

9.8 - R6 SoC Appendix F - APP/M0655/W/24/3348526 LPA SoC and Appeal decision

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

APPENDICES TO RULE 6 PARTY STATEMENT OF CASE
(ON BEHALF OF SPRING LANE & NEW LANE RESIDENTS GROUP)

APPENDIX R6 – F
APP/M0655/W/24/3348526 LPA Statement
& Appeal decision

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

OUR REF: SLR01/1

DATE: OCTOBER 2025



Appeal Decision

Hearing held on 28 January 2025

Site visit made on 28 January 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/M0655/W/24/3348526

Manor Park, Fir Tree Close, Stretton, Warrington, Cheshire WA4 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Smith against the decision of Warrington Borough Council.
 - The application Ref is 2023/01271/FUL.
 - The development proposed is the material change of use of land to use as a residential caravan site for 10 gypsy families, each with two caravans including no more than one static caravan, together with the laying of hardstanding
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land to use as a residential caravan site for 10 gypsy families, each with two caravans including no more than one static caravan, together with the laying of hardstanding at Manor Park, Fir Tree Close, Stretton, Warrington, Cheshire WA4 4LY in accordance with the terms of the application, Ref 2023/01271/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

Planning background

2. A previous planning permission was granted in 2019¹ for the change of use of part of the current appeal site to a mixed use for the stabling of horses and as a residential caravan site for five gypsy households, along with the laying out of additional hardstanding. It was evident at my site visit that caravans have also been sited outside of the land on which development was previously permitted, but within the appeal site. The appeal submission does not seek to regularise the current layout but instead proposes a different layout and therefore I have made my assessment of the appeal on that basis.
3. The description of the appeal development does not include reference to mixed use including stabling of horses, although both buildings are denoted as being stables on the site layout plan submitted. To change the description from that which was consulted upon would be unfair to interested parties who would be deprived of the opportunity to make representations on the amendment. However, any matters that may arise in relation to the use of those buildings can be addressed between the appellant and the Council.

¹ 2018/33053

Revised National Planning Policy Framework

4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 alongside a revised Planning Policy for Traveller Sites Policy Paper (PPTS). As a result of changes brought about in those publications, it is common ground between the main parties that the development is not inappropriate development in the Green Belt. This is by virtue of paragraph 155 of the Framework and the relevant criteria contained therein, those being parts a), b) and c). The main parties agree that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. It is also common ground that there is an unmet need for the provision of pitches for Gypsy and Travellers in the Borough, that the Council cannot currently demonstrate a five year supply of deliverable traveller sites and that the appeal site is in a sustainable location.
5. Having had regard to the positions of the main parties and to the discussion that took place at the hearing, I concur that the development satisfies each of the relevant criteria set out in paragraph 155 of the Framework and is therefore not inappropriate development in the Green Belt. The Green Belt Planning Practice Guidance was revised on 27 February 2025, however I am satisfied that it does not alter this assessment and conclusion. The relevant development plan policy, Policy GB1 of the Warrington Local Plan 2023 (LP), states that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents. Therefore, I proceed on the basis that the appeal development is not inappropriate development in the Green Belt when assessed against both national and local planning policies.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site sits in surroundings of a mixed character, close to the M56 motorway and to the road infrastructure associated with its junction 10, to a sizeable private hospital and to the small settlement of Stretton. Notwithstanding this, the area retains a somewhat rural feel including in longer views of the appeal site, some of which are taken across fields. The appeal proposal would however be viewed in the context of the caravan site already permitted which allows for five pitches close to the two large former agricultural buildings which are present on the site. It is intended to provide new landscaping to the east and south boundaries to aid in screening the appeal development.
8. In some longer views, such as from along Hatton Lane, the caravans already present on the land are visible. Not all of those are permitted to be there at the current time, but nonetheless this provides a useful reference for an assessment of the likely visual impact of the appeal development. The proposed development would both extend the site area and the number of caravans present and thus would have a greater visual impact than what has previously been permitted. However, the extension would be in the direction of the motorway and the number of additional caravans would be modest in number. Alongside the screening

provided by the existing buildings on the site and the proposed landscaping, and given also the mixed character of the surroundings, this would ensure that there would not be a harmful impact on the character and appearance of the area.

