



APPEAL BY THOMAS SMITH

LAND AT SPRING LANE, WARRINGTON

APP/M0655/W/25/3367247

PROOF OF EVIDENCE BY MARTHA HUGHES

MA, Dip TP, MRTPI

DECLARATION

I am Martha Hughes, a Principal Planning Officer at Warrington Borough Council.

I hold an MA in Town Planning and a post graduate Diploma in Town Planning. I have been a corporate Member of the Royal Town Planning Institute since 2004.

I have over 20 years' experience in Development Management practice at local authorities including Leeds, Liverpool and Warrington as well as working in private practice. My experience includes dealing with a variety of planning applications and EIA development.

I have been employed by Warrington Borough Council as Principal Planning Officer since 2013. I am the case officer for the appeal in respect of the inquiry, on behalf of the local planning authority.

I confirm that the following evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1. INTRODUCTION

1.1 My Proof of Evidence relates to the Local Planning Authority's (LPA) assessment in relation to the determination of the application and the reasons for refusal.

1.2 My evidence deals with the LPA's position in relation to the Principle of development in the Green Belt, sustainability, biodiversity net gain and the planning balance having regard to local and national planning policies.

1.3 The LPA refused the application for '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' on 19th March 2025 under delegated powers with 6 reasons for refusal. My evidence relates specifically to reason for refusal 1, 5 and 6. These reasons for refusal are set out below;

Reason for refusal 1 (RFR1);

1. Green Belt

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.

Reason for Refusal 5 (RFR5)

5. Sustainability

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.

Reason for Refusal 6 (RFR 6)

6. BNG

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.

1.4 Separate evidence on behalf of the LPA is provided in relation to RFR 2 (surface water drainage), RFR 3 (Air Quality) and RFR 4 (Noise).

1.5 A copy of the LPA decision notice is provided in Appendix 1.

1.6 The LPA are uncertain of the extent of the now retrospective part of the appeal proposal having regard to the following matters;

- Application form dated 24.5.24 (CD 1.1) stated that work had not already started.
- Enforcement Notice served 10.7.25 for breach of planning control 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.' (Copy included at Appendix 2).
- It is understood that at the time WBC served enforcement notice 10.7.25 – there were 3 caravans on site.
- The appellant's Preliminary Ecological Appraisal Appendix 1 - Habitat map dated 16.10.24 submitted with application (CD 1.9) showed some neutral grassland together with the

unauthorised hardstanding at the site. It is unclear to the LPA if this habitat map is still accurate.

- I undertook a roadside visit to the site on 21.10.25 and 5 caravans were visible on site. The extent of hardstanding was not fully visible.

2. PLANNING POLICY

National Planning Policy Framework 2024 (NPPF)

2.1 The National Planning Policy Framework (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.

2.2 The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Warrington Local Plan (2023) is considered to be consistent with the Framework in so far as it relates to this application and therefore, in accordance with the Planning and Compulsory Purchase Act (2024) referenced above, references in this report largely reflect the content of the Local Plan.

2.3 Para 4 of the Framework states that the Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

Planning Policy for Traveller Sites (PPTS) 2024

2.4 PPTS policy H sets out that when considering planning applications for traveller sites LPA's should consider;

- a) Existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances for the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/ plots should be used to assess applications that may come forward on unallocated sites.
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Warrington Local Plan 2023

- 2.5 Relevant Policies in the Warrington Local Plan (2023) relating to my evidence and RFR1, 5 and 6 are;

DC1 Warrington's Places

DEV3 Gypsy & Traveller and Travelling Show People Provision

GB1 Green Belt

ENV2 Flood Risk and Water Management

ENV8 Environmental and Amenity Protection

DC4 Ecological Network

3. INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

3.1 The Framework (NPPF) para 4 states that the Framework should be read in conjunction with the Government's planning policy for traveller sites, and when making decisions on applications for this type of development, regard should also be had to the policies in this Framework, where relevant.

3.2 The appeal site is located within the Green Belt as defined by the adopted Local Plan Proposals Map. Policy GB1 states that development proposals within the Green Belt will be approved where they accord with relevant national policy. The Framework, states at para 154 states that development within the Green Belt is inappropriate unless one of the exceptions identified in para 154 applies.

3.3 The Framework para 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.4 The exceptions to inappropriate development at Para 154 includes g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

3.5 Para 154 h) states that other forms of development (are not inappropriate) provided they preserve its openness and do not conflict with the purposes of including land within it and this includes material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

3.6 The site has unauthorized hard standing which is subject of an enforcement notice which came into effect on 14.8.25 (Appendix 2) and therefore the Council disputes the extent of the site that constitutes PDL. I do not consider that the proposal relates to partial or complete redevelopment of PDL.

3.7 Furthermore the proposed change of use of the land includes built form in relation to the amenity block as well as siting of caravans and notwithstanding assessment required in relation

to green belt purposes, it is not considered that the proposal preserves the openness of the Green Belt and the appellant has not sought to argue that the change of use meets this exception.

