



- PROOF OF EVIDENCE -

OF

DANIEL MATTHEWMAN LL.B (Hons), MSc, ACILEx, MRTPI

APP/M0655/W/25/3367247

MATTER: APPEAL AGAINST REFUSAL OF APPLICATION 2024/00668/FUL

PROPOSALS: CHANGE OF USE OF LAND EAST OF SPRING LANE, CROFT – CHANGE OF USE AS A CARAVAN SITE WITH NO MORE THAN 5 PITCHES FOR GYPSY AND TRAVELLER PERSONS AND ASSOCIATED OPERATIONAL DEVELOPMENTS, PROVISION OF HARDSTANDINGS, PITCHES AND AMENITY BLOCK; WITH EACH OF THE 5 PITCHES HAVING NO MORE THAN 2 CARAVANS SHALL BE STATIONED AT ANY TIME, OF WHICH ONLY 1 CARAVAN SHALL BE A STATIC CARAVAN.

ON BEHALF OF: RESIDENTS OF SPRING LANE AND NEW LANE

OUR REF: SLR01/1

DATE: OCTOBER 2025

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STATEMENT OF PROFESSIONAL EXPERIENCE

This statement is written by Daniel Matthewman LL.B (Hons), MSc, ACILEx, MRTPI. I am dual qualified as a Chartered Town Planner and as an Associate Member of the Chartered Institute of Legal Executives. I hold an undergraduate honours degree in Law and a post-graduate 1st class honours MSc in Environmental Governance.

I am the Director of Green Belt Experts, a town planning and development consultancy regulated by the Royal Town Planning Institute. I have a particular expertise in town planning matters in protected area such as green belt, conservation areas and National Parks, with a background in law, regulation and environmental crime matters. Additionally, between 2011-2015, I was a Warranted Constable for Cheshire Police.

My planning experience of more than 17 years has included conducting planning appeals, preparing for and appearing as a witness at public inquiries, injunctions and court proceedings (both civil and criminal) in relation to planning, heritage, noise and enforcement matters.

It is directly relevant to this appeal that between 2012 to 2015, I was employed as a Senior Officer and latterly as the Enforcement Team Leader for Warrington Borough Council as Local Planning Authority. It is important to emphasise that the opinion I offer here is that of a neutral and independent consultant and Chartered Town Planner.

Since then, in my role as a private sector consultant - within the last 5 years alone my experience has included preparing and progressing around 75 planning applications to Warrington Council. I am therefore very familiar with the area, the LPA's planning policies and the town in general.

It is also relevant that I was formerly employed by the Environment Agency as a Planning Liaison Officer. My role involved reviewing planning applications and giving advice to various LPAs across the north-west of England on high risk planning applications, addressing (amongst other topics), matters of flood risk, contamination, and biodiversity.

Furthermore, I have guest lectured on the Architecture and Planning Course for the University of Manchester and I am the author of "*From government to governance in an age of austerity: An evaluation of new land management partnerships to fit a new economic era for the Peak District National Park*" (2015, 853511).

Declaration

This evidence, which I have provided for this appeal ref. APP/M0655/W/25/3367247 is true to the best of my knowledge and belief. It 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.

Name: Daniel Matthewman

Signed:  Dated: 24th October 2025

DATE: 23rd October 2025
OUR REF: SLR01/1
LPA REF(S): 2024/00668/FUL
APPEAL REF. APP/M0655/W/25/3367247

PROPOSAL: CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR 5 GYPSY/TRAVELLER FAMILIES; TOGETHER WITH THE LAYING OF HARDSTANDING AND ERECTION OF COMMUNAL AMENITY BUILDING.

LOCATION LAND EAST OF SPRING LANE, SPRING LANE, CROFT, WARRINGTON, WA3 7AS

1. INTRODUCTION

- 1.1 This document is a Proof of Evidence (PoE) submitted to the appeal by me, on behalf of a local interest group known as “Residents of Spring Lane and New Lane” (SLR) who have adopted Rule 6 Party status to the appeal. This Statement is supplementary to the Rule 6 Party’s Statement of Case (SoC) dated 9th October 2025.
- 1.2 Notwithstanding the opinions of those instructing me, this Statement by me is given in accordance with the RTPI Code of Professional Conduct and represents my own bona fide professional opinion on the matters therein. Where appropriate, it incorporates contextual information and evidence supplied by local residents that is combined with my own research and appraisal of the policies, the site and observations of the locality.
- 1.3 In preparing this Statement, I have had regard to the appeal submissions to date insofar as I consider them relevant, including those of the other main parties, Warrington Borough Council (the council) as Local Planning Authority (the LPA) and the Appellant, Mr T. Smith via his planning agent, Mr Philip Brown (Mr Brown).
- 1.4 The application seeks part-retrospective permission. Noting that the land is privately owned with no public access readily available, I have not had the benefit of close quarters inspection to view all of the Site and unauthorised uses. However, I have been able to visit the site and surroundings and my assessment is assisted by a number of detailed aerial photographs and supplementary information. Thus, I consider that the information before me is adequate to provide a robust and informed assessment.

2. PROCEDURAL MATTERS

- 2.1 Since the R6 SoC was submitted, the position of the other main parties has been updated through the submission of the following additional documents and information. These have been duly taken into account as part of preparing this Statement.
 - a) Updated response from LPA Highways Consultee dated 14/10/2025 (Rec’d 17/10/2025)
 - b) Updated Site Layout Plan at 1:500 scale, including key (Received 17/10/2025)

3. SITE DESCRIPTION

- 3.1 A detailed site description is provided within the R6 Statement of Case (R6 SoC) and this is supplemented by an agreed Statement of Common Ground (SoCG); as such, an extensive description is not required. However, it is relevant for wider context that the village of Croft, as it is now, is a relatively recent (post-war) settlement expansion.
- 3.2 Croft village itself was previously around 1/3 of the size, with the redevelopment of the former HMS Gosling/RAF Croft Camp 1 becoming new housing estates north of New Lane built in the 1960s and accounting for approx. 50% of the village by land area. This was followed shortly afterward by the construction of the M62 Motorway between 1965 and 1975 and then latterly, the growth of Warrington more generally during the 1970's under the remit of the Warrington & Runcorn New Town, from April 1968 until Sept 1989.
- 3.3 And yet despite the significant growth of Croft village and Warrington town around it, the appeal Site has remained largely open and undeveloped throughout. The absence of large areas of built development on the appeal site and its 'green' pastoral character is evident through the years from as far back as 1945, as shown in aerial photographs.
- 3.4 The context of the Site is now substantially influenced by the adjacent M62 motorway and the Springfield House Farm poultry farm situated on the western side of Spring Lane.

Fig. 1 - Site shown in context of Springfield House Farm poultry farm



4. STATEMENT OF COMMON GROUND

- 4.1 Agreement between the main parties has been reached on a Statement of Common Ground. At the time of writing, the areas of agreement and disagreement are contained in Revision G dated 23/10/2025. A revised proposed plan Rev D is provided (Appendix 1).
- 4.2 Appendix 2 to the SoCG comprises a draft list of agreed and not-agreed conditions negotiated between the main parties; however, these are still subject to on-going discussion. I expect that a final version will be agreed prior to the inquiry convening.

5. MAIN ISSUES

- 5.1 I consider that the main issues are whether the appeal site is suitable for the proposed nature and type of residential development being proposed, having particular regard to:
- a) Whether or not the proposed development would be inappropriate development in the green belt, having regard to the relevant exceptions to inappropriateness in the National Planning Policy Framework (NPPF / the Framework), which are mirrored by Policy GB1 of the Warrington Local Plan 2021/22 - 2038/39.
 - b) If the proposed development would be inappropriate development, whether any harm by reason of inappropriateness (and any other harm), would be outweighed by other considerations amounting to Very Special Circumstances (VSC); including:
 - (i) The availability of alternative sites and need for Gypsy and Traveller pitches in the locality and whether there is a recognisable 5-year supply; and
 - (ii) The status and personal circumstances of the intended occupants and their respective needs.
 - c) Whether the proposed development complies with the criteria set out in Warrington Local Plan Policy DEV3 which refers to the provision of Gypsy and Traveller sites;
 - d) Whether the Site is sufficiently sustainable having regard to its location, pedestrian infrastructure and the requirements of policies INF1 (and INF5) of the Local Plan; and
 - e) Whether the proposals otherwise comply with the relevant Local Plan policies in relation to amenity, air quality, noise and design as set out in policies DEV3; INF1; DC4; DC6; ENV2; and ENV8, as well as the Warrington Design Guide SPD (July 2024) and Environmental Protection SPD (July 2024);
 - f) Additionally, whether the actions of the proposer amount of intentional unauthorised development that is in conflict with the Written Ministerial Statement (Statement UIN HCWS423) titled "*Green Belt protection and intentional unauthorised development*" dated July 2015 and as discussed in the House of Commons Library Briefing Paper (8th May 2024) titled "*Gypsies and Travellers: Planning provisions in England*".

6. KEY POLICIES

- 6.1 The statutory development plan is the **Warrington Local Plan 2021/22 - 2038/39** ('the Local Plan' / LP). This should be read alongside the National Planning Policy Framework (the Framework), updated December 2024 and any relevant supplementary guidance.
- 6.2 Core policies of the Local Plan are to be exhibited as part of a Statement of Common Ground (SoCG) between the parties, so as to avoid duplication.
- 6.3 I consider that the local plan policies most important for decision making are:

Warrington Local Plan policies

- GB1 Green Belt
- DEV3 Gypsy & Traveller Provision
- INF1 Sustainable Travel and Transport
- DC4 Ecological Network
- DC6 Quality of Place
- ENV2 Flood Risk and Water Management
- ENV8 Environmental & Amenity Protection
- INF5 Delivering Infrastructure

National policies and guidance

- Planning Policy for Traveller Sites
- Ministerial Statement (UIN HCWS423)
- National Planning Policy Framework, in particular paragraphs
 - 143-145, 155, footnote 7
 - 142-142, and 154
 - 62, 173-176 and 178
 - 182 – 187 and 198
 - Annex 2 definitions

Supplementary Guidance

- Warrington Design Guide SPD (July 2024)
- Environmental Protection SPD (July 2024);
- Gypsy, Traveller & Travelling Show-people Accommodation Assessment (GTAA, 2018)
- Research Briefing Paper Gypsies and Travellers: Planning provisions in England (2024)
- National Planning Practice Guidance (NPPG)

- 6.4 It is not necessary to repeat the detail of the LP policies verbatim here; however, I have summarised the main aspects of the policies within an appendix for completeness.

See R6-PoE Appendix K

Planning Policy for Traveller Sites – DCLG (2024)

- 6.5 The Planning Policy for Traveller Sites (PPTS) published by the DCLG, was published in 2012 and updated in August 2015 and December 2024. This policy document aims to cover the accommodation needs of a range of ethnic and cultural groups, many of which practice nomadism, moving from place to place; or who have a nomadic heritage.
- 6.6 The policy seeks to address issues related to the definition of Gypsy and Travellers and to clarify expectations for local planning authorities. Paragraph 4 of the Framework confirms that it is a material consideration in planning decisions. It provides guidance for LPAs on identifying /providing suitable sites for Gypsies, Travellers, and Travelling Showpersons.
- 6.7 The policy states that each local planning authority should assess the need for sites to accommodate Gypsies and Travellers in its area. If it identifies a local need, the LPA(s) should set targets for the number of Gypsy and Traveller sites and identify land suitable for these sites. This should be maintained as a register of such sites by the LPA.
- 6.8 The policy directs that if LPAs are unable to demonstrate a five-year supply of specific, deliverable sites, then government states that they should grant planning permission for sites that come forward, unless the land is protected. Protected land includes Green Belt.
- 6.9 The PPTS policies emphasise the need for sustainable development, promoting peaceful coexistence between sites and local communities, and ensuring suitable and sustainable access to essential services. Key aspects of consideration include:
- It defines that (Policy E), traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in the Framework apply, including demonstration of Very Special Circumstances;
 - LPAs must identify a five-year supply of specific, deliverable sites, along with a further ten years of potential sites, to meet locally identified needs;
 - The LPA is required to ensure that traveller sites are sustainable - economically, socially, and environmentally; and
 - Notwithstanding the above, the policy discourages new traveller site development in open countryside away from existing settlements and areas allocated in the development plan, unless Very Special Circumstances are proven.