9. For these reasons, the proposed development would accord with Policy DC6 of the LP where it seeks to safeguard the quality of place.

Other Matters

10. Whilst the Officer Report refers to the imposition of a planning condition requiring a suitable ecological appraisal and necessary mitigation measures if planning permission were to be granted, no such condition was included in the Council's list of suggested conditions submitted with the appeal. The Council further confirmed at the hearing that their position now is that the condition is not required. It is evident that much of the appeal site is already hard surfaced, and it is seemingly for that reason that the previous planning application for 5 pitches attracted no objection from the Greater Manchester Ecology Unit. The additional land was, at the time of my visit, maintained as short cut grass paddock. On that basis, there is nothing before me to suggest that the submission of any ecological survey work is reasonably needed in this instance.
11. The appeal site is located near to Firtree House, a grade II listed building which, although set back from Fir Tree Close, appears prominent from the public domain. However, the additional five caravans that would result from the proposal would be located to the other side of the large brick built buildings on the appeal site, and there would also be a physical separation between what is proposed and the listed building. There is nothing before me to suggest that the appeal site is part of the listed building's setting or contributes to its significance. Therefore, I am satisfied that the development accords with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that the setting of the listed building would be preserved.
12. The Highway Authority consider that it would be necessary to undertake works to the existing access to serve the number of pitches proposed. Reference is made in their consultation response to a requirement for a hard-surfaced driveway capable of accommodating two-way traffic. However, the existing access is hard surfaced to the highway edge and back into the site, and from visual inspection appears to be of a width at this point to allow two vehicles to pass. However, even if that was not the case, Fir Tree Close is a very wide no-through road with only two dwellings beyond the appeal site access. I do not consider that in either scenario the use of the existing access to serve the appeal development would result in harm to highway safety.
13. The Written Ministerial Statement of 17 December 2015 sets out changes to national planning policy to make intentional unauthorised development in the Green Belt a material consideration. My attention has been drawn by the Council to a linked appeal decision² where the appointed Inspector afforded moderate adverse weight to this consideration. Even if I were to afford the same weight in this instance, this matter alone would not justify the refusal of a development which I have found to be in accordance with current Green Belt policy and not to result in any other harm.

² Appeal Decisions APP/R0660/C/22/3309004 & APP/R0660/W/22/3308801

14. Interested parties have highlighted the presence of other gypsy and traveller sites in the area. However, even with the addition of the appeal proposal these would not collectively be of a scale or number that would dominate the nearest settled communities or place undue pressure on the local infrastructure.

Conditions

15. Discussions took place at the hearing as to the extent to which the appeal development has taken place, if at all. Whilst there are a number of caravans present on the appeal site, the view of the main parties was that the development has not commenced in the form proposed by the planning application that was made. The main parties shared the view that the standard time period for commencement was required. I shall therefore impose that condition alongside a condition setting out the approved plans, in the interests of providing certainty. With regard to the wording of other conditions, discussion took place as to whether those could be worded as pre-commencement conditions or should be worded to address a retrospective development. Given the position that the development has not commenced in the form proposed by the planning application, I am satisfied that these can where necessary be worded as pre-commencement conditions.
16. A condition restricting occupation to those meeting the definition of Gypsy and Travellers set out in the PPTS is required as this is where the need and justification for the development arises. It is necessary to impose a condition setting out the number of pitches approved to define the permission in accordance with what was applied for. A condition requiring details of landscaping is needed to allow for precise details of the proposed landscaping to be approved in the interests of visual amenity, and details of any external lighting are required for the same reason. A drainage condition is required to ensure that adequate drainage provision is put in place. A condition preventing commercial activity taking place on the land including the storage of materials is needed to define the permission as one for residential use.
17. For the reasons I have set out above it is not necessary to require the widening of the site access onto Fir Tree Close. There is an existing sliding gate set back into the site, and it is therefore not necessary to impose a condition preventing a gate or barrier being erected on the adopted highway or opening onto it, which in any event is a matter that could be addressed by the Highway Authority if this did occur in the future. A condition relating to works to trees during the bird breeding season is not required as this would duplicate the provisions of other legislation.
18. I have reworded the Council's proposed conditions where appropriate, in the interests of precision.

