



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

RULE 6 PARTY STATEMENT OF CASE

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



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

OUR REF: SLR01/1

DATE: OCTOBER 2025

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OUR REF: SLR01/1
LPA REF(S): 2024/00668/FUL
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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 OF RULE 6 PARTY

- 1.1 We, Green Belt Experts are an experienced chartered town planning consultancy regulated by the Royal Town Planning Institute. This document submitted is the Rule 6 Party's Statement of Case (SoC) submitted in objection of the appeal on behalf of "*Spring Lane and New Lane Residents Group*" (SLR) who have taken Rule 6 Party status.
- 1.2 SLR represents a group of local residents and business owners who live and work within the village of Croft, where the appeal site is located. Residents are collaborating to fund our role via local community organisations and social media in order to represent them.
- 1.3 We will submit to the appeal, relevant contextual information provided by residents combined with our own research and appraisal of the policies, the site and observations of the locality. This SoC sets out the framework of SLR's objections that will in due course, be supported by evidence within Proofs of Evidence (PoE) at the applicable dates.

2. MAIN ISSUES

- 2.1 SLR submits that the main issues are whether the 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 transposed into 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 Warrington Local Plan Policy DEV3 which refers to the provision of Gypsy and traveller sites; and
- d) Whether the proposals otherwise comply with the relevant policies in relation to amenity, air quality, noise and design as set out in Warrington Local Plan policies DEV3; INF1; DC4; DC6; ENV2; and ENV8, as well as the Warrington Design Guide SPD (July 2024) and Environmental Protection SPD (July 2024);
- e) 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*”.

3. KEY POLICIES

- 3.1 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, as updated December 2024) and any relevant supplementary guidance.
- 3.2 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. SLR considers that the key policies and supplementary guidance 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

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)

4. SITE DESCRIPTION

- 4.1 SLR will refer to a range of photographs and plans that show the appearance, character and context of the site over the relevant period.
- 4.2 The appeal site comprises approx. 0.42ha (1 acre) of land situated east of Spring Lane, Croft. In recent years it has been subject to unauthorised development described below.
- 4.3 The Site is an irregular parcel of land, situated immediately north of the Eastbound four-lane-wide carriageway of the M62 motorway. The motorway at this point also forms the Junction 21A Croft Interchange, which is a major interchange where it meets the M6.
- 4.4 The site is historically labelled as a “nursery” on Ordnance Survey maps. While remnants of a glasshouse structure and storage building were once present, these are/were in a derelict condition and had been for many years prior to the Appellant’s occupation.
- 4.5 SLR highlights that under Section 336 of the Town and Country Planning Act 1990, plant and flower growing - even on a commercial scale - is generally considered agricultural unless proven otherwise based on the specific facts of the case.
- 4.6 The surrounding area is characterised by its rural-urban fringe setting. The Site is located approx. 1km away from the village and Spring Lane operates under a national speed limit, lacking pedestrian footways and street lighting and bordered by a drainage ditch and vegetation which creates constrictions in the road. SLR submits that the site is in an unsustainable location that it is unsuitable for the proposed use and traffic generated.

Appendix R6-A – Photos of appeal site

History of the land

- 4.7 SLR will set out the contextual history of the Site that traces the land uses back to the late 19th and early 20th centuries, when it formed part of Johnson’s Tenement Farm. Aerial photographs and OS maps from 1893 through to the 1960s will show the land as open agricultural fields at the material date of 1st July 1948.
- 4.8 The construction of the M6 and M62 motorways between 1965 and 1975 significantly altered the landscape and access, severing the Site from its original farmstead. The site is now located directly next to the motorway, abutting its embankment.
- 4.9 Subsequent aerial images from 1993 suggest that the construction of a glasshouse and storage building between 1989-1993. However, by 2001, these structures appeared derelict and the site had become overgrown, reclaimed by nature and those buildings/land had largely assimilated back into the landscape.

Appendix R6-B – Historical Maps

5. UNAUTHORISED USES AND DEVELOPMENT

- 5.1 By referring to a range of maps, photographs and public registers - SLR will show that a series of unauthorised uses and developments have occurred at the Site, comprising of material changes of use and operational developments.
- 5.2 Specifically, SLR alleges that the appellant has used the land without planning permission for unauthorised activities including waste transfer and storage, vehicle and landscaping materials storage; as well as the siting of caravans, shipping containers, and other non-agricultural items. This is additional to land clearance, ground works, erection of a garage and the formation of hardstanding areas and erection of fences within the last four years.

