

APP/M0655/W/25/3367247 – LAND EAST OF SPRING LANE, CROFT

Statement of Common Ground (Revision G, dated 23-Oct-25)

**APPEAL BY THOMAS SMITH
AGAINST THE REFUSAL OF PLANNING PERMISSION BY
WARRINGTON BOROUGH COUNCIL**

MATERIAL CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 5 GYPSY/TRAVELLER FAMILIES, EACH WITH 2 CARAVANS INCLUDING NO MORE THAN ONE STATIC CARAVAN/MOBILE HOME, TOGETHER WITH ERECTION OF ANCILLARY AMENITY BUILDING AND LAYING OF HARDSTANDING.

LAND AT THE SPRING LANE NURSERIES, SPRING LANE, CROFT, WARRINGTON. WA3 7AS

PINS REF: APP/M0655/W/25/3367247

LPA REF: 2024/00668/FUL

APPELLANT REF: 25/TS/CROFT

STATEMENT OF COMMON GROUND

23 October 2025

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1.0 INTRODUCTION

1.1 This statement is divided into four parts: firstly it describes the site and its surroundings; secondly it gives a resume of relevant planning policies; thirdly it summarises the planning history of the appeal site; and fourthly it sets out matters agreed and matters of dispute between the two main parties.

1.2 Details of application documents:

No.	Description	Document Name given	Date (rec'd by LPA)
1	Supplementary Supporting Statement	Applicant statement on implications of nppf changes	19/12/2024
2	Flood risk information	Flood risk map (medium risk ony).jpg	06/12/2024
3	Flood risk information	Flood risk map (all risks).jpg	06/12/2024
4	Flood risk information	EA flood map for planning 01/12/2024	06/12/2024
5	Flood risk information	Flood risk assessment	06/12/2024
6	BNG Matrix	BNG metric (version 2, recommended) excel	20/11/2024
7	BNG Matrix	BNG metric (version 1, assessed) excel	20/11/2024
8	Biodiversity Net Gain Assessment	Biodiversity net gain assessment 30/10/2024.pdf	20/11/2024
9	Planning Statement	Spring lane nurseries - design and access statement.pdf	28/05/2024
10	Proposed floor plans and elevations	Spring lane nurseries - floor plan and elevations of amenity building-copy.pdf	28/05/2024
11	Proposed Site Layout Plan	Spring lane nurseries - site layout plan.pdf	28/05/2024
12	Proposed parking plan		10/12/2024
13	Proposed Block Plan		06/12/2024
14	Site Location Plan (red/blue edge)	Spring lane nurseries - location plan.pdf	28/05/2024
15	Application Forms/Certificates	Application forms	28/05/2024

1.3 Additional Information submitted with appeal:

No.	Description	Document Name given	Date (rec'd by LPA)
16	Noise Impact Assessment	LF Acoustics, May 2025	With appeal

Clarifications

1.4 It is agreed between the parties that there are scaling errors and missing information within the originally submitted plans referenced numbers 11; 12 and 13 in the above table. Subject to the Inspector's agreement, it is agreed between the parties that these plans can be substituted for one combined 1:500 scale plan Drawing No PBA1 rev D received 17/10/2025 (Copy provided at Appendix 1). This is materially the same in all regards, except and solely that it now includes the following additional information:

- Scale bar at a scale of 1:500
- Key to identify parking spaces
- North arrow
- Written dimensions showing the length and width of proposed:
- Parking spaces
- Amenity block
- Pitches

1.5 If the Inspector does not agree to the substitution of the plans, it is agreed that the appeal should be determined based on the submitted plan named "block plan received 06.12.24"

Method

1.6 It is agreed between the parties, that Air Quality and Biodiversity Net Gain matters can be dealt with by written exchange ahead of the Inquiry. The Inspector is invited to consider this and direct the parties as to appropriate deadlines and next steps.