Conclusion

19. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan, Site Layout Plan, Post & Rail Fence and drawing No. PBA4.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) There shall be no more than 10 pitches on the site and on each of the 10 pitches hereby approved no more than 2 caravan(s) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 5) No development shall commence until a landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development (including native species), indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and a timetable for implementation, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the timetable for implementation and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced with a tree or shrub of the same species and size in the same place within the first planting season following the death, felling, uprooting, damaging or destruction of the original tree or shrub.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.
- 8) No external lighting shall be installed other than in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

-----End of Conditions-----

APPEARANCES

FOR THE APPELLANT:

Philip Brown – Philip Brown Associates

Charles Smith – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Gary Earnshaw – Development Management Team Leader

Kevin Usher – Principal Planning Policy Officer

INTERESTED PARTIES:

Councillor Linda Jones – Chair, Stretton Parish Council

Councillor Laura Booth – Warrington Borough Council

Councillor Peter Walker – Warrington Borough Council

DOCUMENTS

Amended Table 4: 5 year supply of Gypsy & Traveller accommodation needs

Town and Country Planning Act 1990

Appeal by Charlie Smith

Change of use of land to increase size of residential caravan site to accommodate a total of 10 gypsy households (each with two caravans of which no more than 1 shall be a static caravan/ mobile home) together with the laying of additional hardstanding.

Land at Manor Park, Fir Tree Close, Stretton, Warrington. WA4 4LY

Statement of Case for Warrington Borough Council

Planning Inspectorate References: APP/M0655/W/24/3348526

Local Planning Authority References: 2023/01271/FUL

September 2024

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Introduction

The appeal is against the refusal of planning permission by Warrington Borough Council for the change of use of land to increase size of residential caravan site to accommodate a total of 10 gypsy households (each with two caravans of which no more than 1 shall be a static caravan/ mobile home) together with the laying of additional hardstanding.

The application had planning reference number 2023/01271/FUL and planning permission was refused on 7 March 2024 for the following reason:-

The proposal constitutes inappropriate development in the Green Belt, which causes significant harm to the openness and visual amenity of the Green Belt and does not accord with the purposes of including land within the Green Belt. It is not considered that the information provided within the supporting statement submitted with the application provides sufficient detail to amount to very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness, encroachment into the countryside and visual intrusion. As such the proposal is contrary to policies GB1 and DC6 of the Warrington Local Plan (2023) and the aims of Green Belt policy as set out in paragraphs 142 and 143 of the National Planning Policy Framework (2023).

The description of the site and surroundings are set out in the officers report on the application. (Officer report and decision notice at appendix 1)

Part of the site is currently occupied by caravans for gypsy households approved under planning application 2018/33053 (officer report and decision notice attached at appendix 2).

It is noted that the development now on site does not accord with the plans approved under this permission. (See appendix 3). There is currently an open enforcement case in respect of the site as development has been carried out. Further action is being held pending the outcome of this appeal.

Council statement – in summary

The Council's case is essentially as set out in the officer report for the application (appendix 1). In summary:-

There is no dispute that the proposal represents inappropriate development in the green Belt. Furthermore, there would be significant harm to openness arising from the proposal – spatially and visually. The development would also result in encroachment into the countryside, conflicting with one of the purposes of including land in the Green Belt. This harm carries substantial weight.

The Planning Policy Statement on Green Belt protection and intentional unauthorised development (31 August 2015) makes it clear that intentional unauthorised development is a material consideration to be weighed in the determination of planning applications and appeals. It goes on to state that the government concerned about harm caused by intentional unauthorised development in the Green Belt. There has been unauthorised development on this site with encroachment into the Green Belt beyond the previously approved plans. This should carry moderate weight against the proposed development (see para 71 of Middle Lane appeal decision – appendix 4)

There would also be harm to the open, rural character of the area by way of the introduction of caravans, private and other vehicles, and other domestic paraphernalia associated with the development. This harm also carries moderate weight.

