

APPEAL REF. APP/M0655/W/25/3367247

APPENDIX TO DANIEL MATTHEWMAN
PROOF OF EVIDENCE

APPENDIX R6 – N
NEARBY CASE REVIEWS

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

OUR REF: SLR01/1

DATE: OCTOBER 2025

(ON BEHALF OF SPRING LANE & NEW LANE RESIDENTS GROUP)

OTHER MATERIAL CONSIDERATIONS

LOCAL CONTEXT (DETAILED ANALYSIS)

- 1.1 In anticipation that the Appellant may argue that other static caravans have been approved in other locations nearby, both within proximity to industrial scale poultry farms and within the motorway AQMA – I would offer the following rebuttals.
- 1.2 As a more general point, I would mention alternative sites cannot 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 and the likelihood of those differing situations being directly comparable to the appeal case is, by very character and location, extremely slim indeed.
- 1.3 Regardless, we would highlight the following key points of note
 - o The appeal application is for 5 family pitches, whom each at times may have up to 2no. caravans on the site. In totality, that could result in 10no. touring caravans (or up to 5no. statics plus 5no. tourers). The scale of that bears no relevance to single unit caravans brought to other sites, the two do not warrant comparison;
 - o As is explained in Mr Chittock's evidence, touring caravans and static caravans do not have the same physical characteristics or design. By intention, touring caravans are lightweight so as to enable them to be towed and so they are made of lightweight materials (such as PVC, fibreglass and aluminium). These do not offer the same level of noise attenuation as a robust park home or chalet.
 - o The R6 and LPA evidence shows that the occupants will not have a good quality of life due to the motorway noise. If they open their doors/windows for cooling, it risks being too noisy, affecting their wellbeing (sleep for example). If they keep the windows closed it risks being unbearably hot and stuffy, with no fresh air and risk of condensation and mould that could make occupiers ill in other ways. It has not been demonstrated that there are any feasible mitigation measures that could be implemented to achieve the required standards in this regard.
 - o The same risk occurs with air quality, both in terms of vehicle emissions (NO₂) from passing motorway traffic particularly HGVs, as well as risks from agricultural uses (dust from crop cutting and odour from the adjacent chicken farm). The same issue about opening and closed windows persists. But this is something that can be much more effectively managed in a bricks and mortar house through the use of breathable materials and the installation of mechanical ventilation and air extraction equipment.
 - o There are different expectations applied to occupational workers (such as farm workers) who are in direct control of emissions within the same planning unit. For example, a farmer is in control of odours arising from his or her livestock etc.

Springfield House Farm

- 1.4 Springfield House Farm is located immediately west of Spring Lane. Relative to the appeal site, the farmhouse being approx. 130m to the south-west and a circa large poultry production shed being located approx. 65m to the west.
- 1.5 The poultry rearing unit was approved pursuant to planning application 2008/12452 in February 2008, together with mobile living accommodation for agricultural workers. Aerial photos dated 2012 show what appears to be single static caravan sited in what is now the position of the farmhouse.
- 1.6 As set out earlier, there are different expectations and requirements for temporary accommodation for agricultural workers. It is typical and indeed was in accordance with Annex A of PPS7 (Agricultural, Forestry and Other Occupational Dwellings) that was in effect at the date of those permissions. PPS7 advised that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units; and where there was a clearly established *existing* functional need. In such instance, it was common practice to allow new farm enterprises to site a static caravan on the land temporarily, whilst viability was established – with the understood expectation that if the enterprise was viable then it would be replaced with a permanent dwelling. If not, it would then be removed.
- 1.7 Accordingly, after a period during which viability was established, planning permission was granted pursuant to application ref. 2013/22695 for “*construction of an agricultural workers dwelling and detached garage.*” Notable about the 2013 approval, which was for a bricks and mortar dwelling was the imposition of conditions designed to protect the amenity of the occupants:
- Condition No. 10 required all habitable room windows to be uprated acoustically to glass with a specification of at least 10/12/6 (glass/air/glass) achieving in excess of 32 R_{Tra} dB(A).
Reason: To protect the amenity of future occupiers from the effects of noise from the nearby road network.
 - Condition No. 11 prevented trickle vents on the windows of affected façades in order to prevent noise ingress from the motorway; and
Reason: To protect the health and amenity of future occupiers from the effects of noise and air quality from the nearby road network.
 - Condition No. 12 required the proposer to submit a detailed scheme to ventilate property using fresh air drawn from the rear (northern façade) of the site.
Reason: To protect the health and amenity of future occupants through the introduction of appropriate mitigation measures for sensitive residential use within the Air Quality Management Area