Research Briefing Paper Gypsies and Travellers: Planning provisions in England (May 2024)

- 6.10 This document is a House of Commons Library research briefing note relevant to Gypsy and Traveller sites. It aims to provide a 'laymans' description of the policy background and provides some statistical information regarding provision of such sites. It also comments on development control powers under the planning acts and unauthorised encampments powers that are available to councils when dealing with private land.

7. PLANNING HISTORY

- 7.1 The planning application history of the Site is a material consideration to decision making insofar as it is relevant to the matter at hand. In this case, the planning history is germane to establishing whether the site is previously developed (PDL), for the purposes of applying green belt policies.

Brief contextual history

- 7.2 In brief, by referring to Ordnance Survey Maps (OS Maps) and aerial photos, and the planning application history, it has become evident that up until 2022, the appeal site was agricultural land and had been since at least throughout the 19th century. During the pre-WWI area, shown in the 1893 – 1907 OS Maps, the land was associated with Johnson's Tenement Farm, comprising an open field (Field Parcel ref. 436) comprising 4.85 acres. At some point between 1907 and 1928, the field was split and adjoined with Field Parcel 441. An Aerial photo dated 10th May 1945 shows the Site as open farm land, and based on the photos it was presumptively an arable farm. The 1945 field parcel arrangement and boundaries are consistent with the June 1961 photo and the 1964 OS Map.

See R6 – SoC Appendix B and C

- 7.3 It appears therefore, at the material date of July 1949, the appeal Site, on balance of probability, was open land that was devoid of any built structures or development. The 'original' condition of the land is that of green field and agricultural status.
- 7.4 Between 1965 and approx. 1967, the M6 motorway was built, some 500m to the South-west. By 1975, the M62 embankment had been constructed (approx. August 1971), with the carriageway of the M6/M62 interchange junction then being situated immediately adjacent to the appeal Site. Mill House Lane and Spring Lane were re-routed causing Johnson's Tenement Farm to become segregated from the appeal Site by the motorway. At this stage, the land is still shown on OS Maps as being open and undeveloped land.
- 7.5 There is an entry on the Land Registry Title Register (reference CH300414) for the Site dated November 1988 in the name of Grayham Charles Dodd, which implies that this is when the Site became used separately from Johnson's Tenement Farm. Planning records held on the LPA's register dated 2011 and 2012¹ relating to Johnson's Tenement Farm were lodged in the name of James Dodd. It seems likely that the two persons are relatives and the Dodd family are/were owners of Johnson's Tenement Farm.

See R6 – PoE Appendix L

- 7.6 Later OS Maps show that throughout the period 1977 into the early 1990's, the land continues to remain absent of any built structures or development. This is reinforced by Title Plan (reference CH300414) stamped Feb 1989 which shows the land as entirely open.

¹ Application references 2011/19173 and 2011/18216

- 7.7 I have been unable to obtain copies, however, my belief is that the land registry entry dated November 1988 refers to a Lease from Mr Dodd to Mr John Allen, who is/was the owner and operator of Ramswood Nurseries, established in 1980. It has its main base and garden centre situated at Manchester Rd, Rixton where there are also a large number of glass houses and planter beds. As a large horticultural business Ramswood Nurseries grows and sells, amongst other things, shrubs, trees, alpines, and bedding plants.
- 7.8 Although it is not clear enough to reproduce it in print format for this appeal, I have had sight of an aerial photo dated 16th Oct 1993 that appears to show the presence of the glass house, a boiler house and a feeder pond on the land in the south-west corner of the appeal Site. It appears that these were constructed at some stage between 1989 and Oct 1993, presumably by Mr Allen as part of his Ramswood Nurseries business.
- 7.9 Based on the aforementioned land registry documentation, the LPA planning register and aerial photos it is further my belief that Mr Dodd of Johnson's Tenement Farm sold the appeal site to John Allen in around 1995 to 1996. This was most likely after Mr Dodd's application ref. 95/33229 for a new dwelling on the appeal site was refused in May 1995.

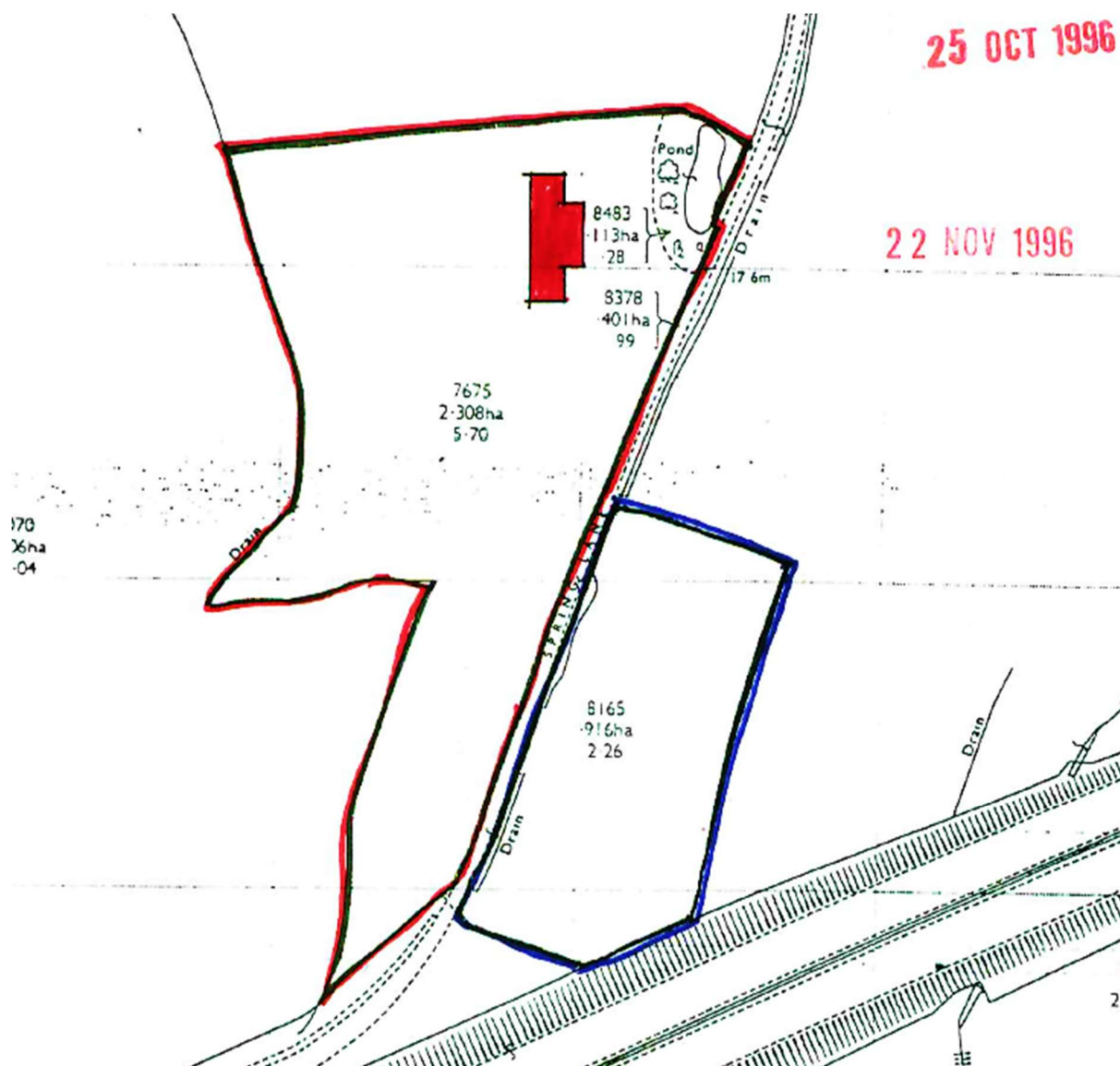
Reference	Description of development	Decision	Date
95/33229	Outline for 1no. Detached dwelling	Refused	24/05/1995

- 7.10 Previously it was thought that there was no planning history available for the appeal site, but in my experience it is not unusual where a parcel of land has been 'orphaned' from its 'parent' parcel; for that site's application history to be retained on a different file held by the LPA. I have since researched this area further in preparation of this Statement.
- 7.11 Having searched the council's online planning register, I have identified the following relevant planning applications listed below that were submitted by Mr John Allen in relation to land situated both east and west of Spring Lane. Within these applications, the appeal site is edged in blue confirming his ownership as part of his horticultural holding:

Reference	Description of development	Decision	Date
96/35627	Agricultural storage building & works amenity building	Approved with conditions	09/04/1997
2006/08014	Change of use of existing agricultural storage and employee amenity building to ancillary office accommodation for horticultural business	Approved with conditions	15/06/2006
2015/26747	Change of use from Ancillary Office Accommodation for Horticultural Business (B1a) to Residential dwelling (C3)	Approved with conditions	01/03/2016

- 7.12 Below, I have provided an extract from the site location plan for application ref. 96/35627 which shows the appeal site as being part of the Ramswood Nurseries land holding. I note at that the OS plan shows that there are no buildings on the appeal site.

Extract from planning application ref. 96/35627:



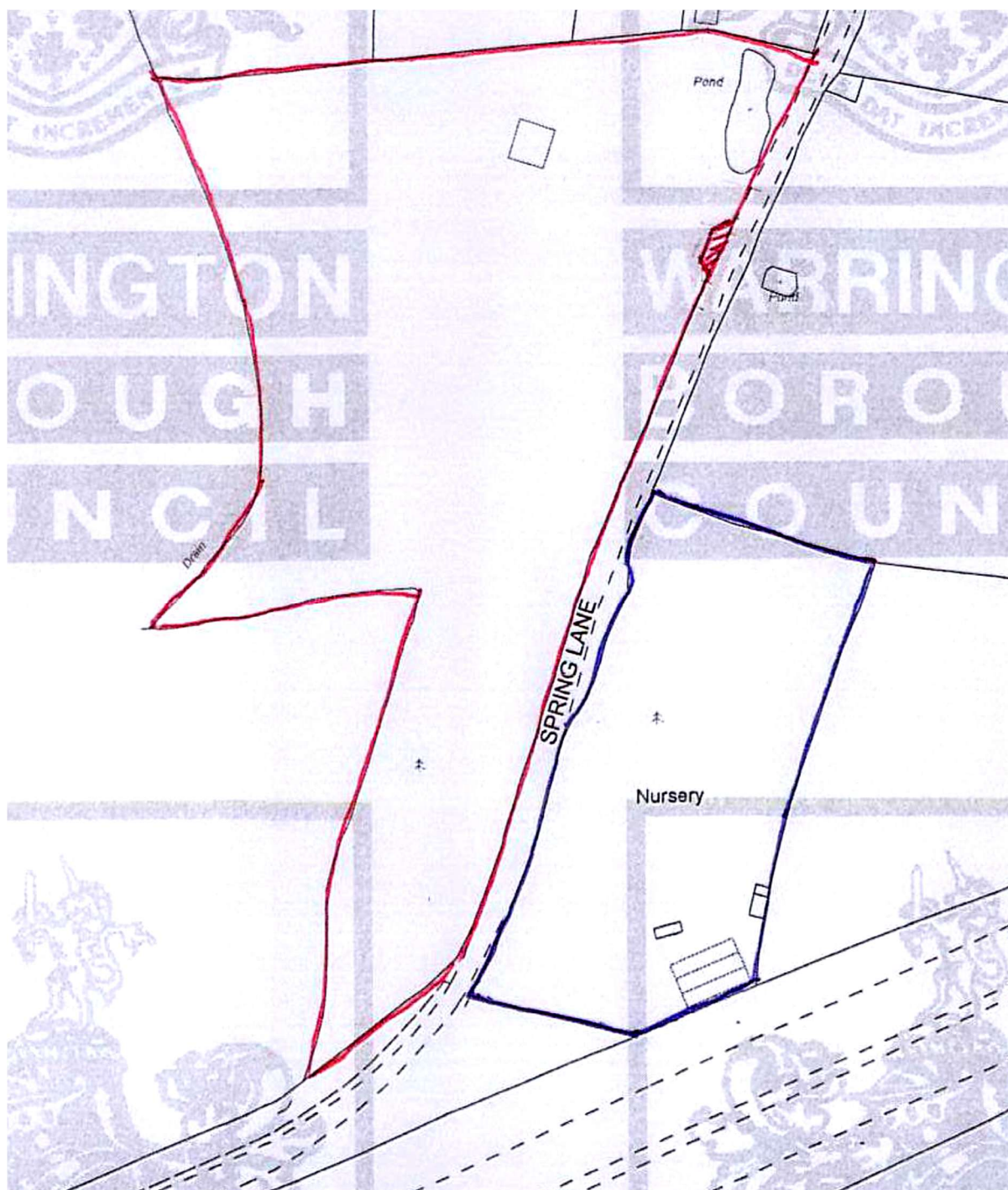
- 7.13 Within the 96/35627 application, Mr Allen describes how a proposed storage building would eliminate journeys to/from his Rixton site and explains how the holding was used:

"The operation is related to the nursery at Rixton for nurturing trees & turf".