2.0 SITE DESCRIPTION

- 2.1 The appeal site comprises 0.42 hectare of land located along the eastern side of Spring Lane, Croft and north of the M62 motorway. It forms part of a larger land-holding amounting to about 0.9 hectare of land.
- 2.2 The appeal site is a former horticultural nursery.
- 2.3 The site is enclosed by conifer hedgerows along its southern boundary and for part of the western boundary with Spring Lane. There are scattered trees along the south-eastern boundary with the M62 motorway. The motorway is elevated above the level of the appeal site.
- 2.4 Access to the site is from Spring Lane, via entrance gates located in the south-western corner of the land. Spring Lane varies in width along its length. It is a rural lane with a 60mph speed limit along the length of the western site boundary, with no footways or street lighting leading northwards into Croft. Spring Lane has a dashed central white line along its length and, has a footway and some street-lighting leading from a point opposite the site entrance, south-westwards to Mill House Lane.
- 2.5 The appeal site is located about 580 metres from the development boundary of Croft inset village as designated in the adopted Local Plan.
- 2.6 Croft contains a primary school, public houses, churches, village hall and youth activity centre. The distance from the Site to Croft Primary School on Mustard Lane, Croft is a matter of dispute between the parties.
- 2.7 Having regard to the presence of pedestrian footway, the LPA and R6 party measure the distances at approx. 2.1km on foot via Mill House Lane, or 2km by road via Spring Lane and New Lane.
- 2.8 The appellant measures the distance from Spring Lane to Croft Primary School at 1.9km from the Site.
- 2.9 The closest bus stops are located along New Lane or Lady Lane, distance of 650metres and 850m from the Site respectively, when travelling on foot via Spring Lane.
- 2.10 The site is approx 4.4kms by road from Birchwood where there is a supermarket and, 3 kms from Culcheth, where there is a range of community services and facilities.

3.0 PLANNING POLICY

Local Planning Policies

- 3.1 The Council's reasons for the refusal of planning permission refer to Policies GB1, DEV3, ENV2, ENV8, DC1 and DC4 of the Warrington Local Plan adopted in December 2023.

National Planning Policy Framework (NPPF)

- 3.2 Paragraph 4 of the NPPF (Dec 2024) requires that the Framework should be read in conjunction with the Government's planning policy for traveller sites (PPTS) 2024.

Planning Policy for Traveller Sites (PPTS)

- 3.3 The PPTS published by the DCLG first published in 2012 and updated in August 2015 and December 2024 is relevant. The policy seeks to address issues related to the definition of Travellers and to clarify expectations for applicants and local planning authorities. It provides guidance for LPAs on identifying /providing suitable sites for Gypsies, Travellers, and travelling showpersons and is a material consideration alongside the Framework.

Planning Practice Guidance

- 3.4 The following PPGs are of relevance to the Council's reasons for refusal:

- Air Quality
- BNG
- Flood risk and coastal change
- Green Belt
- Noise

4.0 PLANNING HISTORY

- 4.1 It is agreed that the site was formerly named Spring Lane Nurseries and appears to have historically been put to horticultural use.
- 4.2 An Enforcement Notice was served by WBC 10.7.25 and came into effect on 14.8.25 at Land on the east side of Spring Lane, Warrington, WA3 7AS.

4.3 The breach of planning control is stated to be that *“Without planning permission, the material change of use of the land to use as residential caravan site for gypsy/traveller families, with associated storage, siting of caravans, vehicles, machinery, laying of hardstanding and construction of buildings / sheds.”*

4.4 The landowner is required to;

- a) Cease the use of the land as a residential caravan site as well as the associated storage use.
- b) Remove from the land all caravans, vehicles, machinery, sheds/buildings, and stored materials.
- c) Remove from the land the hardstanding.
- d) Following completion of requirement (c) reinstate the land to its original condition prior to the breach taking place.

4.5 A period of 6 month is given for compliance, from the date the notice took effect.

5.0 MATTERS OF AGREEMENT AND MATTERS IN DISPUTE

Preliminary Matters

5.1 The NPPF puts the presumption In favour of sustainable development at the heart of both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; or, if the policies which are most important for determining the application are out-of-date, granting planning permission unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

5.2 It is agreed that the appeal site is not located within a SPA, SSSI, Ramsar, SAC, Nature Reserve, Conservation Area, Local Green Space, National Landscape or, National Park. The appeal site is located within an area designated as Green Belt.