- 1.8 An extract from the environmental Health officer's report is provided below, it is clear and relevant to the current appeal, identifying the exact same concerns that are apparent:

CASE OFFICER:	Mrs Christine Carruthers	OFFICER:	Mr Steve Smith x2589
CL SITE NO		DATE:	22 November 2013
PLANNING REF:	2013/22695	MY REF:	EP/166352
SUBJECT:	FULL PLANNING - PROPOSED CONSTRUCTION OF AN AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE.		
	SPRINGFIELD HOUSE FARM, SPRING LANE, WARRINGTON, CHESHIRE, WA3 7AS		

I have considered the application and have the following comments to make.

The site is in a location very close to the M62 motorway and the interchange with the M6 motorway. The proposed dwelling is located just within the declared Air Quality Management Area for the motorway network – as such, air quality levels are likely to be just beyond the national objective levels. For this reason, it is recommended that appropriate mitigation measures are incorporated into the design of the building to reduce the level of exposure to poorer air quality for future occupiers of the property.

Due to the proximity of the motorway, noise will also be an issue for residential amenity purposes. It will be necessary to acoustically upgrade all habitable room windows with glazing that has different thicknesses of glass – to reduce the level of road traffic noise which enters the building. It may be worth considering uprating kitchens and bathroom windows too so that the entire building benefits from the acoustic protection. Conditions relating to noise and associated requirements have been recommended.

Some of the Air Quality concerns would be addressed partially by the noise requirements, in this case, it is recommended that no trickle vents should be fitted to facades with a line of sight of sight to the M62 Motorway. This would address noise and air quality issues.

In terms of background ventilation and normal building ventilation, the elevated pollutant levels outside the property could have some adverse impact on health. As a precaution, it is recommended that all fresh air brought into the property should be done through a mechanical system – possibly one that incorporates a heat exchange for the winter months. All fresh air should be brought in from the northern edge of the building – to increase the distance from the M62 motorway and the pollutant source, but should also be brought in from roof level – where the pollutant concentrations will be lower. A condition has been recommended to address this issue.

- 1.9 The details of these specifications required by the conditions were duly discharged under application ref. 2014/24526 in the following year. Aerial photographs of that site indicate that the agricultural workers dwelling was very nearly completed by June 2016 and by 24th March 2017, the static caravan was removed from the site.
- 1.10 Consequently, I can find no rationale whatsoever within the planning history of Springfield House Farm to suggest that the current appeal site is an appropriate location for the proposed residential development of up to 10no. caravans.
- 1.11 As such, the background of Springfield House Farm was clearly distinguishable from the current situation. The approvals were for a totally different scale of residential use and for different reasons. They were the owners and controllers of the poultry farm, whose need was based on a specific locational requirement for a single static caravan - on a temporary basis only. Once replaced with a permeant dwelling, all of the necessary precautions such as uprated glazing, mechanical ventilation and the attenuation of a bricks and mortar dwelling were required to achieve acceptable living conditions.

1.12 I also have been made aware of some nearby locations by SLR members and asked to comment on them, insofar as they may be relevant to the appeal. My review of the sites here is based on the evidence available to me and on the LPA's planning register:

a) Land East of Sandsfield Cottage, Dam Lane, Croft, WA3 7HE

Aerial photos show what appears to be a single static caravan sited approx. 100m north-east of the M6 motorway, off Dam Lane/Smithy Lane. These photos indicate that it was emplaced there between 2001 and 2005. There are two entries on the planning register which both show refused applications for an agricultural worker's dwelling, with the first being refused Dec 1990 (app ref. 90/26644) and another refusal in December 2001 under application ref. A01/44054. The reasons for refusal were inappropriate development in the green belt and adverse highways impact of the proposals.

