animals - but there is no need to prevent year round opening

UNITARY DEVELOPMENT PLAN
- DCS1 and REP10
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2010/17578
APPEAL REF: M0655/D/11/2156988

LOCATION: Brookside Farm, Lady Lane, Croft

DESCRIPTION: Development of land without complying with conditions on a previous planning permission

OFFICER RECOMMENDATION; Refuse

APPEAL DECISION: Allow – subject to new conditions

MATERIAL CONSIDERATIONS:
Effect that varying the conditions as requested would have on the living conditions of neighbouring residents, with particular reference to noise.

BACKGROUND
• Permission was sought for the erection of dog kennels without complying with conditions attached to permission 2007/11487
• The conditions in dispute are nos. 4 & 6 which state:-
  4) Prior to commencement of use of the kennels…agreed noise mitigation measures should be implemented and;
  6) There shall be no more than 22 dogs kept at the kennels at any time

INSPECTOR’S FINDINGS:
• At time of appeal site visit, 61 dogs (including puppies) were being kept at the kennels - in breach of condition 6
• An acoustic fence had not been erected – in breach of condition 4
• Site is to east of Lady Lane in open countryside, to north east of Croft; to the north is no 33 Lady Lane, a detached house, and a disused military camp, beyond which is no 23 Lady Lane – a 2 storey house
• Appellant has done a series of noise assessments – although the Council has some reservation over the methods used – however the methods appear robust
• No evidence to substantiate concerns of occupier of 23 Lady Lane that the proposed increase in dog numbers would worsen existing problems - and there have been no complaints to WBC Environmental Protection
• At appeal site visit - a barely audible barking noise could be heard outside no 23 Lady Lane, but it was imperceptible outside no 33
• Increasing the number of dogs kept at the site from 22 to 32 would not harm living conditions at neighbouring properties – provided the noise mitigation measures and working practices set out in the noise report are implemented in full within 2 months and retained thereafter
• Variation of conditions 4 and 6 would not harm living conditions
• A condition requiring no more than 32 dogs be kept at the kennels at anytime would be reasonable
• Conditions requiring that the noise mitigation measures and the working practices in the noise report be carried out within 2 months of approval would also be reasonable to safeguard living conditions
• A condition requiring that the car parking spaces be laid out within 2 months of the date of this approval is needed too

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector drew his own conclusions – based on on-site observations and on the findings of the applicant’s noise reports
• New conditions would safeguard residential amenity

UNITARY DEVELOPMENT PLAN
• DCS1; GRN2 and REP10
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18578
APPEAL REF: M0655/D/11/2163059

LOCATION: 32 West Avenue, Stockton Heath

DESCRIPTION: Single storey and rear extension and detached double garage

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character/appearance of surrounding area with particular regard to its chimney

INSPECTOR’S FINDINGS:
- Semi-detached house on corner plot in a mainly residential area where dwellings are in a variety of styles
- Would project beyond the build line of the street to the side – so would be contrary to SPG
- However, Council agrees that there are a number of side extensions nearby which also conflict with SPG – such that they have become characteristic of the area – and so would not detract from its setting in this sense
- A 2.2m wide chimney breast and chimney – due to separation from the main house and the general openness and visibility in this corner location would result in it being harmfully conspicuous and obtrusive
- Although many surrounding dwellings have chimneys, no others of this type are evident
- The chimney would not respect the character of the original dwelling or preserve the character/appearance of the street and surrounding area
- Sympathise with appellants’ desire to have a wood burning stove for reasons of energy efficiency and the comfort of an open fire – these are not sufficient to outweigh the harm that the proposed chimney would cause
EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:

- Inspector paid close attention to the existing local street scene – agreeing with caseworker that area was already typified by extensions which conflicted with SPG guidance.
- Whilst the extension itself might have been acceptable - he concurred with caseworker also that the chimney added further harm – and that this was unacceptable in its own right.

UNITARY DEVELOPMENT PLAN

- DCS1; HOU8
- SPG Side Extensions
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18560
APPEAL REF: M0655/D/11/2163925

LOCATION: 8 Ellesmere Road, Culcheth

DESCRIPTION: Single storey extension and provision of a garage space to the existing dwelling

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character/appearance of the surrounding area

INSPECTOR’S FINDINGS:
- Two storey semi-detached house within a residential area of similar properties set well back from footway
- Some extensions in area – but area still characterised by generous areas of open space, mature trees and planting
- House is sited at 90 degrees to the road with a 6m gap of planting between the side elevation of the house and the footway
- Proposal would extend the house to front and side – occupying more than half the existing gap – such reduction would not make a positive contribution to the area
- Proposal is similar in footprint to a front/side extension on other side of this pair of semis – but this house is tucked into a corner and the size of its extension is not apparent
- Appeal scheme would significantly harm character/appearance of the area

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Routine support for caseworker views

UNITARY DEVELOPMENT PLAN
- DCS1; DSC9; HOU8
- SPG House Extensions
REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18480
APPEAL REF: M0655/D/11/2163144

LOCATION: 10 Smithy Brow, Croft

DESCRIPTION: Two storey side extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character/appearance of surrounding area
Living conditions of occupiers at no 8 – with regard to outlook and light