5.3 The Council’s reasons for refusal relate to the following matters;

- Inappropriate development in the Green Belt
- flood risk from surface water and surface water drainage of the site,
- air quality having regard to impacts from traffic related emissions and an odour relating to the nearby chicken farm.
- Noise in relation to living conditions and amenity on site generally and the adequacy or suitability of any potential mitigation.

- sustainability in relation to the location of the site as well as environmental considerations relating to impact upon the health, safety or general wellbeing of residents
- and lack of information in terms of biodiversity net gain.

Need for Traveller Sites

- 5.4 Paragraph 7b) of PPTS requires that local planning authorities should prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan.
- 5.5 The adopted Local Plan sets out the need for gypsy/traveller sites based on the GTAA published in 2018 which assessed need on the basis of the definition of gypsy/traveller set out in Annex 1 of PPTS (2015). The GTAA at Figure 41 (Additional need for Gypsy and Traveller households broken down by potential delivery method 2017-2032) estimated a “cultural” need for a total of 27 permanent gypsy pitches in the period 2017 – 2032.
- 5.6 The Local Plan, in the supporting text to policy DEV3, sets out the authorised site provision in Tables 3 and 4. Table 3 sets out that there were 5 authorised private sites in 2018 as at 31st August 2018, accommodating a total of 29 permanent pitches. Table 4 indicates that a further 3 private sites had been granted planning permission after publication of the GTAA, accommodating a total of 13 permanent pitches as at the evidence base date for the local plan (2022 / 2023).
- 5.7 There are no public gypsy sites in Warrington or, land allocated for new traveller sites in the adopted Local Plan 2023. There have been additional approvals for permission for new pitches since the adoption of the local plan.
- 5.8 It is agreed between the LPA and the Appellant that the GTAA 2018 is out of date. The Council is awaiting the publication of new GTAA which will identify an up-to-date level of need for the borough and allow the Council to identify / assess its 5 year supply of deliverable sites to meet the accommodation needs for Gypsy & Travellers in the borough. The Council’s position is that the requirement for the borough will not be known until the publication of the new GTAA having regard to requirements of Local Plan policy DEV3 and permissions granted since the publication of the Local Plan.
- 5.9 The appellant’s position is that the Council cannot currently identify a five – year supply of specific deliverable sites.
- 5.10 The Rule 6 Party neither agrees, or disagrees with this statement at the present time.

REASONS FOR REFUSAL AND ALLEGED ADVERSE IMPACTS

- 5.11 In this case, the Council alleges harm to the Green Belt and other harm in terms of lack of sustainability, and adverse impacts or lack of evidence in relation to noise, air pollution, odour, surface water flood risk and drainage, and/or biodiversity.

Sustainability

- 5.12 In relation to Reason for Refusal 5 it is a **matter of dispute** that the site is, as alleged by the Council, away from settlements for the purposes of PPTS; that there is any requirement for traveller sites to be accessible by means of transport other than the private motor vehicle; that the site is not within a reasonable distance of community services and facilities; and that the site is not sustainable having particular regard to paragraph 13 of PPTS and the Council's Local Plan Pre Submission Sustainability Review.

Flood Risk

- 5.13 **It is agreed** that NPPF Annex 3 (Flood risk vulnerability classification) identifies caravans, mobile homes and park homes intended for permanent residential use as being classed as 'highly vulnerable' in terms of flood risk.
- 5.14 **It is agreed** that in accordance with NPPF footnote 63, a site specific flood risk assessment should be provided for all development sites identified as being impacted by Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.
- 5.15 **It is agreed** that the site is located within Flood Zone 1 in relation to risk of flooding by rivers and sea and, is less than 1 hectare in area. **It is agreed** that part of the site is located within an area identified as having high chance of surface water flooding according to EA mapping.
- 5.16 The **matters of dispute** between the parties is the adequacy of the document described by the appellant as an FRA and supporting information submitted with the application/ appeal in relation to surface water flood risk and, the suitability of the appellants surface water drainage proposals.