Appendix R6-C – Dated aerial photos of appeal site

- 5.3 Aerial photographs from 2019 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 mid-2022, significant changes had occurred following its sale to DML Properties (NW) Ltd. This included constructing an expanded hardstandings, new fencing, and the presence of skips and waste materials.
- 5.4 Ownership of the site was transferred again in August 2023 to Tom Smith (Warrington) Ltd, a company registered with Companies House under business activity code 383202, which pertains to the recovery of sorted materials. This Code includes activities such as crushing and sorting demolition waste, shredding metal and non-metal waste, and recycling end-of-life vehicles. The Environment Agency's public register confirms that the company holds a waste carrier licence under Permit Reference CBDU302135 and operates from an address in Warrington that is also identified as the appellant's residence.

Appendix R6-D – Photos and extracts from public records

- 5.5 By September 2023, aerial imagery shows a marked increase in the intensity of the unauthorised activities, including increased storage of vehicles, landscaping materials, and non-agricultural items. These activities have continued into 2024 and beyond.
- 5.6 The appeal proposal is therefore considered part-retrospective and must be assessed in light of the Written Ministerial Statement HCWS423, which emphasises the need to give negative weight to intentional unauthorised development in Green Belt areas.
- 5.7 We understand it to be agreed common ground between the Rule 6 Party and LPA that the statutory planning register shows there are no express planning permissions, certificates of lawfulness, or prior notifications to authorise these uses or developments. There are no deemed permissions and the appellant has not presented any evidence to demonstrate the lawfulness of the conditions on Site. Consequently, the LPA issued an enforcement notice on 10 July 2025, which has since come into effect.

6. REASONS FOR REFUSAL AND POLICY ANALYSIS

- 6.1 It is SLR's case that the proposal is inappropriate development in the green belt and that the appellant's stated need case does not amount to Very Special Circumstances (VSC) because it is not so compelling as to *clearly outweigh* both the definitional harm and any other harm to the green belt. Moreover, and irrespective of the green belt status, it is SLR's case that the specific location and conditions at the appeal Site mean that it is unsuitable for the character of residential uses being proposed by the appellant.

Green belt harm and impact on openness

- 6.2 The first reason for refusal pertains to inappropriate development in the green belt. SLR concurs with the Council's assessment on the issues, asserting that the proposal fails to meet any exceptions outlined in the Framework (and by definition Local Plan Policy GB1). The Framework defines that in the case of inappropriate development, substantial weight is to be given to any harm to the Green Belt, including harm to its openness.
- 6.3 The development introduces caravans, domestic paraphernalia, and a communal amenity building, all of which contribute to both definitional and spatial harm to the openness of the green belt. It is SLR's contention that Policy E of the governments Planning Policy for Traveller Sites (PPTS) does not change this.
- 6.4 Policy E of the PPTS does not provide any additional or new exceptions to inappropriateness and nor does it suggest that the absence of a 5year supply of sites should be treated as VSC. The PPTS was updated in December 2024 at which point government had a clear opportunity to state that a failure to satisfy Policy B would amount to VSC...but it did not do so. The PPTS does not change anything about the application of Local Plan Policy GB1, in fact it simply reiterates the requirement for VSC to be demonstrated...SLR submits that this has not been done.
- 6.5 It is accepted that neither the NPPF or policy GB1 expressly (nor by implication) refer to 'visual openness' but there is a reality here that the impact of the proposed caravans, with their utilitarian form and typically white/cream exterior would have a notable presence in the otherwise pastoral agricultural landscape. In the absence of the aforementioned unauthorised developments; the site would have been a parcel of partially tree covered and otherwise open agricultural land.
- 6.6 Due to the frequently 'jarring' appearance of caravans in open landscapes (derived from their materials of construction), the proposals would be visible from distance and more noticeable and hence, as a result, they have notable impact on openness.
- 6.7 Ancillary developments, especially the proposed amenity block measuring 4.4m tall, with a footprint of 12m x 6m would have a significant presence on the site; introducing a built form that is inconsistent with the expected agricultural and open character of the site. This harm is further emphasised by the inevitable presence of fencing, hardsurfacing, vehicle parking and residential paraphernalia.