- 7.14 Therefore, the appeal site (taken together with the land west of Spring Lane) was a horticultural nursery site. Its use fell within the definition of "agriculture" and horticulture as per S.336 of the Planning Act 1990. It was defined as a green field site in policy terms.

- 7.15 The planning register indicates that Mr Allen continued to own the land from the period from 1988 up until 2022, when he then sold it to DML properties. Also notable within the application bundle is the application ref. 2006/08014 which described the land use as a "horticultural business". Also, within this bundle is a plan that shows the former glass house, storage building and boiler room visible at the south-east (bottom right) corner of the Site.

Extract from Site location plan submitted with 2006/08014:



- 7.16 The LPA holds aerial photos from 2001 onwards, which show the area and indicate that the aforementioned glasshouse and structures on the appeal Site appear to be derelict by 2001. These aerial photos are supplemented by photos from other sources such as Google and Bing. The condition of the Site in 2005, at which point Mr Allen sought further permission for land west of Spring Lane (i.e. not the appeal site), can be seen below.

Aerial photo showing the Ramswood Nurseries (Spring Lane nurseries) site in 2005:



Unauthorised uses and developments

- 7.17 My review of the background of the case and planning history has led me to the conclusion that intentional unauthorised development has occurred at the site within the last 10 and 4 years respectively. This is set out at page 5 of the R6 Statement of Case.
- 7.18 The photos provided at R6 SoC Appendix A show that since August 2020, a chain of unauthorised operational developments and uses of land have occurred:
- Aerial photographs from 2019 and 2021 and street-side photos dated August 2020 show the site as being mostly undeveloped. A small area of hardstanding and the aforementioned (circa 1993) derelict buildings are apparent, but the Site had somewhat been reclaimed by nature, with the most remains of the buildings and fixed surface structure appearing to have largely blended into the landscape;
 - By 18th July 2022 aerial photos show that an area of hardstanding has been formed and extended and new fencing erected. Three roll-on/roll-off skips are apparent within the photograph alongside what appears to be red dust. I would conjecture that this is staining caused by rust from scrap metal being tipped on the land. This similar pattern appears again in a later photograph dated 2022 or 2023. It is noted that the landowner, Mr Smith, runs a scrap metal waste business.
 - Aerial photographs then show that by 7th September 2023, there is a clear and evident 'ramping up' of the storage of vehicles, landscaping wastes, stone and logs etc; together with the siting of touring caravans, shipping containers, bowzers, trailers and items not reasonably necessary for the agricultural management of the land.
 - Photos taken throughout 2023, 2024 and 2025 show the continuation of these unauthorised uses and activities. In particular, the number of touring caravans sited on the land increases from 3no. to 5no. and aerial photos dated 9th May 2025 show the formation and extension of hardstandings underway (R6-SoC-Appendix C, pg.11)
- See R6 SoC Appendix A, C and D
- 7.19 On 14th October 2025, it was confirmed to me by LPA Enforcement Officer Mrs Beckett, that the LPA had contact with the previous landowners since July 2023 and latterly with Mr Smith as the current landowner from August 2024. It was further confirmed to me that the appellant was advised by Mrs Beckett that he should cease the activities or apply for permission to retain them. The planning application that was later received remained invalid for over 6 months before being refused; it is now subject to this appeal.
- 7.20 The continuation and escalation of the unauthorised activities and developments on the Site since 2022 and especially since July 2023, demonstrate to me that the developments and uses occurred in spite of the knowledge that permission was required but had not been sought nor granted. In my view, the works were 'intentional' and flagrant breaches of planning control that are within the ambit of Ministerial Statement (Statement UIN HCWS423) titled *"Green Belt protection and intentional unauthorised development."*

8. PREVIOUSLY DEVELOPED LAND AND GREY BELT (INITIAL CONSIDERATIONS)

- 8.1 In relation to whether the land can or should be considered as Previously Developed Land (PDL), or grey belt land – I offer my opinion that it cannot, because it does not comply with the relevant terminologies found in Annex 2 of the Framework.

Previously Developed Land

- 8.2 As noted in the planning history section above, in accordance with both the 1990 Act and the Framework – prior to the unauthorised developments; the appeal site was in horticultural use. This defines it as 'greenfield' land, rather than PDL (i.e. brownfield land).
- 8.3 Annex 2 of the Framework was updated in 2024 to more narrowly define the terms to be applied to PDL. In particular, the wording was updated to insert the term "*Land which has been lawfully developed...*" (our emphasis underlined) meaning that any development of land that is carried out unlawfully and which has not become immune from action such as in this case, means that it does not benefit from PDL status.
- 8.4 In 2009, the Ramswood Nurseries horticultural buildings were evident in aerial photos, the land was largely wooded in its northern half, as it used still to grow trees/shrubs.

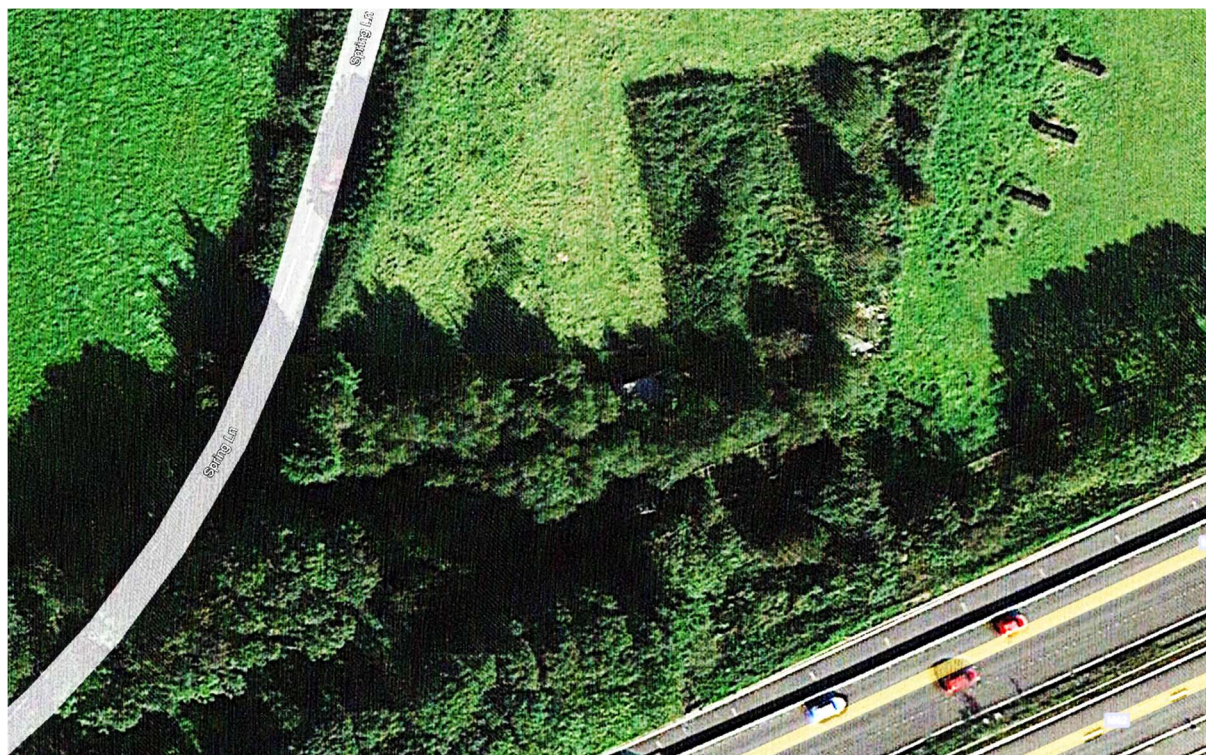
Aerial photo of appeal site (2nd June 2009) ©Google Earth



- 8.5 Over the next decade, the land became very overgrown and when viewed from Spring Lane, there was hardly any notable presence of buildings or structures on the land.

See also aerial photo below and see also R6 – SoC Appendix A and C

Aerial photo dated 20th Sept 2019: ©Google Earth



- 8.6 In this regard, the wording of Annex 2 of the framework is important. It states that land shall be excluded from the meaning of PDL where, amongst others – it was last occupied by agricultural or forestry buildings. Section 336 of the 1990 Act defines that “agriculture” includes “*horticulture, fruit growing, seed growing...[...] and nursery grounds*”

developed. **Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings;** land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 8.7 In summary, I find that the Site was last occupied by an agricultural building that had in any event, through the passage of time, largely blended into the landscape prior to unauthorised works taking place on the Site. The present developments are unauthorised and are subject to an enforcement notice, they are not “lawfully developed”.
- 8.8 I therefore firmly conclude that the land is excluded from the definition of PDL land.

Grey Belt Land

- 8.9 In relation to the grey belt policies within paragraph 155 of the Framework, I draw the Inspector's attention to the particular definitions of grey belt given in Annex 2.

Extract showing Annex 2 definition of Grey Belt land:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined 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. '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.

- 8.10 Annex 2 defines that grey belt land includes sites that are either PDL (not applicable here), or is other land, that does not strongly contribute to any of purposes (a), (b), or (d) given in paragraph 143 and that passes the 'protected areas tests' in footnote 7. It therefore becomes necessary to determine whether the land falls within the given definitions having regard to the vulnerability of surface water flood risk at the site.

Footnote 7 of the Framework sets defines the protected areas other than green belt:

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); **and areas at risk of flooding or coastal change.**

- 8.11 This is because although the land is not shown on the EA map as being at high flood risk from flooding from a river or sea, the EA maps and the factual evidence shows that it is at risk of pluvial flooding from sources of surface water. This is also shown on the council's Surface Water Flood risk map maintained on its GIS online mapping system.
- 8.12 It is agreed common ground between the parties that the 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. It is also agreed that part of the site is located within an area identified as having high chance of surface water flooding according to Environment Agency mapping.
- 8.13 The LPA has set out its position that due to footnote 7, the appeal site does not benefit from the grey belt provisions. In my reading of the Framework, there is no distinction between different types of flood risk for the purpose of footnote 7. This aspect is discussed in more detail below in the Reasons for Refusal section of this Statement.
- 8.14 Overall, there is insufficient evidence before me to persuade me that flood risk is *not* a 'strong reason' for refusing or restricting development. It follows that the appeal site does not qualify for the grey belt exceptions in paragraph 155. As such, I proceed on this basis.

9. REASONS FOR REFUSAL AND ANALYSIS

- 9.1 The subject application was submitted in May 2024 and remained invalid for several months, before being validated. The application was refused on 19th March 2025. The LPA decision notice states six reasons for refusal, each will be addressed in order, before then returning to the over-arching issue of green belt and very special circumstances later on.