Whether the land is Grey Belt

3.8 The appellant has not put forward a case for Very Special Circumstances but instead relies on the Framework para 155 and asserts that the development site is Grey Belt land and that there is an unmet need for Gypsy Traveller accommodation in the borough.

3.9 Para 155 sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed (as qualified by Footnote 56);

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (as qualified by Footnote 57).

3.10 Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

3.11 I have already set out that the site is not considered to be previously developed land.

3.12 In relation para 143 and the assessment of the site in relation to Green Belt purposes a), b) and d) the Council's 2016 Green Belt assessment is relevant to this assessment. This recognizes that the site does not strongly contribute to any of these three purposes (in relation to parcel assessment CR6 – see Appendix 3).

- 3.13 However, the Framework definition of 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 3.14 Areas identified in footnote 7 includes areas at risk of flooding or coastal change.
- 3.15 Evidence is provided by Jonathan Dawson Parry on behalf of the Local Planning Authority in relation to the site and surface water flood risk and RFR2. There are known risks of flooding affecting the site as set out in this evidence from JDP and therefore the site is excluded from the definition of Grey Belt land in accordance with footnote 7.
- 3.16 I do not consider the site meets the definition of Grey Belt land due to the exclusion at footnote 7 of areas at risk of flooding.
- 3.17 On the basis that it is considered that the site does not meet the definition of Grey Belt land due footnote 7 exclusions, it is not necessary to continue to consider the further requirements of para 155.
- 3.18 Nevertheless for completeness and having regard to the appellant's statement of case, it is recognised that para 155 b) establishes the requirement for there to be demonstrable unmet need for the type of development proposed (as qualified by footnote 56). Footnote 56 states that in the case of traveller sites [demonstrable unmet need] means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.
- 3.19 The Council has commissioned a new GTAA (in partnership with 3 neighbouring authorities) and this report is expected to be published early 2026.
- 3.20 The revised GTAA will identify an up to date level of need for the borough. This will then 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 requirement for the borough will not be known until the publication of the new GTAA.
- 3.21 Turning to the requirements of para 155 c) this includes the requirement that the development would be in a sustainable location, with reference to para 110 and 155 of the Framework and having regard to footnote 57.

- 3.22 Para 110 of the Framework states that ‘the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’
- 3.23 Para 115 of the Framework states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 3.24 In relation to consideration of sustainable location required under para 155 c) footnote 57 states that in the case of development involving the provision of traveller sites, particular reference should be made to the Planning Policy for Traveller Sites paragraph 13.
- 3.25 PPTS para 13 states that LPA policies should ;
- a) promote peaceful and integrated co-existence between the site and the local community;
 - b) promote, in collaboration with commissioners of health services, access to appropriate health services;
 - c) ensure that children can attend school on a regular basis;
 - d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;
 - e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers.

- 3.26 Local Plan policy DEV3 relating to Gypsy and Traveller sites part a) and b) requires that the site can provide an acceptable living environment for future occupiers and is not subject to physical constraints or other environmental issues that cannot be mitigated to an acceptable level, or that would impact upon the health, safety or general wellbeing of residents on the site.
- 3.27 Local Plan policy DEV3 criteria 5(g) requires that a site is or can be made accessible to key local services such as primary schools, GPs, shops and other community facilities.
- 3.28 In relation to DEV3 5a) and b) the evidence provided by Richard Moore and Steve Smith in relation to RFR3 and RFR4 sets out that the site is not considered to provide acceptable living conditions for future occupiers due to noise and air quality concerns. The risk of surface water flood risk is explained in the evidence of Jonathan Dawson Parry relating to RFR2 and this would impact on the safety and well being of residents.
- 3.29 In relation to DEV3 5g) RFR 5 relates to the sustainability of the site and considers this in relation to the Local Plan Sustainability Appraisal Site Assessment appraisal. Assessment of the appeal site in relation to the Local Plan Sustainability Appraisal Site Assessment Appraisal is dealt with in detail later in my evidence in relation to RFR 5. I conclude in my evidence in relation to RFR 5 that the site is unsustainable in terms of not being accessible to the full range of key local services as required by Part 5(g) of Policy DEV3.
- 3.30 The site is not considered to be in a sustainable location as required by the Framework para 155 c) having regard footnote 57 (requirements of PPTS para 13) and having regard to the requirements of Local Plan policy DEV3 in relation to environmental considerations and constraints, transport and access to services and therefore constitutes inappropriate development in the Green Belt.

The tilted balance

- 3.31 The appellant also relies on the Framework para 11 and tilted balance and claims that the presumption in favour of sustainable development is applicable in relation to the appeal proposal.

3.32 The Framework para 11 is clear that the tilted balance does not apply where the application of policies in this Framework that protect areas or assets of particular importance (Footnote 7) provides a strong reason for refusing the development proposed.