Previously Developed Land

- 6.8 As noted above, plant nurseries are typically an agricultural use and the Framework defines agricultural land, and as such is 'greenfield' land, rather than PDL (brownfield land) for green belt purposes. Just as importantly, Annex 2 of the Framework also defines that sites only qualify as PDL where it meets the relevant definitions – namely, that:
- a) It is land that has been lawfully developed;
 - b) It excludes: land that is or was last occupied by agricultural or forestry buildings;
 - c) land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 6.9 It is SLR's case that the appeal Site fails to satisfy the relevant criteria. It is therefore not PDL and does not benefit from the additional exceptions within the Framework.

Grey Belt Land

- 6.10 In relation to the grey belt policies within paragraph 155 of the Framework, SLR draws attention to the definitions given in Annex 2 which define that grey belt land that is either PDL land, or other land, that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and that passes the 'protected areas tests' in footnote 7.
- 6.11 Footnote 7 of the Framework defines that the *protected areas*, other than green belt, includes land that is at risk of flooding. The Site is identified as being at elevated risk of pluvial flooding from sources of surface water. As such, it is SLR's case that in spite of the unauthorised development being present, the appeal site does not qualify for the grey belt provisions because it is 'protected land' by virtue of footnote 7.

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

- 6.12 The disagreement over flood risk issues relates to surface water flooding (fluvial) as a result of the surrounding landscape and drainage networks not being able to cope with peak rainfalls. When referring to the correct dataset, the LLFA's dataset aligns with SLR's lived experience as shown in the photographs, that the site is at risk of surface water flooding during severe rainfall events. The submitted photographs show that the access to the site, Spring Lane and parts of the Site are at elevated risk.

Appendix R6-E –Extracts from flood risk maps

- 6.13 Based on the submitted layout of the Site, the amenity building and at least two of the caravan emplacements are at risk of becoming inundated by flood waters. The lack of information provided to demonstrate proper drainage arrangements, together with the increase in impermeable area that results from the proposals, means that flood waters would be readily conveyed around the Site and could impact several of the occupants.
- 6.14 In line with the Flood Risk Vulnerability Classification set out in Annex 3, the proposals are identified as "highly vulnerable" developments, the second highest tier of risk.

- 6.15 The LLFA consultee identifies that the flood risk information submitted by the appellant was inadequate and is now out of date. The LPA also submits that the Environment Agency's (EA) dataset is an underestimate of current annual risk of surface water flooding, and critically this is without any additional allowance being made for climate change increase. Therefore, this suggests that the situation will become worse over the lifetime of the occupants, due to climate change, rather than improve.
- 6.16 Whilst raising internal floor levels (as suggested by the appellant) is an option, there is no detail provided in relation to how this would be achieved. In particular, caravans and most especially touring caravans, are lightweight constructions by design and can literally begin to float away during severe floods. They cannot be readily fitted with effective flood barriers and they are vulnerable to water due to having louvred grilles to prevent damp and condensation build up within the fabric that act like water inlets.
- 6.17 The appellant disputes if it is necessary to consider if access or escape routes are affected by flooding. However, we submit that this step is expressly identified by the NPPG and is regularly taken into account by Inspectors. We 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.
- 6.18 In particular, footnote 62 to paragraph 176, and Framework paras 173-174 are important. They clarify that although most minor applications and changes of use are not usually subject to the Sequential Test, changes of use to caravan sites are not exempted. SLR submits that the appellant has not satisfied the Sequential Test and nor has the guidance in the NPPG Paragraph: 028 Reference ID: 7-028-20220825 been followed.
- 6.19 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 research in depth when making attempts to identify a reasonable alternative first, before proceeding with the development. The absence of a 5 year site supply of alternative sites, or minor scale of development, does not avoid this requirement. In fact – it expressly triggers the need to consider and present alternatives in a coherent and logical manner, following the aforementioned guidance.
- 6.20 Only if it is infeasible for development to be located in areas of lower flood risk (taking into account wider sustainable development objectives), the exception test will then have to be applied. Applying the Exceptions Test in Framework paragraph 178 requires the appellant to demonstrate that the 'public good' arising from the proposals, outweighs the flood risk. And anyhow, that the site can be made safe for its lifetime.
- 6.21 LP Policy ENV2 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. This has not happened. As a result, the proposal does not comply with Framework paragraphs 173 to 182 or LP Policy DEV 3 criterion 5 b), either.