In the absence of information to the contrary, I can only conclude that the caravan was placed there unlawfully and it has since become immune from action through the passage of time under Section 171B of the 1990 Act.

b) No.7 New Lane, Croft, WA3 7JJ

This parcel of land is situated on the corner of Spring Lane and New Lane, some 530m north of the appeal Site. This is a Site which I advised upon directly in 2019 and in the process of providing this evidence, I have referred to that file and the planning register.

The background to the site is that it is a parcel of land upon which an outbuilding to (what is now No.9 New Lane stands). This was the situation between at least 1897-1910. By 1966, the outbuilding had been replaced with a residential mobile home.

An application was made in 1977 (ref. 77/4017) to replace the mobile home with a bungalow. The application was refused in March 1977 and was dismissed at appeal in November 1977. A second attempt was made in October 1990 to gain permission for a bungalow, under application 90/26195. The application was refused in April 1991 and dismissed on appeal in June 1991. The mobile home was not removed.

In May 2019, I advised the current owner that the situation ought to first be regularised by way of a Certificate of Lawfulness for Existing Use and Development. This was duly completed under application ref. 2021/38502 approved in March 2021.

Thereafter, having established the lawfulness of the mobile home as a permanent building and its established use as a dwelling, a Prior Notification for extension to the dwelling using permitted development rights was approved (2021/39692) and then latterly, a full permission was approved for a replacement dwelling (2021/40296).

The circumstances of that site are not comparable and it follows that the planning history of this site has no bearing or relevance to the appeal.

c) Brookside Farm, Lady Lane, Croft, WA3 7AY

Brookside Farm is a large sprawling parcel of land, comprising of various farm buildings, equestrian yard and kennels and what appears to be two dwellings. The appearance of the site, such as the large cattle sheds and slurry tanks, read in tandem with the planning application history indicate that it is a livestock enterprise. There also appears to be substantial amounts of scrap metal, waste, aggregates, tyres and disused machinery stored at the location. Within the aerial photographs, two static caravans can be seen in various positions and over the years 2001 to 2024 they have moved around the Site. During this period, one was removed completely.

The somewhat extensive planning history includes permission for an agricultural worker's dwelling (ref. [79/8371](#)). Condition No.2 on the permission limits occupation to an agricultural worker. The council's planning register shows numerous other planning applications during this period, as well as service of a Breach of Condition Notice. It is clear that some form of enforcement action has been taken in relation to that site.

I am also aware that the siting of a static caravan (on the land or adjoining land) for purposes ancillary to the lawful construction of a development benefitting from permission; is permitted development within Schedule 2, Part 4, Class A of the GPDO. Therefore, it is entirely possible that these caravans were sited there lawfully.

d) Spring Wood, Spring Lane, Croft, WA3 7AS

There is a static caravan sited to the north of an existing dwelling known as Spring Wood, situated west of Spring Lane, approx. 230m to the north of the appeal site.

Notably, this dwelling is the former storage and employee welfare building for the horticultural business referred to above. This was converted from horticulture, to an office, and then latterly a dwelling pursuant to approval ref. 2015/26747 (March 2016).

The caravan at the site appears to have been brought to the land in around 2021. The planning register shows that the caravan was subject to LPA Enforcement Investigation (Ref. ENF/22/09242) and latterly, in July 2023 its retention was approved under a Certificate of Lawfulness under application ref. 2023/00154/CLDE for use as an Annex to that existing house. The basis of the approval was that the caravan was not a separate dwelling and it is ancillary to the ordinary incidental use of the dwelling. As such, it did not require separate permission to be sought. The specific caravan is lawful.

- 1.13 Owing to the specific circumstances in these examples, there is nothing on the face of it to suggest that the circumstances are comparable with the appeal proposals. Hence, I am unable to draw any meaningful comparison to the circumstances before me. Neither can I award any positive weight to them in the planning balance; in my view they are not relevant *material considerations*. Regardless, based on the facts of those cases, they would not assist the appellant for the reasons I have set out.