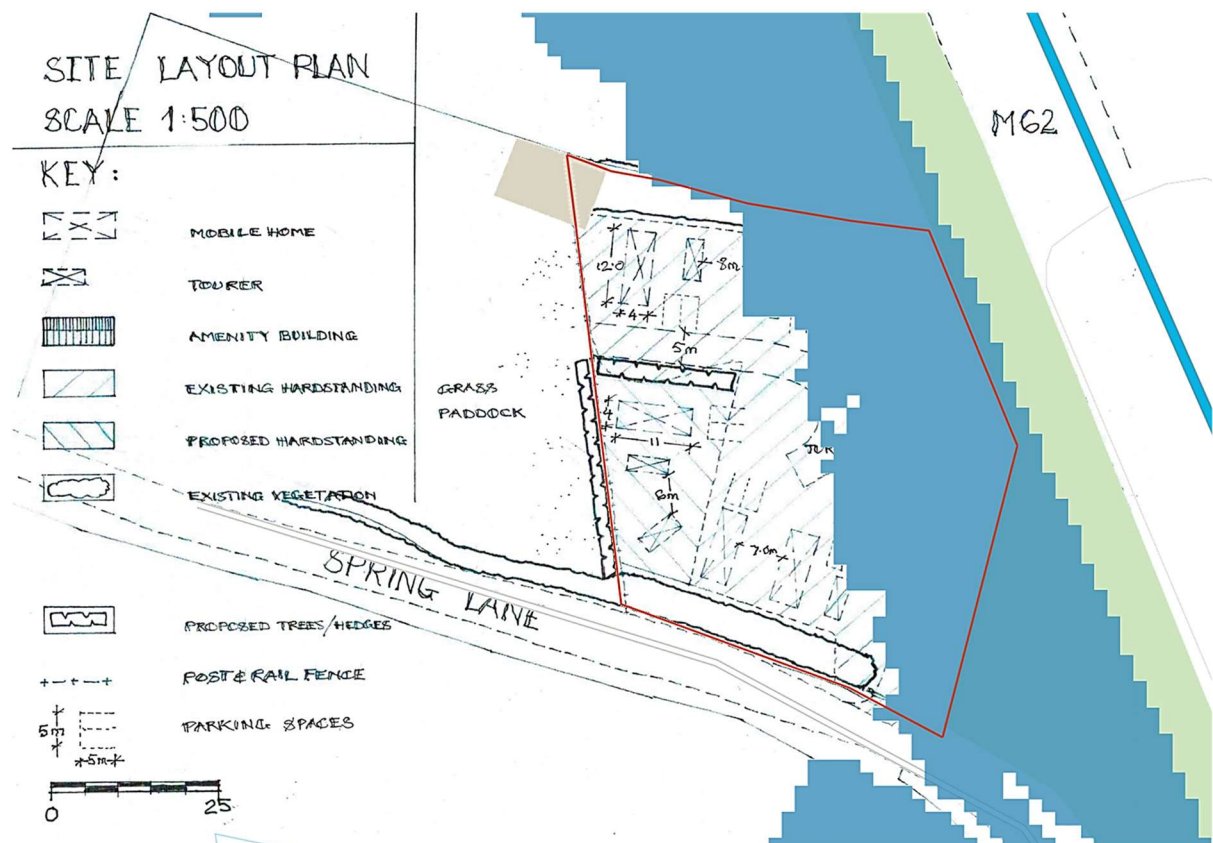
Reason for refusal No.1 (Green belt)

- 9.2 The first reason for refusal finds that the proposal is inappropriate development in the green belt. It further finds that no Very Special Circumstance (VSC) exist. And therefore, the proposal conflicts with LP Policy GB1 and the Framework. I agree on all conclusions for the reasons that I shall explain below.
- 9.3 The Framework defines that in the case of inappropriate development, substantial weight is to be given to green belt harm, including harm to its openness. Definitional harm is created where proposals are inappropriate by definition and actual harm is created where proposals would undermine the purposes of the green belt in paragraph 143.
- 9.4 In this case, the proposal does not benefit from any of the exceptions to green belt inappropriateness that are set out paragraph 154; there is therefore a clear definitional harm arising. I have set out above the reasons why the site cannot be assessed on the basis of it being PDL or grey belt land. The appeal therefore falls to be considered against the threshold of VSC, in particular whether there are any circumstances that outweigh the harm by reason of inappropriateness and that outweighs the other harms identified.
- 9.5 Policy E of the PPTS does not provide any additional exceptions to inappropriateness for Gypsy or Traveller sites. Nor does it say that the absence of a 5 year supply of such sites should be treated as VSC. The PPTS was updated in December 2024 alongside the latest revision to the Framework, at which time government had an obvious opportunity to state that a failure to satisfy PPTS Policy B would amount to VSC...but it did not do so. I give this decision by the government significant weight in my evaluation.
- 9.6 The PPTS is clear that, subject to the best interests of the child (I shall discuss this element below) - personal circumstances alone and/or unmet need are unlikely to clearly outweigh the harm to the green belt and any other harm sufficiently so as to establish VSC. In short, the PPTS does not truly change anything when applying LP GB1 or the NPPF.
- 9.7 There is no agreement reached on the level of unmet need, if any, that exists in this locality and surrounding districts, as the council is updating the GTAA. This is in part to take into account recent approvals and updated evidence. The appellant suggests that the LPA is unable to demonstrate a deliverable supply of sites and therefore the 'tilted balance' should be engaged. However, it is trite practice and well-trodden ground that absence of a 5-year supply (even if proven) is not in any event a cure-all to inappropriateness... it does not automatically result in VSC being proven.

Reason for refusal No.2 (Flood risk and drainage)

- 9.8 This section of my Statement is supplementary to the R6 SoC, pages 7 and 8.
- 9.9 It is mentioned above that I was previously employed by the Environment Agency (EA), which involved amongst other things, advising LPAs on the implications of flood risk. My role was to reviewing the technical responses from the Development Control Engineers within EA Flood Risk Team; to clarifying and consider their responses against national policies before then writing the statutory consultee responses to planning applications. This experience remains relevant when reviewing the appeal submission.
- 9.10 There is no site topographical survey submitted by the appellant to confirm the exact Site levels relative to ordnance datum and so there is a clear lack of data in that regard. As such, modelled flood level information based on LiDAR data represents the Best Available Evidence. The EA website, <https://flood-map-for-planning.service.gov.uk/> provides surface water flood risk estimates, shown on a mapping screen, based on their data.
- 9.11 Overlaying the proposed site plan (Rev D, 17/10/2025) on the EA flood map for the 1:100 year period data provides the following infographic (N.B - there is relatively scant difference between the 1:100 and 1:30 event maps for this site). Once overlaid, the plan shows that the entirety of the amenity block and one of the proposed pitches is affected.

Proposed site plan Rev D 17/10/2025 overlaid on EA 1:100 Surface water flood risk map:



- 9.12 The EA dataset also notes that the annual risk of surface water flooding already present could be greater than 1:30, without any allowance for climate change. This indicates that the situation will become worse over the lifetime of the use, rather than get better.

Extract from EA dataset showing comments on climate change adjustment:

In your proposed development site there is a risk of flooding from:

- surface water

Surface water for planning [See this risk on the map](#)

Climate change: projected chance of flooding	We do not currently show climate change scenarios for surface water. You can see climate change and depth scenarios on the check the long term flood risk for an area in England service. The data shown in that service fall short of what is required to assess planned development but may help to inform risk assessments. Read when and how to use climate change allowances in flood risk assessments
Present day chance of flooding	The chance of surface water flooding at this location could be more than 3.3% (1 in 30) each year.

- 9.13 The lack of detail regarding the provision of proper drainage arrangements, early warning and mitigation measures increases the vulnerability. The increase in extent of impermeable area that results from the proposals also means that those flood waters would be readily conveyed around the site more widely and could impact on several other occupants of the Site in addition.

See R6 – PoE Appendix M

- 9.14 Whilst raising internal floor levels (as suggested by the appellant) is one form of mitigation generally for less serious flood events; it remains unclear whether this would be sufficient due to a lack of competent assessment by the appellant. Regardless, caravans cannot be fitted with flood barriers like bricks and mortar properties and nor are they impervious to water due to the requirement to have louvred grilles fitted in order to prevent damp and condensation build up within the fabric of the caravan. These grilles act like water inlets during severe storms, making caravans less resilient to flooding generally.

- 9.15 This data can then be combined with other primary sources of evidence – chiefly the lived experience of residents who have witnessed if or when the site has flooded during or after notable rainfall events. SLR Members have provided a range of photographs which show Spring Lane after heavy rainfall, and that the road and areas of the site become waterlogged. Resident's estimates are that in those instances, the depth of flood waters can exceed 30cm. Visually, these areas of flood waters do match the EA mapping.

See also R6 SoC Appendix A

- 9.16 The council's internal drainage consultee response as LLFA is noteworthy, identifying that the flood risk information submitted with the application was inadequate. The submission bundle did not include even a basic plan showing the site proposals overlaid with surface water flood risk – had it done so (see above), it would have clearly identified the level of risk at an earlier stage and avoided wasted time /expense of an appeal.
- 9.17 I understand from local residents that even in moderate rainfall, the appeal site access and parts of the site become inundated by flood waters, making access /egress difficult. During periods of heavier rain, Spring Lane itself becomes impassible and can take several days for the flood waters to fully recede.

Photo showing the site following heavy rainfall dated 1st January 2025:



- 9.18 I am cognisant of the wording in Annex 2 relating to Footnote 7, which refers to not just to refusal of permission, but whether flood risk (in any form) would *provide a strong reason for refusing or restricting development*. I consider that this threshold has been reached.
- 9.19 The appellant has applied for full permission, meaning that I must consider the whole application before me. In the absence of a site-specific flood risk assessment addressing these issues, I am unable to be satisfied that the Site would be safe for future occupants. It is therefore in conflict with LP Policy ENV2 and the Framework on this issue.

Applying the sequential and exceptions tests

- 9.20 Footnote 62 to paragraph 176 of the Framework is also important – this clarifies that whilst most minor applications and changes of use are not usually subject to the Sequential Test, changes of use to caravan sites *are not exempted*. The aim of the test is to steer new development to areas with the lowest risk of flooding from any source:

Extract from NPPF footnote 62:

⁶² This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; **except for changes of use to a caravan, camping or chalet site, or to a mobile home or park**

- 9.21 Applying the sequential test (paragraphs 173 - 174 of the Framework) demands that the applicant must demonstrate that there are no other reasonably available sites for the proposed development in areas with a lower risk of flooding. This should include proactively seeking more suitable locations (whether consented or not) to locate the development in. It should also refer to the LPA Strategic Flood Risk Assessment.
- 9.22 It is also noted in the PPG that the proposal is not exempt from undertaking the sequential test, even if a site-specific flood risk assessment shows that the risks can be mitigated.
- 9.23 There is extensive guidance in the NPPG on how to properly apply the sequential test, none of which has been followed by the appellant. However, it is worth highlighting some of the most important aspects on how such tests should be conducted and the definitions to be applied. I would particularly highlight the section below which refers to the absence of a 5 year land supply and the lack of relevance thereof.

Extract Paragraph: 028 Reference ID: 7-028-20220825

What is a “reasonably available” site?

‘Reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’.

The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

- 9.24 Whilst the appellant has very briefly addressed alternative sites, the evaluation is merely 3 lines long and concludes by simply stating that there are no other sites. However, no evidence of this is provided and they have not followed the NPPG guidance, which includes checking for sites for sale, those under-going planning applications and searching for other sites that have not yet been identified.
- 9.25 In relation to whether access or escape routes are affected by flooding; this seems to be proven beyond doubt by the photographs. It is expressly identified by the NPPG² as a requirement to consider whether safe access/egress can be made. The intention of the guidance is to keep occupants safe by ensuring good emergency access/egress routes:

Extract from PPG:

When the sequential test is needed

A [sequential test](#) is required for major and non-major development (check the development class section above) **if any proposed building, access and escape route**, land-raising or other vulnerable element will be:

- in Flood Zone 2 or 3
- in Flood Zone 3b and your development is not incompatible
- within Flood Zone 1 and the [flood map for planning](#) shows it is at increased risk of flooding from rivers or sea during its lifetime
- with Flood Zone 1 and the [flood map for planning](#) shows it is at risk of flooding from surface water
- in Flood Zone 1 and your SFRA shows it will be at increased risk of flooding during its lifetime
- **subject to sources of flooding other than rivers or sea**

A development is not exempt from the sequential test just because a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere.