Reason for refusal No.3 (Air Quality)

- 6.22 SLR hereby present qualified expert written opinion on the issues of odour and air quality. The evidence will evaluate the potential impacts on air quality, odour, and dust affecting the amenity, health and well-being of future occupants of the Site.

Core document CD R6 – 9.3

- 6.23 One important crux issue is that the site lies adjacent to the M62 motorway and within Warrington Air Quality Management Area (AQMA) No.1, designated due to potential exceedances of nitrogen dioxide (NO₂) levels. The second key issue is the site's location approximately 60 metres east of a poultry farm housing 9,000 hens, which may emit odours and dust. These factors raise serious concerns about the suitability of the site for residential use. SLR submits that the planning application and appeal submission lack both the necessary Air Quality Assessment and an Odour Assessment, which are required by national and local planning policies (and the LPA's local validation checklist).
- 6.24 SLR submits that the Framework and Warrington Local Plan policies ENV8 and DC6 both emphasise the need for developments to avoid unacceptable pollution levels and to protect residential amenity. The absence of technical assessments contravenes these policies. SLR urges that this omission prevents a decision maker from confidently determining if the development will ensure acceptable health and environmental standards for future occupants, particularly children whom intend to live at the Site.
- 6.25 SLR's evidence critiques the appellant's reliance on air quality monitoring data that is geographically distant from the Site and which is not representative of conditions at the Site. The Site's proximity to the M62 and prevailing wind directions suggest higher exposure to pollutants than indicated by the referenced data and the Appellant has not addressed this.
- 6.26 The evidence within the report shows how odour concerns arising from the use of the nearby poultry farm are deemed valid, highlighting the lack of field odour surveys, and noting that emissions such as dust and bioaerosols could affect those proposed to live within caravan site (especially given its downwind location of the poultry farm).
- 6.27 SLR will show that historical planning decisions for nearby residential dwellings duly required mechanical ventilation systems due to these air quality concerns. Such mitigation is not reasonably feasible for caravans, which offer limited protection against these types of environmental pollutants.
- 6.28 SLR will provide evidence that concludes the site is unsuitable for sensitive residential receptors due to combined exposure risks from traffic emissions and the risks arising from poultry rearing operations. The lack of robust assessments and mitigation measures renders the proposal non-compliant with planning policy.
- 6.29 In summary, the expert opinion recommends that the appeal is dismissed, unless and until comprehensive air quality and odour assessments are conducted to demonstrate the site's suitability for residential use and policy compliance is achieved.

Reason for refusal No.4 (Noise Impacts)

- 6.30 SLR will present qualified expert opinion on the issues of acoustics and the consideration of the external fabric of the proposed caravans. The evidence will evaluate the potential for significant adverse impacts as a result of noise to affect the amenity, health and well-being of future occupants of the Site.
- 6.31 The evidence shows that the appellant's own submitted Noise Impact Assessment (NIA) by LF Acoustics (May 2025) provides a strong indication that the appeal proposals would not be in accordance with the requirements of Policy ENV8 of the Local Plan because the proposed development would lead to an adverse impact on the amenity of future occupiers. This would be contrary to the Local Plan, the NPPF and adopted SPDs.
- 6.32 SLR's case is that the application documents and specifically the submitted NIA provide no meaningful details of the proposed dwellings. In the context of the site being adjacent to the motorway, such information is essential if an assessment is to be reliable. Therefore, in the absence of this information it is not possible to provide robust or reliable predictions of the internal noise levels within the proposed dwellings. Expert evidence will demonstrate that due to this lack of available information and specifications, the provided internal noise level predictions within these dwellings cannot be considered robust and is likely to understate the noise impact on future residents.
- 6.33 The evidence will show that relevant planning policies and guidance make no differentiation between the method of manufacture of proposed accommodation. There are the same expectations for both internal and external noise amenity required to be achieved for noise, irrespective of whether the proposed dwelling is a caravan.
- 6.34 It is SLR's position that for any specific need case to be given material weight in the planning balance, the proposal must be genuinely for a caravan for gypsy families – this by reason mandates a lightweight design of a caravan. A dwelling of this type (i.e. structure and fabric) in this location adjacent to the motorway would not be able to comply with the requirements of Part O of the Building Regulations or current good practice guidance on the consideration of acoustics and overheating in residential buildings; certainly not without significant amendments to the design that would be incompatible with the character, nature, size and weight of a touring caravan.
- 6.35 SLR will provide evidence that there is material uncertainty in the appellant's NIA. That the submitted assessment is lacking in consideration of inherent uncertainty within either the site-based noise survey, the noise modelling process or the process of predicting noise transfer through the proposed dwelling facades to provide internal noise levels.
- 6.36 It is SLR's case that the matter cannot be resolved through the imposition of planning conditions. This is because the suitability of the site for residential occupation is a core issue, which must be pre-determined (based on robust evidence) before any decision can be made to permit residential occupation of the Site.