- 5.17 It is a **matter of dispute** whether or not, highly vulnerable development (i.e. caravans), would be located within the area subject to surface water flooding and/or whether surface water flooding provides an adequate reason for the refusal of planning permission.
- 5.18 In relation to surface water run-off, **it is agreed** between the parties that in the first instance, infiltration is the preferred means of surface water drainage and, that the potential for infiltration will depend on the prevailing ground conditions following investigation.
- 5.19 The dispute lies with the suitability of the Appellant's submitted drainage proposals and supporting information, and whether this is a matter that can be properly addressed by imposing planning conditions. The LPA and Rule 6 party consider this is a matter relevant to the determination of the appeal and that this cannot be dealt with via condition.
- 5.20 The appellant's position is that surface water drainage scheme is a matter that can be secured by condition.

Air Pollution

- 5.21 The Council has identified areas within the Borough likely to be most affected by air pollution. There are currently two Air Quality Management Areas (AQMAs) within the Borough, which were declared due to concentrations of nitrogen dioxide (NO₂) exceeding the annual mean Air Quality Objective. **It is agreed** that the Motorway AQMA (declared 2001) covers an area around the M62, M6 and M56, and includes the appeal site.
- 5.22 **It is agreed** that annual mean concentrations of NO₂ at all monitoring locations across the Borough, where there are currently sensitive receptors, are now in compliance with the Air Quality Objectives, within those AQMAs. As a result, the 2025 Air Quality Annual Status Report states that the Council plan to revoke both AQMAs following consultation.
- 5.23 Due to the lack of a detailed Air Quality Assessment to provide a site- specific assessment of the impacts from traffic related emissions. **A matter of dispute** between the Council and appellant is the relevance of these monitoring results in determination of the appeal. The appellant does not consider that an Air Quality Assessment specific to the proposed development is necessary. Whereas, **the LPA and the Rule 6 Party agree** with one another that whilst annual mean NO₂ concentrations have shown a decline during recent years, there are no monitoring locations in the immediate vicinity of the site, or in any location considered

representative of the site location when considering distance and prevailing wind direction.

- 5.24 The Rule 6 party and LPA recognise that the appeal proposal would introduce a new sensitive receptor into the AQMA'
- 5.25 In relation to potential odour sources, Springfield House Farm, an egg production/ chicken farm, is located on the western side of Spring Lane.
- 5.26 **A matter of dispute** between the parties is that the Council and Rule 6 party maintain that an Odour Assessment relating to the chicken farm is required to determine potential impacts on residential amenity. However, the appellant disagrees and does not consider this necessary.

Noise

- 5.27 A site-specific noise assessment has been submitted by the appellant after determination of the original planning application but, it is a **matter of dispute between the appellant and the other main parties** whether, as alleged by the Council and the Rule 6 Party, the site fails to provide a satisfactory noise environment for residents of the proposed caravan site.

BNG

- 5.28 A Preliminary Ecological Assessment, BNG Report and two BNG Metric Calculations were submitted with the planning application. It is a **matter of dispute** with the Council whether this information is accurate and sufficient and whether the matter can be addressed by conditions.
- 5.29 The appellant's position is that the requirement for BNG can be addressed by a condition.

Other relevant matters

- 5.30 If NPPF paragraph 155 is engaged, it is agreed between the parties that the site does not *strongly contribute* to purpose a), b), or d) of the green belt as stated in paragraph 143. It is also agreed that development of the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the local plan. The matter of dispute between the parties is whether the appeal site constitutes Grey Belt land having regard to the definition of Grey Belt land set out within the NPPF Annex 2 and footnote 7. The Council's

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position is that footnote 7 is engaged in relation to flood risk from surface water and this is a separate and strong reason for refusal.

5.31 On this basis the LPA's case is that the site is excluded from the definition of Grey Belt land. The appellant maintains that the site is Grey Belt land because in their view, flood risk does not provide a strong reason for refusal. These matters are in dispute between the parties.

Signed on behalf of the Borough Council:

Martha Hughes, Principal Planning Officer:



Dated: 23.10.25

Signed on behalf of the Appellant: ...Philip Brown...

Dated: ...23 October 2025

Signed on behalf of Rule 6 party:

Name: Daniel Matthewman (Green Belt Experts)



Signed:

On behalf of the Residents of New Lane and Spring Lane

Date: 23rd October 2025