3.33 As set out in the evidence of Jonathan Dawson Parry in relation to the second reason for refusal the appeal site is located in an area of known flood risk. Indeed the consequence of the inadequate Flood Risk Assessment submitted with the application/ appeal and the appellant not demonstrating that the site is acceptable from a surface water flood risk perspective means that the sequential test has not been passed having regard to requirements of the Framework and para 27 of the Flood Risk Planning Practice Guidance and Environment Agency standing advice (CD8.19). EA standing advice is clear that the sequential test is needed for sites in Flood Zone 1 where EA flood mapping shows it is at risk from surface water flooding.

3.34 I consider that in relation to RFR2 the LPA has evidenced that the appellant has not addressed the matter of surface water flood risk at the site and this provides a strong reason for refusal of the proposed development and as such the tilted balance does not apply.

3.35 Furthermore the proposal fails to meet the Framework para 155 criteria a) and c) and therefore comprises inappropriate development in the Green Belt and requires very special circumstances to be demonstrated. In this regard footnote 7 also references application of policies for land designated as Green Belt whereby the tilted balance does not apply.

3.36 I consider that the tilted balance only becomes a matter for consideration IF the proposed development is not inappropriate development in the Green Belt. I conclude that it is clear that the proposed development would constitute inappropriate development. I therefore conclude that the tilted balance does not apply in relation to this appeal.

Harm to Green Belt

3.37 Para 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

3.38 Footnote 55 excludes requirement to give substantial weight to harm to openness in the case of development on previously developed land or grey belt land, where development is not inappropriate.

3.39 I have set out in my proof that the site is not previously developed land or grey belt land and that the proposed development constitutes inappropriate development in the Green Belt. As such substantial weight must be given to harm to the Green Belt including harm to its openness.

3.40 The site proposes an amenity building, laying out of hard standing and the siting of 5 mobile homes and tourers. The proposed amenity building is 12m x 6m in footprint and 4.4m in height.

3.41 The Green Belt Planning Practice Guidance sets out the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt.

Paragraph 013 Reference ID: 64-013-20250225 of the PPG states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness
- the degree of activity likely to be generated, such as traffic generation”

3.42 In terms of the spatial impact on openness, the authorised use of the site is free from development and there are no authorised areas of hardstanding or built form at the site.

3.43 Historic use of the site as a horticultural nursery has not benefited from the grant of consent for any built form at the site. Aerial photographs in Appendix 4 show the site was free from hardstanding and built form in 2021. The Council served an enforcement notice on 10 July 2025 which came into effect on 14 August 2025 (Appendix 2). The enforcement notice requires

cessation of use for residential caravan and storage, removal of all caravans, vehicles, machinery, sheds/buildings, and stored materials as well as removal of the hardstanding.

3.44 Following removal of the aforementioned requirements of the notice, the notice then requires the landowner to reinstate the land to its original condition prior to the breach taking place.

3.45 Therefore allowing the proposed development will result in a significant change and loss of openness to this part of the Green Belt. The introduction of these built elements and the siting of mobile homes and parking of touring caravans as well as associated vehicles will inevitably have an adverse impact upon the openness of the Green Belt.

3.46 There is existing hard standing at the site that is subject of an enforcement notice and the appeal proposal is to layout further hardstanding on almost the entirety of the site save for some linear landscaping areas. The hard standing would be occupied by the caravans and vehicles and hardstanding is required to provide the access and turning areas within the site. These areas will result in a loss of openness associated with the hard standing and the presence of the mobile homes, tourers and parked vehicles as well as other external paraphernalia associated with residential caravan site.

3.47 The visual impact of the building, sited caravans and hardstanding would be seen in the context of the M62 to the south but nevertheless, the proposed development would adversely affect the openness of the Green Belt in this location.

Other harm

3.48 As well as harm to the Green Belt there would be harm to safety and living conditions due to surface water flood risk (RFR 2), harm to future amenity of occupiers (in relation to living conditions and air quality and noise) (RFR 3 and 4) and harm associated with the conflict with sustainable objectives of the Framework (having regard to PPTS para 13) and Local Plan policy (RFR 5). There would also be harm in relation to failure to secure at least 10% BNG (RFR 6).

Surface water flood risk and drainage (RFR 2)

3.49 The evidence of Jonathan Dawson Parry in relation to RFR2 sets out that a detailed site-specific flood risk assessment is required in accordance with Local Plan Policy ENV2 Point 6 due to:

- Environment Agency flood mapping showing the site is at high risk of surface water flooding.
- Caravans, mobile homes and park homes intended for permanent residential use being classed as ‘highly vulnerable’ according to Annex 3: Flood risk vulnerability classification.

3.50 It is considered that the applicant has not supplied robust evidence to be able to determine the flood risk and drainage aspects associated with the development.

3.51 Due to the lack of information there is a possibility that the omissions could lead to an under prediction of impacts and that the development could cause harm in terms of flood risk / drainage and needs to be considered as part of the assessment of the proposed development having regard to the suitability of the site. This is not a matter that can be addressed by way of a planning condition (as is understood to be the appellant’s position).