- 9.26 In synopsis, the policy directive is clear. Only put caravan sites where it is safe to do so. If the site is at risk of flooding, it is necessary to thoroughly research and attempt to identify a range of reasonably alternative sites first, before proceeding with the development.
- 9.27 The absence of a 5 year site supply, a minor scale of development, or the fact that the applicant already owns the Site, simply does not 'duck the noose' on this issue.

² www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities#the-sequential-and-exception-tests

9.28 Only if the sequential test is satisfied, should the application proceed to a more detailed assessment through a site-specific Flood Risk Assessment (FRA) to determine if the Site can be made safe and suitable from all sources. However, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test will then have to be applied.

9.29 **The exceptions test** explained in paragraph 178 is an intentionally very high threshold. Applying the exceptions test requires the applicant to demonstrate that the 'public good' arising from the proposals, outweighs the flood risk. It exists in order to allow the developments most beneficial to wider society to proceed, in spite of the residual risks.

Extract from paragraph 178:

178. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
179. Both elements of the exception test should be satisfied for development to be allocated or permitted.

9.30 Regardless, it must still be shown that the site can be made safe for its lifetime. In line with the Flood Risk Vulnerability Classification set out in Annex 3, the proposed caravan site is a "highly vulnerable" development, the second highest tier of risk. Notably more at risk than brick and mortar dwellings due to the lightweight construction of caravans.

9.31 It is acknowledged that there is some public good in providing permanent sites for Gypsy and Traveller families. However, the application has not reached that stage of balancing yet, having failed to pass any of the earlier steps by satisfying the sequential test; the exceptions test and demonstrating that the Site can be made safe for its lifetime. In the absence of these, the public benefit can be given no weight at all – indeed, those same benefits could well be delivered on an alternative site that is not at risk of flooding.

9.32 In my judgement, the appeal submission has failed to satisfy LP ENV2 which states that the Council will not support development proposals where the risk of flooding has not been fully assessed, understood and justified, with the implementation of appropriate mitigation measures where necessary. It has also failed to satisfy Paragraphs 173 to 182 of the Framework and LP Policy DEV 3 criterion 5 b).

REASON FOR REFUSAL NO.3 (AIR QUALITY) AND NO.4 (NOISE)

- 9.33 The most important policies in relation to air quality and noise are LP policies ENV8 and DEV3 criteria 5 a), b) and d), together with paragraphs 187 e) and 200 of the Framework. These policies should be read in tandem with LP Policy DC6 and the Warrington Design Guide SPD (July 2024) and the Environmental Protection SPD (July 2024).
- 9.34 Together, the package of policies require that applicants must demonstrate that the proposed site will provide a good standard of amenity for future occupants and present all necessary means to avoid, prevent or mitigate adverse impacts on health and well-being. If that cannot be achieved, the policies direct that permission should be refused.

Site context

- 9.35 The appeal site is immediately adjacent to the M62 Motorway which sits at an elevated level above the site due to its direct connection to Junction 21A (the Croft Interchange). The nearby motorway is the predominant noise source and cause of air quality concern.
- 9.36 The Site is within the motorway Air Quality Management Area (AQMA). This AQMA relates to emissions from passing vehicles using the motorway that use internal combustion engines and emit carbon dioxide (CO₂), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM), and hydrocarbons (HC) emissions to the air.
- 9.37 Caravans offer limited protection against environmental pollutants such as noise, poor air quality and odour. Without clear evidence and specific enforceable mitigation, the proposed development poses unacceptable risks to health and wellbeing.

Air Quality

- 9.38 The R6 party's case on air quality is set out in the written statement of Siobhan Goodman BSc(Hons) MSc MIAQM MEnvSc which is provided as an Appendix to the R6 SoC.
- 9.39 The LPA refused the application due to the absence of an air quality assessment, citing conflict with LP Policy ENV8. Criterion 5 of the policy requires applicants to demonstrate that new development will not be subjected to unacceptable impacts due to air quality or be put at risk of unacceptable effects on human health and/or the environment. The same requirements are engaged by policy DEV3, criteria 5 a); b) and d). In my judgement, this was a fair and reasonable basis upon which to refuse the application.
- 9.40 The R6 party's case, as presented in Miss Goodman's report is summarised that:
- a) The appellant has submitted a copy of the Warrington Borough Council 2024 Air quality Annual Status Report (ASR) with their appeal. The R6 Party submits that existing air quality monitoring data collection points referenced in the ASR are distant from and unrepresentative locations. Accordingly, the results will not reflect actual conditions at the proposed site; and

- b) The site is also approx. 65m west of a poultry hen egg laying shed, Springfield House Farm. This is a potential source of odour emissions arising from that agricultural use. The R6 party's case is that the absence of site-specific odour and dust assessments prevents evaluation of potential impacts from the adjacent poultry farm, which is a type of development known to emit unpleasant odours and airborne pollutants.

9.41 Overall, Miss Goodman's evidence casts serious doubt as to whether acceptable living conditions for occupants can be achieved at the site, having regard to the location and character of the proposals. There is no evidence before me that invalidates her findings.

Noise

9.42 The R6 party's case on noise is set out in the PoE of Christopher Chittock BSc (Hons), MIOA which concludes in summary, that:

- a) The appellant's submitted noise impact assessment by LF Acoustics shows that noise impacts from motorway traffic will be likely to have a significant adverse effect on the health and quality of life of the occupants of the Site;
- b) Irrespective, there is uncertainty about the assessment and it is believed that the appellants acoustic report materially under-estimates the likely noise impacts due to adopting assumptions that are inappropriate in the given context and nature/scale/character of dwellings being proposed as caravans;
- c) The noise levels inside the caravans are likely to significantly exceed the recommended (and industry recognised) standards needed to provide a good standard' of amenity, as required by the council's SPD;
- d) Attempting to prevent noise ingress into the caravans and relying solely on mechanical ventilation methods would be practically speaking, extremely difficult, if not impossible for touring caravans;
- e) There is unlikely to be any mitigation measures that will be sufficiently effective to ameliorate the levels of noise inside the caravans, touring caravans in particular; and
- f) The occupants would not have access to outdoor amenity space on the Site, which benefits from an acceptable standard of noise.

9.43 Consequently, both reasons for refusal remain appropriate. The conflicts with LP Policy ENV8 criterion 5 and paras 187 e) and 200 of the Framework are unresolved. Furthermore, in the absence of compliance with ENV8, it follows that the proposals are also in conflict with policies DEV3, criteria 5 a); b) and d) as well as LP Policy DC6 and the adopted SPDs.

9.44 As a result, I must give negative weight to these harms in the planning balance. Because it relates to health and due to the number of occupants who may be exposed, I consider it appropriate to give this factor *significant negative weight* in the planning balance.

REASON FOR REFUSAL NO.5 (SUSTAINABILITY)

- 9.45 Croft village itself has several services and amenities. These includes a school, pubs, a village hall, youth and activity centre, playing fields and children's playground. As well as onward bus connections into Warrington, it has connections to second tier towns such as Halton, Leigh and Wigan as well as into major cities of Liverpool and Manchester.
- 9.46 The R6 party does not question the extent of services in Croft village itself as a rural-fringe settlement. However, the R6 party does challenge that the Site is not *sustainable enough* due to the scale, character of the proposals and due to the absence of infrastructure.
- 9.47 The proposals are for what is akin to 5no. dwellings. Each household could typically have 4 or 5 occupants, possibly more; resulting in upwards of 20 persons on Site. It cannot be escaped that the proposal is not for a single dwelling – but for up to five different families. The prospective number of occupants could be significant in this given context. With 5 families travelling to/from work, shops, amenities and similar – the location of the site means that the use could create in the region of 15-20 two-way vehicle movements each day. These trips would likely all be undertaken by private vehicles that would be entirely unnecessary, or materially lessened, by finding a more sustainable location.
- 9.48 The appeal site is located 0.68 miles from the village centre as the crow flies, however, the reality of achieving sustainable access belies this. The actual walking or cycling route is longer at 1.1 miles (25 minutes) owing to the layout of the road network. The distance to the primary school is longer still at 1.3miles (2.1km) in walking distance via Mill House Lane.
- 9.49 Whilst these distances are in theory both walkable and cyclable, Spring Lane has no pedestrian footways, it is unlit and has a 60mph speed limit and is overgrown at the sides.

Image showing 60mph sign, 188m north of appeal site (looking toward site):



- 9.50 The reality of these potential dangers of walking or cycling along these roads means that people will self-select by choosing to use their cars instead. This will undermine the objective of promoting low-carbon transport options. Whilst there is a footway on Mill House Lane when exiting south from the site, this only lengthens the journey into the village further - being that it is less direct and even then, the footway is still incomplete.
- 9.51 For pedestrians to travel into Croft Village on foot via Mill House Lane, they would still have to walk on the road because the pavement ends half-way along Mill House Lane and there is no footway beyond it, along Smithy Lane, as it heads north into the village.

Image showing end of pedestrian footway on Mill House Lane:



- 9.52 In particular, the intersection between Dam Lane, Smith Lane and Mill House Lane includes a sweeping radial bend around which traffic proceeds at speed. With hedgerows on either side and private gardens and driveways right up to the roadside, there are none or very few refuge points for pedestrians to move out of the way of traffic.

See images overleaf

- 9.53 There is a bus stop at Eaves Brow 650m away, and this factor improves the sustainability credentials of the site by providing onwards services to nearby towns and local service centres. But again, it is still necessary to walk down Spring Lane to get to the bus stops.

Image showing intersection of Dam Lane, Smith Lane and Mill House Lane:



Image showing narrow footways, obscured visibility and "slow" signs on Smithy Lane:



©Google Street View

Analysis (sustainability)

9.54 Walking, and to a lesser extent cycling, are important considerations when assessing the sustainability of proposals and the desire to reduce transport emissions. There are links to both healthy active communities and air quality emissions, as well as avoiding deaths and injury through collisions on the roads. It is not always possible to undertake every journey by foot or on bike and it is therefore necessary to minimise vehicle journeys by ensuring that new developments are located as sustainably as possible.

9.55 LP policy INF1 embodies this, stating in particular that the policy expects development to:

a. Be located in sustainable and accessible locations, or in locations that can be made sustainable and accessible;

b. Ensure priority is given to walking, cycling and public transport within its design, and reducing the need to travel by private car;

f. Mitigate its impact(s) or improve the performance of Warrington's Transport Network, including the Strategic Road Network, by delivering site specific infrastructure which will support the proposed level of development;

Where appropriate, the Council will consider the use of planning conditions or planning obligations to secure the required improvements;

d. Increase accessibility for all members' of society through improvements and the provision of new infrastructure to make the most of potential environmental, social and health benefits;

9.56 Although not included as a reason for refusal on the LPA's decision notice, it is my judgement that Policy INF5 is relevant in this context. It states that planning conditions will be used, or obligations will be sought from applicants, where doing so meets the relevant criteria. The policy confirms that applications will be expected to contribute toward or provide the necessary infrastructure to make development acceptable, as follows:

Policy INF5 - Delivering Infrastructure

1. Development will be required to provide or contribute towards the provision of the infrastructure needed to support it.

2. The Council will seek planning obligations where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements. Planning contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service, subject to statutory processes and regulations.

3. Where new infrastructure is needed to support development, the infrastructure must be operational no later than the appropriate phase of development for which it is needed.

- 9.57 Although Planning Policy Guidance 13 (Transport) (DETR, 2001), which gave some useful guidance on walking and cycling distances, was withdrawn in 2012; it does not stop it being relevant. Indeed, the high court decision in [Rickards v East Herts. District Council AC-2024-LON- 002558](#) makes this point. Paragraph 10 of the judgement said:

“In my judgement the withdrawal of Annex E does not affect materially the assistance it provides to this case. Good practice guidance does not cease to be that just because the policy document in which it is found is later withdrawn. PPG7 was withdrawn not because it was considered to be no longer applicable but because in 2012 the Government had concluded that the lexicon of planning policy should be consolidated, and reduced in size dramatically, by replacing it with the NPPF.”

- 9.58 The framework itself does not provide any specific guidance on walking distances, although walking is considered to be an important contributor to sustainability. But the Rickards decision highlights that superseded government PPG topic specific documents can remain relevant and represent good practice, provided that they are consistent with the prevailing current policies. I submit that is exactly the situation here – national policy in the NPPF still strives for sustainable development in the same way as it did in 2012.