Updated position on need/supply

The document at appendix 5 sets out the Council's current position in respect of need as of August 2024.

This confirms that the need for the period of 15 years from the GTAA is for 27 pitches, 21 have been provided. In terms of the 5-year supply there are various ways to calculate this as set out in the document but each method demonstrates that

the Council is unable to demonstrate a 5 year supply starting from 2024. Depending on the method adopted there would be a shortfall of either 0.6, 3.46 or 3.75 pitches.

The proposed development would therefore make some contribution to and exceed the meeting to outstanding 5 year supply and the remaining need to 2032.

The shortfall in unmet need is only modest so weight to be given to this is only moderate. PPTS is clear that traveller sites are inappropriate development in the Green Belt and should only be approved in very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

No evidence on status of applicant

The application did not include any information to confirm the status of the applicant. No information was provided about the needs of children. Despite an email request from the case officer no information was provided about the personal circumstances and accommodation needs of the applicants family.(appendix 6). There has been no evidence submitted relating to the needs of those who intend to live on the site in relation to schooling, health facilities. It has therefore not been possible to fully assess how the best interests of the child would be served by the proposal.

Alternative accommodation

The Council is not able to put forward any alternative sites that could accommodate the households who would benefit from the proposed development.

Suitability of the site

Part of the site comprises an authorised site for gypsy households. Whilst the proposal does extend the site and is inappropriate development in the Green Belt (and so is in conflict with this policy), the Council agrees that the site performs well against the criteria set out in Local Plan policy DEV3 at paragraph 5.

Meeting these criteria is only a moderate factor in favour of the scheme given the conflict with Green Belt policy – a site would be expected to meet these requirements in any case.

Comments on appellants statement of case

Paragraph nos relate to those in the appellants statement of case

5.8 the reference to moveable development only applies if the intention is to move the structures or if permission would be for a temporary period. Whilst the caravans would be moveable there is no suggestion that there is an intention for this to be a temporary development.

5.10 the suggestion that more than half of the appellants land holding would remain open and undeveloped is not relevant. Whilst there are permanent buildings on the existing site, the area subject to this appeal is open land and cannot be considered to be previously developed land. There is no policy or guidance to suggest that only a certain proportion of a site should be developed or kept free from development.

5.13 the appellant accepts there would be a degree of visual harm

5.16 this really underplays the nature of the appeal site – whilst there are buildings within the area covered by the original permission, the extended site proposed would expand on to open fields. The NPPF definition of previously developed land is clear that it should not be assumed that the whole of the curtilage of a building should be developed

5.17 the Local Plan at DEV3 4.1.64 that “The Council considers that the remaining need for both Gypsy and Traveller and Travelling Show people will come forward from within the existing urban area and/or on previously developed land within the Green Belt. The Council will confirm sites for future provision up to 2038 in a future review of the Plan”. This is not an unqualified acceptance that further sites will need to be approved in the Green Belt; the appeal proposes an extension to an existing site into open land rather than previously developed land.

5.21 the site as originally approved was previously developed land, the land subject to this appeal was not within that site and is not within the curtilage of those buildings

5.30 There is little information provided in respect of the needs of the members of the households, including the children

Conclusion

The Council considers the harm arising to the Green Belt and character of the area is not clearly outweighed by the positive elements of the proposal described above. As such very special circumstances do not exist to outweigh the harm.

List of suggested conditions

Standard time for implementation

List of approved plans

Use for gypsy and travellers – within definition set out in PPTS as amended

Limit no of pitches/caravans/statics – no more than 10 households (each with two caravans of which no more than 1 shall be a static caravan) with caravans meeting the definition in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time

Landscaping

No commercial uses/open storage

Drainage

External lighting

Off site highways works

Appendices

- 1 Officer report and decision notice for application 2023/01271/FUL
- 2 Officer report and decision notice for application 2018/33053
- 3 Current site situation vs approved layout
- 4 Middle Lane appeal statement
- 5 Updated position in respect of need
- 6 Case officer email to agent

Statement of Common Ground

This will be provided prior to the hearing

Appeal documents

Members of the public can view the appeal documents on the Council's website.