3.52 Having regard to the flood risk presented on the Environment Agency surface water mapping, flood history within the vicinity together with the change in use to a highly vulnerable classification in flood risk terms, and having regard to Local Plan policy considerations the development is not acceptable.

3.53 In relation to surface water drainage at the site the appellant has not submitted information to demonstrate whether the site can be drained adequately by infiltration drainage as proposed. In the absence of suitable scheme for surface water drainage there is a risk of surface water flooding occurring.

3.54 The LPA maintains that the appeal proposal does not address the requirements of Local Plan policy ENV2 in relation to flood risk from surface water and in relation to proposed surface water drainage.

Air Quality (RFR 3)

3.55 Having regard to the proof of evidence of Richard Moore on behalf of the Council, the LPA is unable to make an informed decision on the air quality, including odour, impacts on the proposed site. RM concludes that accurate air quality information is essential to prevent future users from the site being exposed to poor air quality and to reduce the risk of harm to existing areas that have exceedances in the national limits. If the proposed development goes ahead without air quality information, there is a real risk that new sensitive receptors are located in an area of poor air quality to the extent that the AQMA could not be revoked. This would be at odds with national plans to meet the air quality objectives in the shortest time possible.

3.56 The appeal should not be allowed due to lack of information regarding Air Quality in the form of;

1 – An Air Quality Assessment for traffic emissions from the M62 motorway across the site for nitrogen dioxide emissions and PM2.5 (fine particulate matter).

2- An Air Quality Odour Assessment for potential odours from the nearby Poultry Farm.

3.57 The appeal proposal is contrary to the requirements of policy ENV8 as well as DEV3 in relation to living conditions and potential harm to health and amenity of future occupiers of the appeal site.

Noise (RFR 4)

3.58 The proof of evidence of Steve Smith explains that mitigation for the whole site to attenuate noise might not be possible or achievable in this location given the elevated motorway height.

3.59 Appropriate and effective acoustic mitigation techniques for the residential homes is also unclear due to the lightweight structure that will not have the ability to attenuate low frequency noise from motorway as effectively as a conventional dwelling.

3.60 The acoustic report submitted with the appeal LF Acoustics May 2025 does not confirm whether the proposed mobile homes meet British Standard 3622 which refers to Residential Park Homes including some acoustic requirements.

3.61 Even if the proposed homes were to meet this new BS standard it is unclear if this would have sufficient protection against the elevated 24 hour motorway traffic noise at this location.

3.62 The LPA maintains that the appellant has not demonstrated that the proposal would provide an acceptable and/ or safe habitable environment for the intended occupiers of the site. The appeal proposal does not provide adequate consideration of practical mitigation for the mobile homes proposed as well as the amenity building and amenity areas. The appeal proposal conflicts with Local Plan policies ENV8 and DEV3.

3.63 The evidence of Steve Smith explains that the conclusions of the appellant's noise report that *'recommended BS8233 noise levels will be met both in outside areas (using exceptions) but also inside the homes'* is not concurred with by the LPA due to the following concerns;

- the standard glazing within the homes in relation to sound reduction
- the nature of the lightweight mobile home structure is likely to be similar to that of the glazing system in terms of sound reduction.
- Windows will not be able to be opened for general ventilation but only for purge ventilation purposes due entirely to the excessive ambient noise climate.
- No alternative ventilation system has been definitively proposed.
- The resultant noise levels are considered to have adverse impacts on residential amenity and will adversely impact on sleep disturbance and overall health.
- Mitigation to further reduce noise levels has not been proposed on the site.
- Due to the elevational differences between the motorway and site level, then typical noise attenuation such as site wide boundary acoustic barriers are not practical to separate the motorway from the residential site.
- The appellant has not investigated or proposed any alternative localised on site barriers and it is unknown whether there are any locations that may be practical and/ or provide some benefit.

PPTS (Alternative sites and Personal Circumstances)

3.64 The appellant's statement of case references para 24 PPTS and the personal circumstances of the appellant, as well as lack of alternative sites.

- 3.65 In terms of alternative sites the Council is aware of the Manor Park Fir Tree Close site in Stretton allowed on appeal in January 2025 which grants consent for an additional 5 pitches and has not been implemented. Appeal decision attached at Appendix 5.
- 3.66 In relation to personal circumstances the appellant's SoC identifies 5 people intended to occupy the 5 pitches whereby 4 households are part of the Smith family currently occupying a site at Gorsey Lane which has only consent for 2 permanent pitches. The relationship of the 5th person identified to the Smith family is not known.
- 3.67 The appellant states that the need has arisen as the children of the Smith family occupying the Gorsey Lane site have become adults and require pitches as separate households. This is not considered an unknown need and will be considered as part of the new GTAA that has been commissioned.
- 3.68 The application submission and now the appeal documentation does not include any substantial information to confirm the status of the applicant or family members other than to cite overcrowding at current sites and the appellant does not provide any evidence relating to the needs of any children other than to say, the proposal would allow the children to regularly attend local schools.
- 3.69 No evidence has been submitted relating to the needs of those who intend to live on the site in relation to specific schools children currently attend or reliance on health facilities, other than to cite overcrowding at existing site as the reason for the need for the proposed development. The appellant's case does not relate to personal circumstances regarding best interests of a child or in relation to health requirements of any of the future occupiers. In this respect the personal circumstances put forward are given minimal weight.