Reason for refusal No.5 (Sustainability)

- 6.37 Spring Lane has no pedestrian footways that link the Site to the village centre. The road is unlit and has a 60mph speed limit. The reality of walking or cycling along these roads means that people will self-select and choose to use their cars instead. This will undermine the objective of promoting low-carbon transport options. The absence of the footway (and no offered mechanism to provide one) results in a conflict with LP Policy INF5
- 6.38 There is a bus stop at Eaves Brow 550m 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 stop.
- 6.39 Overall, there is a notable (moderate) degree of conflict with policy INF1 which directs new development to sustainable locations and conflict with criterion 5 g) of policy DEV3. This issue counts therefore against approval of the application in the planning balance.

Reason for refusal No.6 (Ecology and Biodiversity)

- 6.40 The council's reason for refusal engages solely with the issue of Biodiversity Net Gain. Although the application was accompanied by a Biodiversity Net Gain Assessment and matrix, the council has found that the matrix has identified a 43% net reduction in BNG terms. Therefore, the proposal does not achieve either legal compliance with the BNG requirements of the Environment Act 2021 or policy compliance with LP Policy DC4.
- 6.41 Whilst the applicant has now submitted an appropriate Preliminary Ecological Assessment, the report identifies that there are seven ponds within a 500m radius of the site, with the closest being 156m away. The locality is known to be a potential habitat for Great Crested Newts (GCN) which are a protected species and 3 records are identified nearby to the site. Page 10 of the report identifies that: *"no areas of suitable habitat is being removed as part of the development"*. This is because the works were undertaken without the benefit of permission, prior to the appeal site being assessed in July 2024.
- 6.42 Page 11 of the submitted ecology report continues: *"The site contains grassland and scrub which provide good terrestrial opportunities for GCN and other more common amphibians for foraging, refuge, and hibernation. The presence of GCN within the site for transient periods in the grassland and utilising the hedgerow and refugia is possible, given the suitable on-site habitats, and proximity of possible GCN breeding waterbodies (ponds)."* Whilst Reasonable Avoidance Measures would in many instances be appropriate, the application is part-retrospective and so it must be ensured that any suggested conditions are suitably worded to give appropriate protection.
- 6.43 Overall, it appears that there is still some unresolved conflict with LP Policy DC4. This reason for refusal should be maintained but it appears can be adequately resolved through a fresh resubmission of the application with an appropriate BNG matrix, enhancement plan and 30-year management plan.

7. OTHER MATERIAL CONSIDERATIONS

Need case

- 7.1 In respect of the level of unmet need for Gypsy and Traveller (GT) accommodation. The current GTAA (2018) was jointly commissioned with neighbouring borough such that it covers the relevant geographical areas. The supporting text to LP Policy DEV3 seeks up to date this taking into account amendments to the Planning Policy for Traveller Sites (PPTS). The current GTAA was updated by Local Plan Policy DEV3 and its supporting text.
- 7.2 LP DEV3, recognised a need for 15 further permanent Gypsy and Traveller pitches between 2017 and 2032, in addition to those consented at the time. Neither the GTAA nor the LP have reached the end of its lifespan and remain relevant for decision making.