- 9.59 Paragraph 74 of the PPG (pg.24) gives some guidance as to appropriate distances:

74. Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under two kilometres. Walking also forms an often forgotten part of all longer journeys by public transport and car.

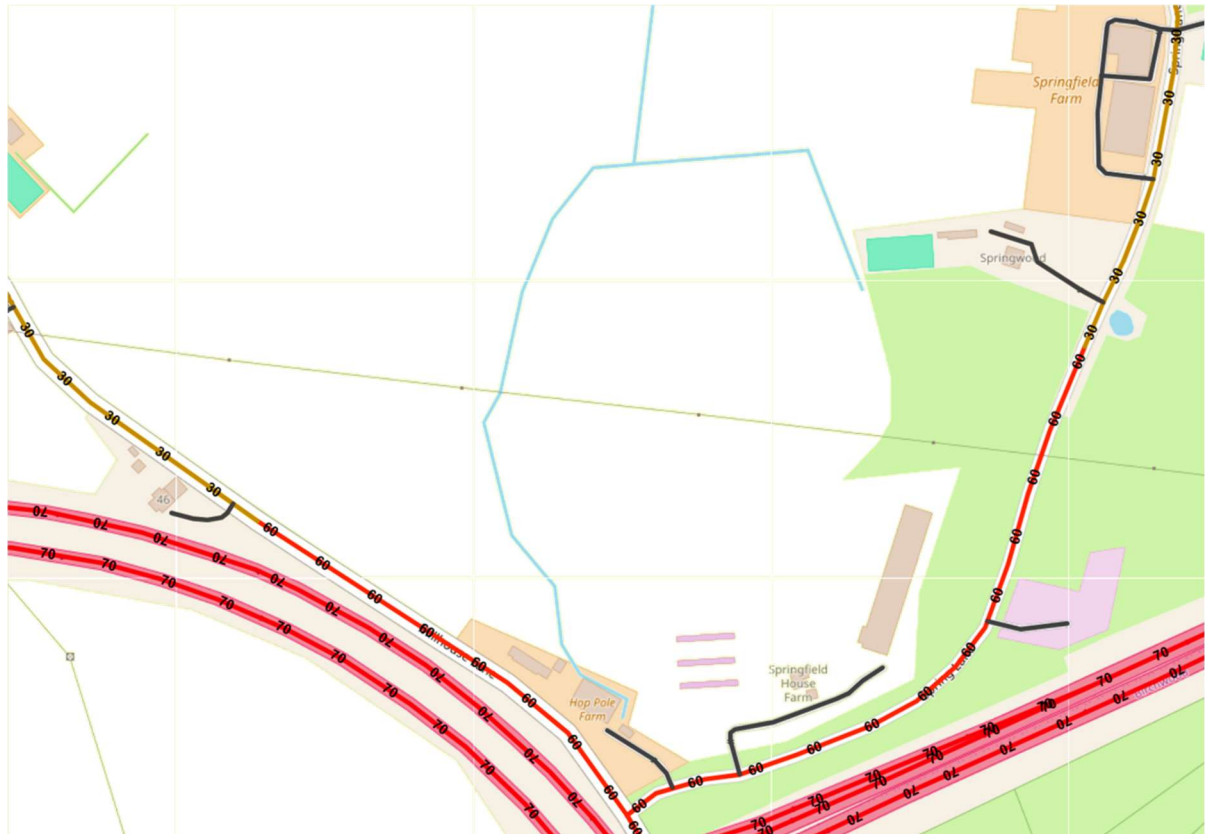
- 9.60 The Guidelines for Providing for Journeys on Foot (IHT, 2000, para 3.30 and table 3.2) includes some evidence on walking distances which can be used as guidelines for preferred maximum walking distances to different places, as shown in the table below:

	Town centres (m)	Commuting/school Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1,000	800
Preferred maximum	800	2,000	1,200

- 9.61 Planning for Walking (CIHT, 2015) is an update to IHT (2000) and provides the following guidance on walking distances “Most people will only walk if their destination is less than a mile away.” It notes the importance of walking being an ‘attractive option’.
- 9.62 In rural / urban fringe areas, finding residential development sites within these distances is not always possible and, in this case, the distance itself is not the determinative factor. At 2.1km from the village, the exceedance over the guidance is not significant. However, the abundant lack of walking infrastructure is a significant issue, most especially when combined with the high 60mph speed of roads either side of the appeal site.

- 9.63 Even where reduced to 30mph road speeds, there are still no footways provided on most of the roads along which users would need to travel, to get into the village.

Extract showing road speed limits either side of the Site:



- 9.64 In the absence of appropriate infrastructure for use by pedestrians, when combined with the scale of the development, the high road speeds limits and the specific location on the road and public transport network – it means that I must find that there is a notable degree of conflict (moderate on the scale) with policy INF1 criteria 1 a) and 1b) which directs new development to sustainable locations and gives priority to walking, sustainable transport and reducing private vehicle usage. In turn, this creates conflict with criterion 5 g) of policy DEV3 and DC5. These issues count against the appeal proposals.
- 9.65 The reason I give the harm only *moderate* weight is because the harm of the situation is capable of being lessened, if not resolved entirely. It can at very least be improved through the provision of a footway along the length of Spring Lane and the adoption of a Traffic Regulation Order to reduce the road speed. However, at present, there is no S106 Agreement tabled to achieve these improvements and in the absence of that, I regard the level of harm as being *significant*. There is significant and, in my judgement, more serious conflict with INF1 criterion f) and Policy INF5 criteria 1, 2 and 3 due to the lack of offer on the table to improve walking infrastructure to an appropriate level.
- 9.66 Overall, as a result, I must give this factor *significant* negative weight in the balance.

REASON FOR REFUSAL NO.6 (ECOLOGY AND BIODIVERSITY)

- 9.67 The council's reason for refusal no.6 engages solely with the issue of Biodiversity Net Gain (BNG). The decision notice states that the submitted details are not compliant with the LP Policy DC4 (Ecological Networks). Although not specified in the decision notice itself, it is only Criterion 8 of Policy DC4 that is relevant to the issue, which reads as follows:

Extract showing Criterion 8 of Policy DC4:

8. 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. 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.

- 9.68 Despite several invitations and attempts being made by me and the LPA officer to elicit further details from the Appellant as part of negotiating the SoCG, the Appellant has declined to explain or clarify the basics of their counter-case. In such instance, the other main parties are left 'guessing' as to the reasons that the appellant believes that the submitted details are policy compliant. It is my view that preparation and Inquiry time could have easily been saved had the appellant provided the necessary information, when requested. In the absence of this, it is necessary to consider the details submitted.

Submitted information

- 9.69 Although the application was accompanied by both a Preliminary Ecological Survey a Biodiversity Net Gain Assessment and a matrix, the council's consultee at the Greater Manchester Ecology Unit (GMEU) has found that the appellant's first submitted matrix identified a 43% net reduction in BNG terms. This is plainly not policy compliant.
- 9.70 There is a second matrix also submitted on the same date, which appears to show a 27% increase over the assessed 'baseline' conditions. The key change between the two metric documents submitted is a change in habitat units from 0.15 to -0.24. The later version shows a 0.49 off-site contribution in order to create a 'positive outcome'.
- 9.71 By inference, it is believed that the appellant intends to use the blue edge land within their ownership to achieve this 27% BNG; but no details of this are provided and there has been no suitable draft condition suggested or Unilateral Undertaking provided to date by the appellant. This leaves uncertainty over both implementation and policy compliance.
- 9.72 Regardless, my review of the documentation suggests that there are two key problems with the submissions and that these cannot be readily resolved by applying conditions.

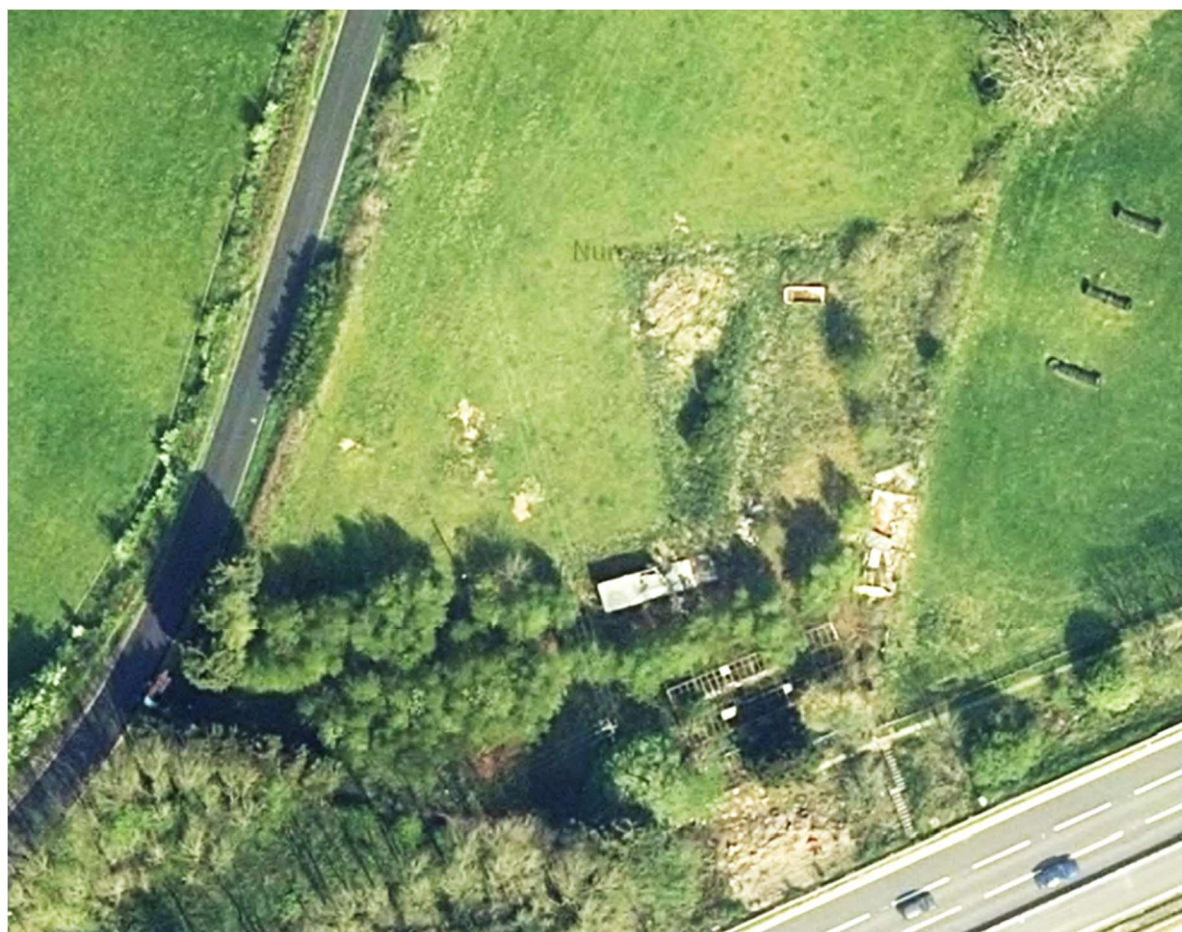
What are the problems?

9.73 In this case, it is common ground that the application is at least part-retrospective, as the hardstanding applied for is already present on the Site. This results in problems with the submission that are unresolved. These are i) the method of calculation and ii) the inability to achieve legislative compliance with the requirements of the Environment Act 2021.

9.74 i) Method of calculation - The BNG metric and BNG Assessment Report are based on mapping the Site, its habitats and surface/ground types and features. In order to derive an accurate 'baseline' figure, it is necessary to consider the pre-development situation on the ground. Legislation on this topic is primarily contained within the Environment Act (EA 2021) and the Levelling Up and Regeneration Act 2023 (LURA). The EA 2021 mandates that developers must achieve a minimum 10% BNG for new projects, above the baseline.

9.75 The LURA further tightens the law by extending the circumstances to deal with situations where "degradation" has occurred to artificially lower the biodiversity baseline value of a site. The legislation aims to ensure that the "before" state of a site's habitats, is that as it was prior to any degradation occurring (i.e. after the material date of 30th January 2020). Below I have provided an extract from an aerial photo of the site in Sept 2019.