4.0 Sustainable location

RFR5

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.

- 4.1 Local Plan policy DC1 requires that within the countryside and settlements, appropriate and sustainable development will be directed to the settlements on varying scales reflecting existing services and infrastructure. Policy DEV3 requires that Gypsy traveller sites either are or can be made accessible to key local services such as primary schools, GPs, shops and other community facilities.
- 4.2 The Council contend that the site's location is not sustainable having regard to the proximity to the nearest settlement, Croft and the ease of accessing services having regard to Local Plan Policy DEV3.
- 4.3 The site is approx. 580m of a Green Belt settlement village, namely Croft, however there are few facilities in the village. The nearest convenience store (SPAR Risley/ Birchwood Technology Park) is 1.64 miles away by car and the nearest facilities offering a range of services is to be found in Birchwood at Birchwood Shopping Centre some 2.7 miles away by car.
- 4.4 The 280 and 281 bus services operate a route in the area connecting Culcheth High School to Newton-le-Willows with bus stops located in Croft and on New Lane whilst the No.19 Bus route 13 connects Croft to Warrington Town Centre from a stop on Smithy Brow.
- 4.5 The location of the site on Spring Lane with lack of footpaths to connect north to New Lane and no streetlighting create adverse conditions for pedestrians and would likely discourage access to public transport resulting in the likely reliance upon car journeys.
- 4.6 The appellant at para 5.15 of their SoC refers to PPTS policy C as 'making clear that some sites will be in rural areas and the countryside'. However the wording of policy C is clearly to identify

a key matter for consideration by LPA's is that when assessing the suitability of sites in rural or semi-rural settings - the scale of such sites must be considered in terms of requirement not to dominate the nearest settled community.

4.7 Policy C does not establish any principle of acceptance of sites in rural areas or the countryside.

4.8 PPTS Para 26 states that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. This text is qualified by foot note 9 that states 'Unless any relevant exceptions from inappropriate development in the Green Belt apply as set out in paragraph 154 of the National Planning Policy Framework.' As set out earlier in my evidence none of the exceptions identified at para 154 are considered to apply in relation to the appeal site.

4.9 The appellants statement at para 5.16 of their SoC in relation to policy H refers to isolated sites and goes on to set out the idea that the PPTS recognises that traveller sites away from settlements are not unacceptable in principle.

4.10 In fact the only mention of consideration of isolated sites is at para 27 of PPTS which states that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

4.11 The appellant refers to appeal decision where reliance on private transport is accepted as not that uncommon in a mainly rural area and the distances involved are not excessive by rural standards.

4.12 The appeal decisions cited by the appellants are both more than 9 years old and therefore limited weight should be given to these conclusions on a matter that has become an increasing priority in terms of local and national guidance.

4.13 The appellant goes on to state that in this case, the site residents would be in a similar position to the many other families living in this rural area and, even if primarily reliant on the private car, car trips would relatively short in both length and duration.

4.14 I consider that the lack of any direct pedestrian access north to closest surrounding community means that the appeal site is not comparable in terms of the experience of residents of Croft who do have some community and social facilities, services and school accessible on foot and despite limited services – can walk to the bus stops via existing footways. The fact that Spring Lane has no pedestrian footway or street lighting connecting to New Lane presents a clear barrier to the occupiers of the site from walking to use any of the limited facilities in Croft or public transport connections.

4.15 The appellant states that the site residents would be in a similar position to the many other families living in this rural area and, even if primarily reliant on the private car, car trips would relatively short in both length and duration. This is not considered to address the Council's concerns that the site has inadequate pedestrian access and streetlighting which makes the site significantly less sustainable and fails to comply with Local Plan policies.

4.16 Policy DEV3 of the adopted Warrington Local Plan outlines the Council's approach to meeting the accommodation needs of Gypsy & Travellers and Travelling Showpeople. Part 5 of the policy outlines the criteria against which sites will be assessed (in addition to other relevant policies in the Plan). Criteria 5(g) requires that a site is or can be made accessible to key local services such as primary schools, GPs, shops and other community facilities.

4.17 The supporting text to Policy DEV3 identifies key evidence to the policy and this includes the Sustainability Appraisal Report: Proposed Submission Version Local Plan (2021).

4.18 In accordance with the requirements of Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) the Local Plan Review was subject to Sustainability Appraisal - Warrington Local Plan Review Pre-submission Sustainability Appraisal August 2021 (AECOM) (CD 8.20).