APP/M0655/W/24/3348526 for Manor Park, Fir Tree Close

- 7.3 In appeal APP/M0655/W/24/3348526 for Manor Park, Fir Tree Close, Warrington (March 2025), is pertinent. As of August 2024, it was common ground between the LPA and the current appellant's agent Mr Brown, that there was an unmet need for GT accommodation in Warrington. At that time, there was a shortfall of 6no. pitches.
- 7.4 The LPA's position statement can be summarised that the need for the period of 15 years from the 2018 GTAA was for 27 pitches, and of those 21 had been provided. In terms of the 5-year supply the council would have notionally been unable to demonstrate a 5-year supply starting from 2024... however, the appeal was allowed. The appeal decision accepted need for additional pitches and as a consequence, the Inspector duly granted permission for 5no. new pitches.
- 7.5 In essence, the Inspector substantially resolved the identified shortfall, leaving only a small shortage of 1no. pitch required. Owing to that very recent approval at Manor Park, it is reasonable to conclude that the appellants need case is indeed very marginal.

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

Need position now

- 7.6 Taken together, these documents in combination provide a credible evidence base for the provision of new GT pitches for the 15-year period from 2017 up to 2032 as required by the PPTS. At the present time, SLR has no direct evidence that suggests the unmet need position is out of date and as shall be explained below, in consideration of Alternative Sites; it appears that the Appellant's existing site at Gorsey Lane has capacity to accommodate this unmet need, without releasing any green belt land.
- 7.7 In the absence of a compelling and convincing need case being presented by the Appellant, we are not able to give any weight to this issue in the planning balance.

Weight to be given to unmet need

- 7.8 Two appeals in Bedfordshire are relevant, refs APP/K0235/C/22/3303839 and APP/K0235/C/22/3303840. They relate to two April 2025 co-joined appeals against the refusal of permission for a change of use to two gypsy/traveller pitches as well as engineering operations. The appeals were dismissed alongside a supplementary Section 174 appeal against an Enforcement Notice. In those appeals, it was common ground that as a result of changes to the PPTS in December 2024, the Council no longer had a five-year supply of deliverable pitches to meet the need within the borough, and that there were no available alternative sites. However, in spite of the need case, permission was still refused due to conflicts with other development plan policies.
- 7.9 These cases stand as clear examples that unmet need alone, is not a cure-all to development in an otherwise unacceptable location. Most especially noting that the Bedfordshire cases did not involve green belt sites; and hence the level of protections here must be greater still. SLR will elaborate on this further as part of Proofs of Evidence.

Appendix R6-G – Appeals APP/K0235/C/22/3303839 and 3303840.

Alternative sites

- 7.10 The appellant claims that there is no requirement to demonstrate a lack of alternative sites. Whilst it is accepted there is no specific policy requirement to do so, neither is it right to simply ignore other non-green belt Sites, falling-back on a bold statement that “we don’t have to”. The policy protections to the green belt are substantial – if there is to be a strong enough justification to approve the proposals, then it must be shown that reasonable efforts have been made to identify alternative sites *first (as per Framework paragraph 148)*. A ranking preference should be taken to i) non green belt sites; then ii) brownfield PLS sites in the green belt; iii) grey belt sites and finally on then should iv) green field sites in the green belt be considered.
- 7.11 The very recent, Sept 2025 case, Walsall v Sos HCLG & Anecso Ltd [2025] EWHC 2360 (Admin)¹ is relevant. The case concerned the provision of alternative sites in the green belt, in that instance for a battery storage facility. The applicant claimed that the site was a grey belt site, eligible for provisions in Framework paragraph 155 and Annex 2. It is evident that there are comparisons of principle to be drawn. The Walsall case sets out that even if there is no mandatory requirement to provide an alternative sites assessment; if the applicant chooses to argue that there is a lack of alternative sites available – then it must be competent, well considered and thorough. It is then a matter of planning judgement what sites are reasonable to include or excluded from the appraisal.

¹ Walsall Metropolitan Borough Council -v- Secretary of State for Housing, Communities and Local Government and others [2025] EWHC 2360 (Admin), judgement available to download here: <https://www.judiciary.uk/wp-content/uploads/2025/09/Walsall-Metropolitan-Borough-Council-v-Secretary-of-State-for-Housing-Communities-and-Local-Government-and-others.pdf>

- 7.12 SLR submits that the appellant has made a purposeful decision not to demonstrate the absence of other suitable and available Sites, so as to avoid additional scrutiny of the selection process. Amongst the viable alternatives should be the appellant's own land at Gorsey Lane which has permission for 3no. caravans pitches (approval ref. A02/456/30).
- 7.13 In January 2006, approval ref. 2005/07140 was given for Mr Smith's current dwelling which was supposed to be in lieu of 1no. of those permanent pitches. Aerial photos show that by 2009, the Gorsey Lane site was extended by some approx. 40 x 11 meters, resulting in extra capacity there, with additional land available to the rear of the site.

