



Town and Country Planning Act 1990

Application for Full Planning

Applicant:

Philip Brown Associates Limited
C/o Philip Brown Associates Limited
Rugby
CV21 2QX

Agent:

Philip Brown Associates Limited
74 Park Road
Rugby
CV21 2QX

Application No: 2024/00668/FUL

Proposal: Change of use of land to use as residential caravan site for 5 gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with the laying of hardstanding and erection of communal amenity building.

Location: Spring Lane Nurseries, Warrington, WA3 7AS

Warrington Borough Council hereby give notice in pursuance of the above Act(s) that permission is Refused for the development referred to above in accordance with the application and plans submitted, for the following reason(s):

- 1 The proposed development by virtue of the introduction of a new permanent building, siting of caravans, car parking and associated surfacing is inappropriate development, which is by definition harmful to the Green Belt and would detract from its openness and conflict with the purposes of including land within the Green Belt. No very special circumstances exist to outweigh the harm caused and as such, the proposal is contrary to Policy GB1 (Green Belt) of the Warrington Local Plan (2023) and the NPPF.
- 2 It has not been demonstrated that adequate drainage would be provided on the site or that the proposal would not increase the risk of flooding on the site and in the local area. It has also not been demonstrated that the proposed caravans would not be adversely impacted by flooding either on the site, at the entrance to the site or on the highway adjacent to the entrance. As such the proposal does not comply with Policy ENV2 of the Warrington Local Plan.
- 3 The proposed development will be located in an area of potentially poor air quality and odours given the close proximity to the M62 motorway and a chicken farm. Insufficient consideration of air quality impacts /odours or assessment has been submitted with the application, therefore it has not been demonstrated that the proposal would provide an acceptable and/or safe habitable environment, and as such the proposal is contrary to Policy ENV8 of the Warrington Local Plan and the NPPF.
- 4 The proposed development will be located in a DEFRA Noise Mapped Area where day and night-time noise levels are up to 70db(A) due to the proximity to the M62 motorway. No noise impact assessment has been submitted with the application. Insufficient consideration or analysis of the impacts from noise have been submitted with the application, therefore it has not been demonstrated that the proposal would provide an acceptable and/or safe habitable environment for the intended occupiers of the site, as such the proposal is contrary to Policy ENV8 and DEV3 of the Warrington Local Plan and the NPPF.
- 5 In line with current Council standards on appraising sustainability, the site would not meet the full range of criteria, especially in terms of access to more sustainable modes of transport. As such, the site is considered to be in a less than sustainable location and would conflict with Policy DC1 and would not provide an acceptable living environment for future occupiers or be well placed to access the full range of key local services as required Part 5 (a), (b) and (g) of Policy DEV3 of the Warrington Local Plan.
- 6 It has not been demonstrated how the proposal would meet the statutory requirements to provide Biodiversity Net Gain (BNG) either on site or at a BNG registered location. As such the proposal is contrary to Policy DC4 of the Local Plan and the NPPF.

INFORMATIVES

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- The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement of the National Planning Policy Framework (NPPF).
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- This decision has been based on the following submitted information and plans received by the Council on the 9th December 2024.
- Spring Lane Nurseries Location Plan
- Spring Lane Nurseries Block Plan
- Spring Lane Nurseries Site Layout Plan
- Spring Lane Nurseries Floor Plan and Elevations
- Spring Lane Nurseries Proposed Parking Plan
- Spring Lane Nurseries Design & Access Statement

Supporting information

- Supplementary Planning Statement
- Statement on implications of NPPF changes
- Arbtech Preliminary Ecological Assessment
- Arbtech BNG Assessment
- BNG Metric
- Flood Risk Statement
- EA Flood Map for Planning 01/12/2024
- Flood Risk Statement

Other

Appeal Decision Shadowbrook Lane

SIGNED:

N. Gallagher

Development Manager
Development Management

DATED: 19 March 2025

IMPORTANT

This decision relates solely to the planning legislation, and does not grant authority under the Building Regulations, nor any other legislation that might be required.

NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and If you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

4. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this decision; 12 weeks in the case of a householder application or a minor commercial application; or 8 weeks in the case of an application for advertisement consent.
5. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
8. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

1. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.