4.19 As part of the plan making process all site options were appraised throughout the SA process.

The 2021 Sustainability Appraisal Appendix A – Site Appraisal Framework includes an appraisal of each site option considered for allocation and this forms part of the Local Plan evidence base.

4.20 The Council's SA Report identified the key sustainability issues through a scoping exercise.

Eighteen SA objectives were established, as a result of the scoping process. "Reduce the need to travel, especially by car, improve choice and the use of more sustainable modes" was identified as one of these objectives. The criteria for assessing this objective have now been used to assess the accessibility of sites in the SHLAA to bring it in line with current standards on determining accessibility. The criteria are based on access to a GP; Primary School; Secondary School; regular bus service and a train station

4.21 The SA Report Site appraisal Framework can be found at Appendix 6 of my proof. This appraisal Framework uses a series of questions and categorises the answers on the basis of potential effects;

- Significant positive effects likely
- Positive effects likely
- Negative effects likely
- Significant negative effects likely

4.22 The appraisal Framework also includes comments/ explanation in the final column relating to the values/ categorisation of the effects that are attributed to the answers.

4.23 Some of the questions that are relevant to the consideration of the sustainability of housing, and therefore relevant to the appeal site are set out in the table below together with the rationale within the Framework and comments relating to the accessibility of the appeal site.

FIGURE 1 Assessment of appeal site against Local Plan Sustainability appraisal report site appraisal framework criteria.

Criteria	Rationale	Appeal site comments
HW2: Is the area supported by community facilities? (Village halls, places of worship, community centres)	Access to a community facility is considered positive in terms of enabling groups to meet, build identities and engage in decision making. It is recognised that physical access to facilities does not necessarily encourage community development. Qualitative data will also be sought about the usage, condition and capacity of facilities	Christ Church Croft approx. 1km. Croft Youth activity centre approx. 1.3km Croft Village memorial hall Mustard Lane approx. 2km away The distance to the church can be attributed as a positive effect likely as this is less than 1200m. However the distance to other community facilities is between 1200m and 2000m which could therefore be attributed as negative effects likely.
HW 3: Access to local natural greenspace (ANGST). To what extent do the sites meet the following ANGST ¹ standards?	A negative impact is scored where standards are not met as it would require further consideration of mitigation measures. In some instances development	Negative Effect likely Standards not met for either criteria.

¹ Natural England (2010) Nature Nearby: Accessible Natural Greenspace Standards (available online) at: <http://publications.naturalengland.org.uk/publication/40004?category=47004>

1. Natural greenspace at least 2 hectares in size, no more than 300 metres from home; 2. At least one accessible 20 hectare greenspace site within two kilometre of home.	could enhance provision, but this is not assumed at this stage. ANGST is considered a useful measure of the sustainability of locations.	Croft Parish field and play area is located approx. 1.5km away.
HW4: Access to formal play space	Play spaces provide opportunities for child and adult interaction. Such sites should be accessible within a short walk, hence the lower thresholds. It should be acknowledged that lack of facilities may actually not be an issue of new development contributes to or creates on site facilities.	Appeal site is >800m from Croft Parish field and play area Significant Negative effect likely
ACC1: How accessible is the site to the nearest primary school on foot?	2000m is considered to be a maximum 'reasonable walking distance'² which	Significant Negative Effect likely where more than 25 min walk (2000m)
ACC2: How accessible is the site to the nearest Secondary school?	could encourage less car use or shorter journeys by other forms of transport. Distance is measured from site boundary. 1200m is considered an acceptable walking distance to secondary schools	Croft Primary School Mustard Lane approx. 2km and regard must be had to the lack of footway along Spring Lane. Birchwood High approx. 3.5km

² CIHT (2000) Providing for Journeys on Foot

		Culcheth High approx. 5km
ACC3: How well served is the site by a bus service?	The Manual for Streets suggests that ‘walkable neighbourhoods’ will typically have access to a range of services and facilities within 800m³. Inclusive mobility: A Guide to best practice on access to pedestrian and transport infrastructure (DfT, 2005) – suggests that 400m is a desirable distance, and this is reflected in the Warrington Planning Obligations SPD. ‘Regular’ is considered to be a stop which is serviced 3 times in one hour (i.e. every 20mins). Low frequency is considered to be a stop which is serviced less than 3 times in one hour.	Significant Negative Effect where Low frequency bus service more than 400m away Regular bus service more than 800m away Approx 700m to New Lane/ Eaves Brow stop. Infrequent service – 281 stops at 08.08 and 280 at 15.25.
ACC4: How accessible is the site to the nearest train station?	<1200m is considered a reasonable walking distance ⁴ .	Negative effects likely where distance is 3km-5km Birchwood Train station approx. 4.5km on foot.
ACC5: What is the overall distance to a GP service or health centre?	It is assumed that closer facilities will enable communities to better access healthcare, particularly those without	Negative effects likely where distance is 3km-5km Birchwood Medical Centre approx. 4 km on foot.