See Appellant Appendix PBA1

See Appendix R6-H – Photos of land at Gorsey Lane

- 7.14 By contrast, the Appellant's statement claims that there are only 2no. pitches authorised at Gorsey Lane, with a need for 6 households. Yet, the council's public Site Licence Records show that in fact, 6no. pitches are already being Licensed Licence No.CS11 (as shown on public register) and they have been present on that Site for over 10 years. It additionally appears from aerial photos, that there is enough space for 1no. extra pitch which could bring provision up to 7no. in total at Gorsey Lane – this is enough to resolve the shortfall. The land is already suitable, available and within the applicant's control.

See Appendix R6-I – Copy of Council's Site Licence Register

- 7.15 It is further understood that because these 4no. existing pitches are unauthorised (i.e. they do not benefit from an express approval), they are not accounted for in the 'supply' of the 2018 GTAA. Whether those pitches benefit from an express permission does not alter the fact they are there and seem to be lawful under the terms of S.171B of the 1990 Act.
- 7.16 Furthermore, the council's statutory planning register shows that no attempt has been made to seek to regularise those existing pitches at Gorsey Lane so that they can be accounted for as part of the GTAA. Given the context and duration of occupation, we submit that making an application to regularise and extend provision there is appropriate, before releasing green belt land.

See Appendix R6-J– Extracts from LPA Planning Register

- 7.17 It follows that the Appellant's stated need case does not withstand this basic scrutiny, showing a clear conflict between the numbers stated in their SoC; the numbers they stated in 2024; the situation on the ground; and the number of Gypsy & Traveller pitches already licensed by the council and which are in operation.
- 7.18 The existing supply position will be updated by the LPA as part of the forthcoming GTAA, expected very soon, we are informed in January 2026.

Landscape impacts

- 7.20 SLR has concerns about the overall appearance of the Site and its impact on the visual amenity of the area more widely. The site is located directly next to Spring Lane and is visible at close quarters. It is also peripherally visible from passing traffic on the motorway, albeit at traffic speeds the glimpses of the site will be fleeting.
- 7.21 SLR submits that the harm attributed to landscape issues and the degree of conflict with Policies ENV8, DC6, DEV3 (5) c) and GB1 is minor and can be addressed through the imposition of conditions requiring delivery of a high-quality landscaping scheme.

Recommended draft conditions are given at the rear of this statement.

Highways safety

- 7.22 As previously mentioned, Spring Lane has a 60mph speed limit and is narrow in width, constrained by an unnamed brook (drainage ditch) on the eastern edge of the road and private land, hedgerows and verges on the west side. There appears to be limited scope to widen the public highway, owing to these factors.
- 7.23 SLR submits that whilst there is no objection from the council's Highways Officer, their position is predicated on a misunderstanding of the planning history due – namely an incorrect assumption that there is an authorised commercial use and as such, there would be no material increase in traffic. Whereas as explained above, SLR submits that the Site's current uses are unlawful and the proposals would be likely to create upwards of 20 additional two-way vehicle movements each day. The LPA is encouraged to review and clarify its position on this issue as part of Proofs of Evidence.
- 7.24 Those movements which include the towing of a caravan or trailer, or LGV movements, will demand more physical space on the road network (Spring Lane in particular).
- 7.25 Residents have also highlighted concerns about highways safety, for road users and equestrians and cyclists. They note that recently in January 2025, a bin wagon that was making efforts to pass on-coming traffic in front of the Site fell into the adjacent ditch. This resulted in closure of the road for several hours. SLR further submits that the evidence of this scope of vehicular conflict can be seen on Spring Lane, with tyre marks on verges and wearing carriageway edges where large vehicles have had to attempt to pass.