INSPECTOR’S FINDINGS:
- Detached house in a generous garden on edge of village
- Two storey extension would replace an existing, flat-roofed garage and utility room
- Would continue the form and mass of the existing dwelling to within approx 1m of side boundary with only a slight set back of the front elevation and a minimum reduction of ridge height
- Would create a 2 storey block over almost the full width of the plot - whose impact would not be significantly reduced by the set back from the road or the large garden
- This side of Smithy Lane is much less dense than the other side – and currently has wide gaps between dwellings
- Proposal would not preserve character/appearance of the street
- Rear part of extension would be large – positioned alongside and close to the boundary with no 8
- Living room at no 8 has two tall windows and a larger landscape window – all of which would face the proposed extension and patio doors overlooking the garden
- Outlook from patio doors would be little effected – but light to windows would be reduced – and this would harm living conditions

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector attached little weight to the appellant’s assertion that the existing extension at the adjacent no 8 is unconventional – and so the
Agenda Item 5.5

advice set out in the Council’s SPG (45 degree code etc) are not relevant

- Both reasons for refusal were supported by the Inspector

UNITARY DEVELOPMENT PLAN
- DCS1; HOU8
- SPG Side Extensions
APPLICATION REF: 2011/18695
APPEAL REF: M0655/D/11/2163512

LOCATION: 14 Abbey Close, Croft

DESCRIPTION: Proposed removal of a side conservatory and the construction of a two storey extension and a front extension to porch

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS: Impact on the living conditions of neighbouring occupiers in terms of privacy, light and outlook

INSPECTOR’S FINDINGS:
- Two storey semi-detached house in a small cul-de-sac; nos 6 to 12 Abbey Close form a block of four dwellings sited at an angle to the appeal dwelling and separated by a parking area and a fence approx 2m in height
- Side extension would be some 10.5m from the nearest first floor rear windows and some 7.5m from a ground floor conservatory in nos 6 to 12; as the proposal contains no windows in the side elevation and the only first floor windows proposed are rooflights – there would not be any substantial loss of privacy
- Proposed extension would be seen against the backdrop of the existing house - together with the angled relationship and the low ridge below the main roof – means that it would not be unduly dominant when seen from those properties
- Although there would be some loss of afternoon and evening sunlight to the Abbey Close properties, given size & siting of the proposal this would be mostly to the parking area – so impact would not be significant
- No harm to occupiers on Kingsmead Court either
- Whilst development would not meet the Council’s recommended interface standards in policy HOU13, these can be relaxed in this case given that the design and siting of the proposal would maintain adequate levels of privacy, light and outlook
EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector attached less weight to the need for developments to adhere to the minimum recommended interface distances set out in policy HOU13 than caseworker

UNITARY DEVELOPMENT PLAN
- DCS1; DSC9; HOU8; HOU13
- SPG House Extensions
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
26th January 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND
REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/17870
APPEAL REF: M0655/D/11/2163061

LOCATION: 18 Falconers Green, Kingswood

DESCRIPTION: Two storey side extension (first floor extension over existing garage)

OFFICER RECOMMENDATION; Refuse

COMMITTEE DECISION; Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character/appearance of the existing dwelling and surrounding area – with regard to scale and design

INSPECTOR’S FINDINGS:
• Modern detached house with double garage attached to one side on a corner plot on a residential estate where it faces a large central green
• Proposal would significantly widen the frontage at first floor level
• Would result in a front-facing, gabled projection which is the width of the garage and almost as high as the existing ridge – and be a large and prominent feature
• Existing central gable feature would be dwarfed by the new gable and the balance of the existing frontage would be lost
• Would fail to harmonise with existing dwelling
• Close proximity to the small neighbouring dwelling at no 16 would draw attention to the uncharacteristically large scale
• Although a large plot – this would not lessen the impact of the extension in the streetscene

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector attached little weight to the appellant’s contention that a similar extension has been built at Ladywood Road – which is of a similar design and on a corner plot also facing an open area – pointing out that this is quite distant from the appeal site and is in an area typified by a variety of house types - and involves a house which is not already much larger than its neighbours
• Both reasons for refusal were supported by the Inspector

UNITARY DEVELOPMENT PLAN

• DCS1; DSC9; HOU8
• SPG Side Extensions
REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18722
APPEAL REF: M0655/D/11/2164433

LOCATION: Farm Cottage, Cliff Lane, Grappenhall and Thelwall

DESCRIPTION: Single storey and two storey side extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
- Whether inappropriate in green belt
- Impact on openness of green belt
- Impact on character/appearance of green belt and original building
- Whether any other considerations weigh in favour
- Whether harm by inappropriateness is outweighed by very special circumstances

INSPECTOR’S FINDINGS:
- This would be an 87 per cent increase to this “locally-listed” semi-detached house, set off an unmade road – this would be disproportionate and therefore inappropriate in green belt
- Extensions would substantially increase built up nature of the site and would reduce openness of green belt
- Would appear dominant and not subservient to main dwelling and would harm the character/appearance of the area and of the original dwelling
- The extension would improve accommodation at the appeal property
- There are no very special circumstances to justify the development

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Routine support from Inspector - where there is no special justification for inappropriate development in green belt

UNITARY DEVELOPMENT PLAN
- DCS1; DCS9; GRN1; GRN2; and BH5.
**DEVELOPMENT MANAGEMENT COMMITTEE DECISIONS**

Thursday 5th January 2012

<table>
<thead>
<tr>
<th>Item</th>
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<td>2011/18728</td>
<td>Land To The North Of Hall Lane, Stretton, Warrington, WA 4NY</td>
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<td>Proposed change of use land to form showmen's family quarters including siting of caravans, amendments to existing access, additional fencing, gates and landscaping.</td>
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**REFUSE – INADEQUATE PROOF OF SPECIAL CIRCUMSTANCES/ HARM TO GREEN BELT**