³ Department for Transport (2007) The Manual for Streets

⁴ CIHT (2000) Providing for Journeys on Foot

	access to a car. If information is available about the capacity of GP facilities, this will need to be factored into the appraisal. If there is limited capacity at a nearby GP for example, then the reality might be that the nearest GP is much further away.	
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4.24 In reviewing the outcomes of the above assessment criteria whilst distance to church is noted as positive effects, all other criteria (greenspace, play, schools, transport and health) show likely negative effects due to the distance from facilities.

4.25 If the appeal site is assessed against the criteria set out in the table above taken from the Local Plan Sustainability Assessment it would not meet any of the criteria to achieve a significant positive effect, with the other criteria likely to have a negative effect on the objective of reducing the need to travel, especially by car, improving choice and the use of more sustainable transport modes. Meaning that overall it can be concluded that the site would not be accessible to the full range of key local services as required by Part 5(g) of Policy DEV3.

RFR6 – BNG

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.

- 5.1 Gypsy and Traveller developments are not excluded from the statutory requirement to provide at least 10% Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990.
- 5.2 A Preliminary Ecological Appraisal was submitted with the application which stated that a biodiversity net gain (BNG) would be required for the proposal however no detail as to how BNG could be provided was submitted with the application. This factor carries significant weight as it is a legislative requirement.
- 5.3 The appellant also appears to claim an exemption as a self build development at application stage however, no mechanism was put forward to demonstrate the self build status of the applicant and there is no evidence to suggest that the applicants were intimately involved in the design of the proposal.
- 5.4 The definition of self build is contained within A (1) and A (2) of the Self Build and Custom Housing Act 2015. The Act at A (1) states that “self- build and custom housebuilding” means the building or completion by— (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. It continues at (A2) to state that it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.
- 5.5 The LPA does not consider the site is or can be secured as self-build based on the information provided and maintains that there is a statutory requirement for BNG delivery that has not been addressed as well as requirement of Local Plan policy DC4.
- 5.6 Local Plan policy DC4.8 sets out that where a loss of, or harm to biodiversity, an ecological network and/or green infrastructure functionality is considered to be unavoidable, development proposals must include mitigation or, as a last resort, compensation measures.

- 5.7 Following the application of the mitigation hierarchy, a measurable net gain in biodiversity assessed against the latest version of the DEFRA Metric must be secured. All proposals for off-site compensatory net gain/green infrastructure must be deployed strategically and as closely as possible to the affected ecological/GI asset and following good practice guidance.
- 5.8 Policy DC4.9 states that where development is permitted, the Council will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation interest and/or to provide appropriate compensatory measures.
- 5.9 The requirement to comply with the statutory biodiversity condition must be established at the time of granting planning permission allowing for any monitoring of BNG to also be put into place via planning condition or legal agreement.
- 5.10 Having regard to the enforcement notice that has been served, the unauthorized status of the existing hardstanding at the site is relevant to the consideration of BNG and the pre development metric.
- 5.11 It is noted that the appellant has not addressed the statutory requirement for BNG in their appeal statement of case. As part of the Statement of Common Ground the appellant's position is that BNG requirement can be secured by condition. At the time of drafting this evidence no condition has been proposed by the appellant.
- 5.12 PPG BNG para 19 states that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):
- The appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy;
 - Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives (for example policies for design, open space and recreation, and retention of trees); and

- Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.
- Prior to the determination of the planning application, decision makers will also want to discuss with the applicant whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.

5.13 I maintain that there is insufficient information with the appeal to establish whether the proposal requires offsetting or to secure BNG.

5.14 The information submitted with the application showed that the proposed development will result in a net loss for biodiversity of some 43%. However, the Council's advisors GMEU advised that the submitted metric does not appear to have been completed correctly. See GMEU memo attached at Appendix 7.

5.15 GMEU highlight that the only scrub species listed in the "mixed scrub" is bramble; if this is the only species present it should be classed as bramble scrub.

5.16 Also the "line of trees", which are all conifers and therefore non-native, are described as being "ecologically desirable" which is not the case.

5.17 GMEU advised that as these calculations affect the number of units required off-site, the metric needs to be completed correctly.

5.18 In addition, the applicant/ appellant's ecological consultants state in their Assessment that the loss could be made up by "purchasing conservation credits through a registered provider, habitat creation directly through the client owned or LPA offered land or a financial contribution towards another provider such as a local nature reserve or park". The latter is not permitted now BNG has become mandatory.

5.19 The second metric submitted at application stage, called "recommended" includes measures to enhance the adjacent land to obtain the required credits. If this option were to be used habitats would need to be legally secured for 30 years and registered on the Biodiversity Gain Sites Register.

5.20 To secure the off site habitat/ credits outside of the red line a legal agreement would be required. The appellant has not proposed this.