Aerial photo showing the site on 20th Sept 2019:



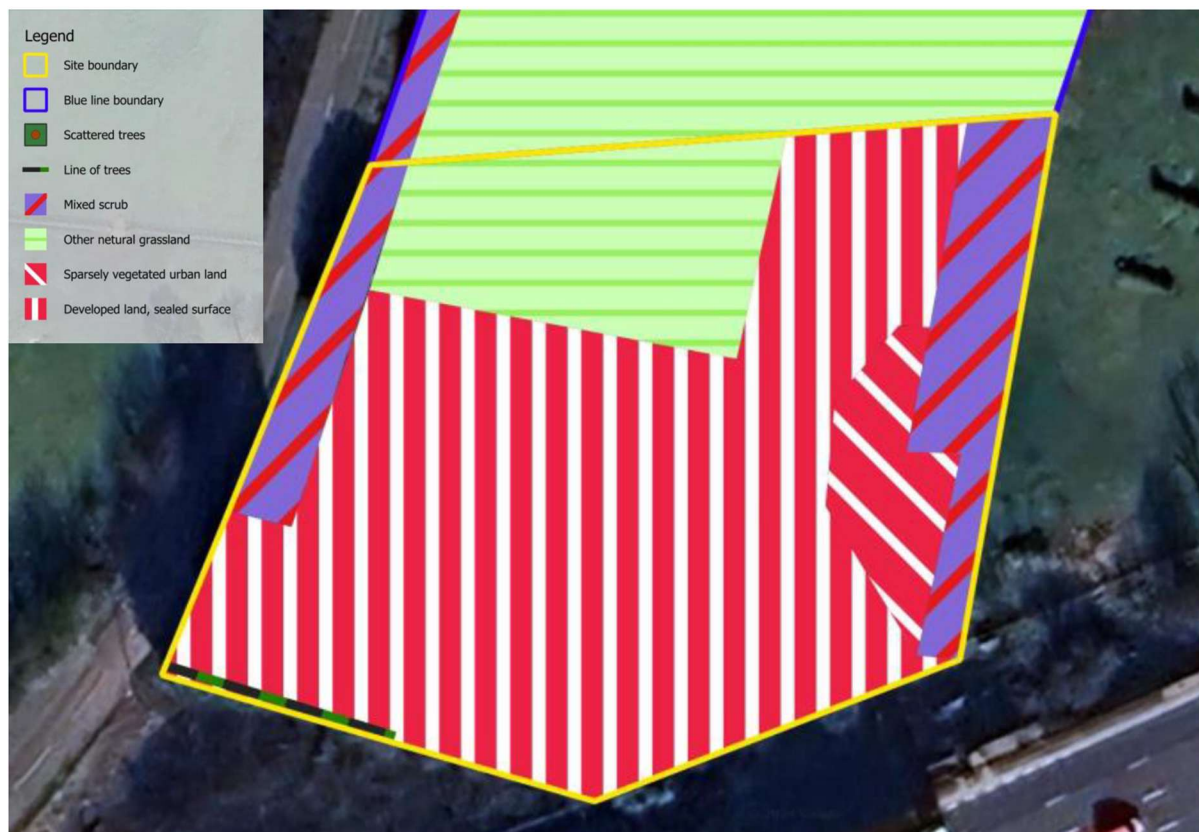
9.76 As can be seen in the aerial photos, the amount of hardstanding that did exist in 2019 - 2020 was significantly less than is present on site now. Similarly, the extent of tree coverage was greater. This is shown in the aerial and street photos submitted in the appendices. In particular, the photographs dated August 2020 provide a very strong indicator that degradation to the sites 'baseline value' has occurred since 30th January 2020. The post-2020 aerial photos show a marked increase in areas of hardstanding and replacing what was previously greenfield (agricultural land) and a reduction in tree coverage. Even up to May 2025, there is an excavator laying more hardstanding, with a pile of aggregate visible in the photographs. These works amount to habitat degradation.

See R6 SoC Appendix A (Photos)

R6 SoC Appendix C (Aerial Photos)

9.77 Yet, in spite of this, the submitted BNG Metric treats those unauthorised hardstandings as "existing", showing 0.28ha as 'sealed surface' within the baseline metric calculation. This is illustrated within Appendix 3 of the BNG Assessment Report (pg.18) which assesses these post-2020 areas of hardstanding as "existing" when calculating its baseline. I believe that this approach is incorrect and is direct conflict with LURA. Degradation of the site post-2020 is not discussed at all within the assessment report and no account appears to have been taken of this factor when determining the pre-development baseline. Accordingly, every calculation which later flows from it is then flawed.

Extract from Appendix 3 of the BNG Assessment Report:



- 9.78 ii) legislative non-compliance – the second problem is one of achieving legislative compliance. Schedule 14 of the EA2021 inserts Part 2, Section 13 (2), which imposes a standard condition on all development that:

*“development **may not be begun unless**— (a)a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and (b)the planning authority has approved the plan (see paragraph 15).”*

- 9.79 Paragraph 14 of the EA2021 then goes on to stipulate the matters which must be included within a biodiversity net gain plan. Notably, these include a requirement in subsection (2) (b) and (c) to provide a plan specifying both the *pre-development* and *post development* biodiversity value of the habitat.

(2) The matters are—

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- (b) **the pre-development biodiversity value of the onsite habitat,**
- (c) the post-development biodiversity value of the onsite habitat,
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- (e) any biodiversity credits purchased for the development, and
- (f) such other matters as the Secretary of State may by regulations specify.

- 9.80 In this case, the application is retrospective and subject to the provisions of Section 73A of the 1990 Act. That is, if permission is approved, then development which has already been carried out is retrospectively approved, from the date on which it was carried out.

- 9.81 Given the retrospective nature of the proposals and the appellant's failure to provide a compliant BNG Matrix and improvement plan, compliance with the legislation and the applicable LP Policy DC4 has not been achieved. This cannot be done without submitting a revised BNG assessment taking the degraded state of the Site into account. Neither has the required 30 year management plan for any proposed enhancement been submitted.

Conclusions on BNG

- 9.82 As a result of these factors, I must conclude that irrespective of which of the two provide metrics are used – as the baseline figure calculation is incorrect, then so are the uplift calculations. The appellant's submissions have not complied with the baseline metric requirements and the proposals are in conflict with Schedules 13 and 14 of the EA2021.
- 9.83 In conclusion, the proposal does not achieve either legal compliance with the BNG requirements of the EA2021 nor do they comply with LP Policy DC4 (8). Consequently, I must award moderate negative weight to this factor in the planning balance.

10. OTHER MATERIAL CONSIDERATIONS 1 (PERSONAL CIRCUMSTANCES)

- 10.1 Within the appeal files, it is noted that Mr Brown has offered commentary which, taken together with information provided by SLR Members, has assisted me in determining the amount of weight that should be given to personal circumstances of the appellant.

Timeline and chronology

- 10.2 The site has been owned by the appellant since August 2023, with aerial photographs showing touring caravans on the site from 2024. The aerial photo dated 7th Sept 2023 appears to show no caravans on site at that point. It follows that all caravans have been brought to the site within roughly the last 2 years; I consider this to be relatively recent.
- 10.3 The 29th July 2024 photos show three touring caravans on the Site. The later 2024 photos show four caravans, and the 9th May 2025 shows five caravans on the Site. This appears to have remained consistent since May 2025. It follows then, notwithstanding the nomadic nature of the Gypsy and Traveller community, if the family are truly living at the site, their occupation of it has been short-lived and most likely less than 18 months in duration.
- 10.4 Moreover, given the warning from the LPA enforcement officer issued in August 2024, it was known the very least from this point in time – that there was a significant probability that any occupation would not be permanent. As such, it has always been reasonably foreseeable to the family that they may have to leave and that the service of a enforcement notice was a realistic outcome of their unlawful occupation.

Current use

- 10.5 It is unclear at this point whether the caravans on Site are actually occupied for residential purposes, and if so by whom. The appellant has not set this out with any clarity and when asked Mr Brown has, in my opinion, been entirely avoidant to answering questions on the topic of the specific extent of the use and the part- retrospective nature.
- 10.6 I especially note the following from Mr Brown's 1st Draft SoCG dated 26th July 2025, which sets out that the land is currently in use (unlawfully) as a wood yard (emphasis shown):

Extract from P.Brown Draft SoCG (July 2025):

2.2 The appeal site is a former garden nursery used subsequently as a wood yard, producing firewood for sale. The site is already substantially hard-

- 10.7 This is consistent with the R6 party's case that there is an unauthorised commercial (non-agricultural) use occurring – see R6 SoC page 5 and photos at R6 SoC Appendix D. Within those submissions, photographic evidence is provided that shows logs being sorted and stored on the land, together with a vehicle liveried with APW Industries. APW Industries is a landscape gardener's contracting business, with services offered noted as being "hedge cutting, stump grinding, tree removal" and similar.

- 10.8 Photos at R6 Appendix D show scrap metal being brought to the site by the appellant's liveried HGVs. This is consistent with the aerial photos that I mentioned earlier, that appear to show staining from rust from scrap metal being tipped and stored on the appeal site.
- 10.9 Mr Brown's SoC submitted with the appeal states as follows (my emphasis highlighted):

Extract from P.Brown Statement of Case dated July 2025:

Personal Circumstances

5.43 The proposed residential pitches **would** accommodate the following households:

- 10.10 I note that this statement, dated July 2025, is written in the future tense. It does not say that the family members are presently living at the site. Indeed, nowhere in paragraphs 5.43 or 5.44 of his Statement does it say that the Smith family are living at the site. Instead, it solely refers to potential overcrowding conditions at the current Gorsey Lane site.
- 10.11 Latterly, in October 2025, Mr Brown has set out his position that the change of use has now occurred but that the number of caravans presently on site is immaterial to the appeal. It seems then, that if the use is occurring, it began very recently in 2025. He also very clearly asserts, that the focus of decision making must be on the future proposals.

Extract from email correspondence 23/10/2025



Philip Brown <philipbrownassociates@talktalk.net>
To: Hughes, Martha
Cc: dan@countyplanning.co.uk



10:15

Martha,

It does not matter how many caravans are on site at this moment. The material change of use has taken place to use as a caravan site. Furthermore, I am not applying for permission for what is there at this moment, I am applying for the development proposed in the planning application and it is that that we should be addressing.

As previously stated, I will now be out for the rest of the day.

Kind regards,

Philip Brown

- 10.12 Mr Brown presents the case that Mr Smith Snr's adult children have outgrown the current Site at 57 Gorsey Lane. This factor is potentially capable of carrying some weight in favour of the appeal proposals, however; this is a point which is already addressed in the R6 SoC (pages 13-14), where it is found that no attempt has been made to regularise the existing pitches nor expand provision at the Gorsey Lane site, where there is potentially space.



- 10.13 I have observed that absent from the appellant's Planning, Design and Access statement submitted to the original application. And again, absent from the Statement submitted to the appeal – is any mention of children under 18 years old. At no point to date so far, has any case been presented that there are any interest of minors to be taken into account in the planning balance. If there are any minors involved, the number, age and their present housing circumstances are entirely unknown and unevidenced. Accordingly, I am unable to conduct any form of Best Interests test in respect of their circumstances. I cannot give any positive weight to that factor in the planning balance.
- 10.14 In the absence of such information to be taken into account and weighed in the planning balance, I proceed on the basis that any claimed need arises only for adults.