Appendix R6-A – Photos of appeal site

- 7.26 Additionally, we submit that if the appeal is allowed, a Section 106 Agreement (or Unilateral Undertaking) is required to deliver pedestrian infrastructure in the form of provision of footway heading north on Spring Lane to connect the Site sustainably with Eaves Brow. And furthermore, to fund the adoption of a Traffic Regulation Order to facilitate the erection of warning signs and reduce the speed limit from 60mph to 30mph.

8. OVERALL CONCLUSIONS

- 8.1 For the above reasons, SLR submits that the appeal proposals are inappropriate in the green belt. It causes definitional policy harm and actual harm to openness. This results in substantial conflict with LP Policy GB1, and the substantial weight that should be given to the protection to the green belt from inappropriate development. The benefits of the scheme do not clearly outweigh the substantial green belt harm and significant 'other' harms that results from the proposals.
- 8.2 Irrespective and momentarily setting aside green belt issues, there is in any event -a substantial and significant conflict with Policy DEV3 (1) and DEV3 (5), criterion a), b), d), e) and g). These conflicts relate to non-compliance with the aforementioned policies in relation to flood risk; air quality; highways; noise; sustainability; biodiversity net gain
- 8.3 As such and in conclusion, SLR as the Rule 6 Party respectfully asks that the Inspector dismisses the appeal and refuses permission.

9. DRAFT CONDITIONS

- 9.1 For the above reasons, SLR submits that the appeal should be dismissed. If notwithstanding this, the appeal is allowed – then SLR requests that in addition to approved plans, conditions are appended to give effect to the following matters:
- a) Landscaping scheme – submission of a robust and native landscaping planting scheme to screen the site. The scheme should present opportunity for habitat improvements, where possible using predominantly a planting palette of native tree, shrub and ornamental species that would have foraging benefit to pollinators, birds and bats. The scheme shall be completed within the first available planting scheme and any trees, shrubs or plants that are dead, diseased or dying will be replaced annually for 5 years from the date of completion of the scheme.
 - b) Biodiversity Net Gain – assessment and improvement plan to be submitted that demonstrates a minimum of 10% uplift in BNG compared to the pre-development (pre-degradation) conditions of the site as at the baseline date of January 30, 2020.
 - c) Bird Nesting Season - No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
 - d) Invasive Plant Species (Himalayan Balsam) – Prior to any further groundwork taking place, a scheme of invasive plant species eradication and mitigation measures shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with approved details, prior to any ground work, earth moving or other site preparation works taking place.

- e) RAMS - Submission of a scheme of Reasonable Avoidance Measures RAMS for the protection of Great Crested Newts;
- f) Vehicular Crossing point – Within 3 months of the permission hereby approved being issued, the vehicle cross-over point constructed fronting the site on Spring Lane, extending from the highway boundary for a minimum distance of 5metres into the site - shall be surfaced in a solid bound tarmacadam, in the interests of pedestrian safety and accessibility and to prevent loose surface material being carried on to the public highway causing a potential source of danger to road users.
- g) Drainage scheme – Within 3 months of permission hereby approved, provision of a foul and surface water drainage scheme in writing which identifies appropriate site drainage and flood risk management measures that includes the following:
 - (i) Flood alleviation measures for site occupants
 - (ii) Emergency egress and evacuation plan
 - (iii) Provision of Sustainable Urban Drainage Systems for surface water

For the avoidance of doubt, the scheme shall provide: iv) Data and modelling that informs the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; v) a timetable for its implementation; and iv) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- h) Removal PD rights – Removal of Permitted Development rights within Schedule 2, Part 5 of the General Permitted Development (England) Order 2015; or any subsequent amendment or enactment having the same or similar effect.
- i) Air circulation, heating and ventilation system - to be installed that will address the issues of nitrogen dioxide levels, dust, particulate matter and odour impacts.
- j) Noise mitigation – scheme for submission of a noise mitigation scheme, including air circulation, heating and ventilation system for the caravans so as to demonstrate how acceptable living conditions (including max day time and night-time noise levels) to be achieved internally to the caravans.
- k) Occupancy condition – restricting maximum number of pitches and occupation limited to solely those identified as gypsy travellers, in perpetuity.
- l) Reinstatement – so that in the event the Site is no longer reasonably required for the approved use; that the development hereby approved is removed and Site is reinstated to green field and seeded with a permanent agricultural grass-seed mix in accordance with label recommendations.