5.21 PPG BNG at para 002 states that 'When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains.'

5.22 The appellant has failed to address this matter in their appeal statement.

5.23 The proposal fails to address a statutory requirement, and does not comply with the Local Plan, the Framework and the PPG and would fail to secure the enhancement of biodiversity and would not be sufficient to meet the requirements of Policy DC3 and DC4 of the Local Plan.

6. PLANNING BALANCE & CONCLUSIONS

- 6.1 The proposal would constitute inappropriate development in the Green Belt. It would also not preserve the openness of the Green Belt and Paragraph 153 of the Framework states that substantial weight is to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.2 The identified harm to the living conditions of future occupiers of the site in relation to noise and air quality and surface water flood risk are also considerations that should be given substantial weight in the decision making process.
- 6.3 The site location and lack of access to services and facilities, reliance on the car contributes to lack of suitability of the site for residential occupation and this should be given significant weight.
- 6.4 BNG is a statutory requirement and the failure to meet this requirement must be given significant weight in the planning balance.
- 6.5 In relation to all of these matters the proposal is in conflict with the policies of the development plan and the Framework.
- 6.6 The key policy in the Local Plan relevant to the assessment of proposals for Gypsy Traveller sites is policy DEV3. Assessment of conflict with DEV3 is broken down in the table below;

DEV 3 criteria	Policy compliance/ conflict
a. The proposed site is suitable for use as a Gypsy, Traveller or Travelling Showperson's site and can provide an acceptable living environment for future occupiers;	The site is not suitable for use and does not provide acceptable living environment as set out in the evidence of Jonathan Dawson Parry, Richard Moore and Steve Smith in relation to RFR 2, 3, 4 concerning surface water flood risk, noise and air quality.
b. The site is not subject to physical constraints or other environmental issues that cannot be mitigated to an acceptable level, or that would	As for criteria a) there are environmental concerns and safety concerns in relation to noise, air quality and surface water flood risk.

impact upon the health, safety or general wellbeing of residents on the site;	These are all physical constraints that would impact upon the health, safety and general wellbeing of future residents of the site.
c. The site is or can be well integrated within the local townscape in a manner in-keeping with the local character, using boundary treatments and screening materials which are sympathetic to the existing urban/rural form;	The harm to the Green Belt is addressed in my evidence in terms of hardstanding and built form.
d. Be compatible with surrounding land uses particularly with regards to residential amenity;	Concerns in relation to residential amenity of future occupiers as for criteria a) and b) in relation to existing land uses being the motorway and chicken farm.
e. The site has good access to the highway network and adequate provision is made for the parking, manoeuvring and storage of all vehicles associated with the use of the site;	No objections regarding criteria e)
f. The site is served, or could readily be provided with, electricity, mains water, drainage, sewage and waste disposal facilities; and for permanent sites	There is a lack of information regarding how surface water will be drained and potential implications for foul drainage.
g. The proposed site is or can be made accessible to key local services such as primary schools, GPs, shops and other community facilities.	Lack of any footway or street lighting on Spring Lane north of the site means that there is limited provision for access to any nearby community notwithstanding consideration of distance and limitation of services within Croft.

- 6.7 Consideration of need and supply of Gypsy and Traveller pitches in the borough is a matter for the new GTAA, and it is considered that this factor is neutral in terms of the decision making process.
- 6.8 Even if the new GTAA when published identifies an unmet need, the Site is unacceptable in terms of flood risk/ noise/ air quality/ sustainability/ Green Belt harm and therefore this would not change my judgement/ conclusions in any event having regard to policy E of the Planning Policy for Traveller Sites (2015, updated 2023) (PPTS) which states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'
- 6.9 The personal circumstances of the appellant are not evidenced to a degree that can be afforded weight in the decision making process and must be considered in the context of the identified risks and unsuitability of the site as a residential environment in relation to air quality, noise and flood risk.
- 6.10 These personal circumstances put forward by the appellant do not amount to Very Special Circumstances to outweigh the harm to Green Belt and any other harm.
- 6.11 The appeal proposal clearly conflicts with national guidance set out within the Framework and Local Plan policies GB1, DC1, ENV2, ENV8, DEV3, and DC4 and should be refused.
- 6.12 The appeal proposal is partly retrospective, although as set out at the start of my evidence, it is unclear within the appeal submission the extent of retrospective works/ use. The 2015 Planning Policy Statement on Green Belt protection and intentional unauthorised development is considered relevant to this appeal which introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals and this further weighs against allowing the appeal.
- 6.13 The Inspector is respectfully invited to dismiss the appeal.

APPENDICES

APPENDIX 1 – Decision Notice 2024/00668

APPENDIX 2 - Copy of Enforcement Notice Spring Lane

APPENDIX 3 – GB Assessment – parcel plan CR6

APPENDIX 4 – Aerial photographs

APPENDIX 5- Manor Park appeal decision January 2025

APPENDIX 6 - Local Plan Sustainability Report – Site Sustainability appraisal criteria

APPENDIX 7 - GMEU consultation advice – application 2024/00668