Observations of SLR Members

- 10.15 SLR is made up of members of the local community who live and work nearby, many on the same road and within 750m of the Site. These people often pass-by the Site on a daily basis, and observe comings/goings whilst going about their ordinary lives. Such is their interest in the Site and strength of feeling; they have made note of their observations which have then been reported to me via a spokesperson.
- 10.16 Other than my observations from my Site inspection, I have no direct evidence of my own as to the day-to-day movements. However, neither do I have any reason to disbelieve that the provided photographs of the Site are in any way inaccurate nor that the records of SLR members are unreliable. I proceed on this basis, placing that in wider context.
- 10.17 It is reported to me by SLR members, to the best of their knowledge and belief, that:
- *The gates are generally closed and site empty, except at occasional weekends.*
 - *If the Site is occupied at all, it has not been occupied regularly or on a permanent basis. It is reported that sightings of comings/goings have been mostly of Mr Smith and no women or children have been seen at the Site;*
 - *The most frequent visitors are those involved in the production of wood (logs) for sale, involving the depositing of trade wastes at the site, typically at the end of a working day or early in the morning (i.e. before work). They do not stay overnight;*
 - *Any such sightings of people are infrequent (i.e. not daily, pattern or routinely), and most often consist of Mr Smith or his son arriving to check the yard, feed the sheep on the adjoining land and switch on lights overnight. It is put to me that this action is intended "to give the impression of use" where none may actually be occurring;*
 - *Battery or solar power table lights are left on inside two caravans all day long, with the doors closed and no sightings of comings/goings. This seems at odds with a genuine use for residential purposes.*

11. OTHER MATERIAL CONSIDERATIONS 2 (LOCAL CONTEXT)

- 11.1 In anticipation that the Appellant may argue that other static caravans have been approved in other locations elsewhere nearby, both within proximity to industrial scale poultry farms and within the motorway AQMA – I would offer the following rebuttals.
- 11.2 As a more general point, I would mention alternative sites cannot generally be used as 'precedent examples' in this context. There may be instances where legitimate comparisons can be made but it is trite law that each application must be determined on its own merits. The likelihood of those differing situations being directly comparable to this appeal case is, by very character and location, extremely slim indeed.
- 11.3 I have been made aware of some nearby locations by SLR members where static caravans have been sited on the land and was asked to comment on them, insofar as they may be relevant to the appeal. My review of the sites here is based on the information available and on the council's planning register and they are listed below. A full and detailed review of the circumstances of those sites is set out in an Appendix.
- 11.4 The other sites which I have reviewed, included:
- a) Springfield House Farm, Spring Lane, Croft
 - b) Land East of Sandsfield Cottage, Dam Lane, Croft, WA3 7HE
 - c) No.7 New Lane, Croft, WA3 7JJ
 - d) Brookside Farm, Lady Lane, Croft, WA3 7AY
 - e) Spring Wood, Spring Lane, Croft, WA3 7AS

See R6-PoE – Appendix N

- 11.5 My review of these other sites finds that they are all readily and legitimately distinguished from the appeal proposals. In several cases the static caravans were unlawful and became immune from action decades ago, and in others they were approved and/or had certificates of lawfulness for other reasons.
- 11.6 Regardless, I would highlight that other examples in the locality can be readily distinguished by virtue of the specific circumstances, scale, location, character and nature of the appeal by comparison to those other developments. There is no direct comparison to be made between them and the appeal put forward by the appellant.
- 11.7 Owing to the specific circumstances in these examples, there is nothing on the face of it to suggest that the circumstances are comparable. Hence, I am unable to draw any meaningful comparison to the circumstances before me now. Neither can I award any positive weight to them in the planning balance; in my view they are not relevant *material considerations*. Regardless, even if they were, based on the facts of those cases they would not assist the appellant's case anyhow.

12. GREEN BELT (OVERALL), VERY SPECIAL CIRCUMSTANCES AND PLANNING BALANCE

- 12.1 It is now necessary to draw together all of the above analysis and then apply it to the most important policy, LP Policy GB1 and the green belt chapter of the Framework. This is integral to determining if Very Special Circumstances (VSC) have been proven.
- 12.2 In this case, if approved, the proposal would see the installation of 10no. caravans (not exceeding 5no. touring caravans and 5no. static caravans) on an area of extensive hardstanding at the site. These would be accompanied by all of the usual domestic trappings and paraphernalia such as parked vehicles, washing lines, play equipment etc – introducing them into a pastoral landscape that in the absence of the unauthorised developments would otherwise be very much open and undeveloped.
- 12.3 The Framework (and by extension LP GB1) is clear that VSC will only exist where both green belt harm and “any other harm” are outweighed. In this case, there are a plethora of other policy conflicts that must be weighed in the planning balance.

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.

- 12.4 The PPTS is equally clear that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the green belt (and any other harm) so as to establish VSC. Clearly that does not mean that there are no circumstances in which a green belt site can be permitted, but the bar has been raised to a considerable height. The threshold is necessarily and intentionally high.
- 12.5 Personal circumstances rarely outweigh harm to the green belt because the effect of the development would remain long after the personal circumstances no longer apply. Personal circumstances are liable to change over time; however, the harm to the green belt of an approval would be permanent. This is an especially important in the context of the green belt and the objective of keeping land permanently open.
- 12.6 There is no agreement reached on the level of unmet need, if any, that exists. To be considered, any personal circumstances must be clearly evidenced, truly exceptional and not simply a matter of convenience. However, scant information has been provided in this regard and especially noting the R6 SoC submissions which identify that i) there are unimplemented permissions elsewhere; ii) there is potential to expand an existing Site; and iii) there may be alternative sites in more sustainable locations. As such, I am unable to afford these personal circumstances significant weight in decision making at this stage.
- 12.7 Consequently, the proposals would result in definitional harm as well as actual harm to openness of the green belt. These circumstances do not, in my view, outweigh that harm.

13. PLANNING BALANCE AND OVERALL CONCLUSIONS

- 13.1 My research shows that the Site is a greenfield former horticultural site in the green belt. It does not qualify to be assessed as PDL or Grey belt Land due to its prior use, condition and relevant planning history that I have explained earlier.
- 13.2 Green belt - For the reasons explained above, the appeal is inappropriate in the green belt. LP Policy GB1 transposes the Framework into the Local Plan. Paragraph 142 of the Framework defines that the essential characteristics of Green Belts are their openness and their permanence. Proposals which result in (amongst others) urban sprawl, encroachment and which discourage urban recycling of urban land will be contrary to the purposes of the green belt as outlined in paragraph 143. Hence, I find that the proposals cause definitional policy harm and actual harm to openness. This results in severe conflict with LP Policy GB1. There are no factors presented by the appellant that I judge sufficient to "clearly outweigh" the *significant harm* that results.
- 13.3 Flood risk - Serious conflicts within policy ENV2 and the Framework are identified relating to surface water flood risks. Foremost - the appeal proposals have failed to demonstrate compliance with the Sequential and Exceptions tests in para 187 of the Framework. Even if those were to be satisfied, it is still not demonstrated that the site can be made safe for future occupants, with the amenity building and at least one of the pitches liable to flooding. I give this factor *moderate to significant negative weight*.
- 13.4 Air Quality and Noise - the R6 party's evidence concludes that the location of the site is judged as being unsuitable for the type and character of the development proposed. Furthermore, the appeal proposals have not demonstrated compliance with the relevant policies or shown that a good standard of amenity could be achieved for future occupants. There are no conditions that could realistically be imposed that would make the development impacts acceptable due to the nature of the proposals, location and physical characteristics. I give this factor *significant negative weight*.
- 13.5 Sustainability – I conclude that the distances from the village centre of Croft and its amenities are broadly in-line with the relevant guidance. However, the inability for users to access the village safely by foot or bicycle means that the proposal fails to comply with policy INF1 and DEV3 Criterion 5. g). In the absence footway along the northern part of Spring Lane, I must award this factor *significant negative weight*. The weighting would be reduced to *moderate*, if the appellant were to bring forward a scheme to resolve this.
- 13.6 Biodiversity Net Gain – in conflict with LP Policy DC4, the submissions have failed to achieve compliance with the statutory requirements in relation to BNG. The submitted information is flawed because the calculations do not properly calculate the 'baseline' conditions having regard to degradation. Additionally, the application is retrospective and the submitted reports do not allow this to be overcome through the imposition of either a bespoke or standard condition. I give this factor *moderate negative weight*.



- 13.7 Other material considerations – Other examples of static caravans sited in the area can be readily distinguished from the current appeal based on their specific circumstances. Irrespective, they still do not demonstrate the acceptability nor appropriateness of providing permanent accommodation within such close vicinity of the motorway as is being sought here. I cannot give any positive weight to this factor.
- 13.8 Intentional Unauthorised Development - I have identified that the appellant has undertaken intentional unauthorised development. In light of this, the proposal must be assessed with Written Ministerial Statement HCWS423 in mind – this mandates that decision makers must give negative weight to this factor in green belt areas. Accordingly, I award this factor *moderate negative weight*. I do not award this issue significant weight because it appears that the harm can be largely remedied through enforcement action.
- 13.9 Personal circumstances - I cannot identify sufficient evidence within the appellants submissions, nor in the observations of SLR members that there is a proven and genuine occupation of the Site by the Smith family at the present time. The only evidence I do have before me, points in the opposite direction; that it is either not occurring at all, or if it is, it is largely de minimis. If a residential use is occurring, it is low-level and short-lived.
- 13.10 Consequently, I am not sufficiently certain of the appellant's personal circumstances. They are not sufficiently well evidenced and the less harmful alternatives have not been exhausted. From the information before me at present, it is my opinion that this factor alone (or in combination with others) is not sufficiently compelling so as to outweigh the permanent harm to the green belt that would be created. Nor would it overcome the other harms that I have identified above. As such, this factor does not 'tip the balance'.

Overall conclusions

- 13.11 Overall, I conclude that the proposal creates significant and serious conflicts with Local Plan Policies GB1, DEV3 Criteria 5; and ENV8 in respect of noise and the absence of evidence in relation to air quality. Other notable conflicts are identified with LP policies ENV2, INF1, DC4, DC6, INF5 and the council's adopted SPDs relating to these matters.
- 13.12 Accordingly, and in totality, my analysis only reiterates the R6 party's case that the appeal site has not been shown as suitable for the type of development proposed. As such, I recommend and on behalf of local residents respectfully ask that the Inspector dismisses the appeal and refuses permission.

14. CONDITIONS (IF APPROVED)

- 14.1 Strictly without prejudice to the R6 party's case, a list of draft conditions has been agreed between the parties and submitted as Appendix 2 to the SoCG. In the event that the appeal is allowed, we would ask that those conditions are attached to the permission. These draft conditions supersede those which were set out in the R6 SoC.
- 14.2 However, and in addition, there are other draft conditions which at the time of writing, are not agreed by the appellant. As is explained above, it is the R6 case that the proposals result in severe conflict with LP Policy GB1 and the NPPF. If the appeal is allowed, I envision that the only basis upon which that occurs is Very Special Circumstances, due to the Inspector applying different weight to issues in the planning balance. In such instance, it becomes necessary to ensure that the Site is returned to greenfield if those VSC no longer exist and as such, restoration conditions are needed. A condition to this effect is included within the non-agreed drafts conditions of the SoCG.
- 14.3 Furthermore, it is agreed within the SoCG that the Site is only served partially by a footpath to the south, toward Mill House Lane. Whereas the closest bus stops are on New Lane, which are accessed via Spring Lane – which it is again agreed is a 60mph zone with no footway. If permission is to be approved and compliance to be achieved with policies INF1 and INF5, so that the site users are to be able to access public transport safely - then it becomes necessary to provide a footway on Spring Lane and/or at very least secure adoption of a Traffic Regulation Order to lower the speed limit to 30mph.
- 14.4 As such, it is my professional opinion that the following conditions are necessary, reasonable, relevant and pass the other tests in the NPPF:

1	Notwithstanding the details hereby approved, the use hereby permitted shall cease and all caravans, mobile homes, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 90 days of the date of failure to meet any one of the requirements set out below: i) within a period not exceeding 2 calendar months from the date of this permission; the details of a new pedestrian footway to be installed along the length of Spring Lane (from the Site to the junction with New Lane north of the Site), shall be submitted to and approved by the LPA. The scheme shall include a schedule for construction and provision of the new footway, together with the details of associated highways and Traffic Regulation Order to facilitate its permanent use and adoption by the Local Highways Authority; and ii) The new footway shall thereafter be constructed in accordance with both an approved scheme and schedule at the expense of the developer. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained whilst the use remains. <u>Reason:</u> In the interests of highway and public safety and to achieve compliance with policies DC1; INF1; INF5 and DC6 of the Warrington Local Plan 2022/23 - 2038/39.
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