

# Groves Town

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<b>Client</b>	Hatton Parish Council
<b>Document Title</b>	Response to appeal statement
<b>Version/Date</b>	V2 15 June 2021
<b>PINS ref</b>	APP/M0655/W/21/3271800
<b>GTP ref</b>	21/05/011
<b>Application reference</b>	2020/36311
<b>Appellant</b>	Thomas Jones & Sons (Liverpool) Limited
<b>Site</b>	NEW HOUSE FARM, HATTON LANE, WARRINGTON, WA4 4BZ

### 1 Introduction

- 1.1 Groves Town Planning has been engaged by Hatton Parish Council (HPC) to provide advice and support in the lodging of representations in respect of the application and subsequently the appeal described above.
- 1.2 The Parish Council were made aware of the potential for proposed development through pre-application engagement with the applicants and current site owners. Whilst this engagement was welcomed, with the exception of enabling some preparation for the formal application, insufficient time was allowed for the Parish Council to effectively canvas the views of its constituents and to offer comment prior to the submission of the application.
- 1.3 Subsequent to the submission of the planning application, the Parish Council had used two public meetings and the circulation of a questionnaire, in order to understand the views of residents of Hatton. Information about the appeal has also been circulated locally by the Parish Council. As a consequence of these actions it is considered that the Parish Council has a clear mandate to maintain objection to the proposed development.
- 1.4 The development, as proposed prompts objection from the Parish Council on the grounds that it inappropriate development within the Green Belt; is not sustainable development; is not policy compliant and therefore fails to meet any test for a presumption in favour of granting planning permission through national policy guidance.

1.5 The statement of objection submitted to the Council when the application was under consideration provided an explanation as to how the Parish Council has reached this conclusion.

1.6 Concern was previously expressed over the presentation of the proposed development with proposed street scenes appearing to assume that the development would take place on a totally level site. In reality the site sits on land rising from north to south elevating buildings above the level of the settlement itself and the road level to the east of the appeal site.

## 2 Objections to the Planning Application

2.1 The Parish Council continues to consider that the issues of concern raised in the statement of objection issued to the Council prior to the application being refused remain to be of relevance. It is requested that those objections are considered in the context of this appeal.

## 3 Continuing Grounds for Objection

### The development is inconsistent with development plan policy

3.1 It remains the case the Parish Council considers that the development is not policy compliant. The development represents inappropriate development in the Green Belt. The exemptions considered in paragraph 145 of the National Planning Policy Framework do not apply to development of the scale and form proposed. There are no very special circumstances sufficient to outweigh the definitional harm to

the Green Belt. The development has an adverse impact on the openness of the Green Belt and the purposes for including land within it.

The site cannot be wholly considered to be previously development land

3.2 The status of the appeal site as previously developed land is clearly critical to the appellants' assertion of compliance with the NPPF and development plan policy.

3.3 The views of Counsel provided in support of the proposal are valued and respected, but even in the cases quoted there is clearly scope for interpretation and for the HPC case that not all existing buildings meet the definition of PDL.

3.4 The quote taken from the decision of Ousley J in the Lea Valley judgement includes the phrase "the presence of some previously developed land within an application site does not make the whole site previously developed land".

3.5 That is the exact point made by the Parish Council. Submissions made on the appellants' behalf are clear that the appellant "farms" 26ha of land adjacent to the application site. There has never been any planning permission or planning application to change the use of that land from agricultural use. Agricultural equipment stored on the appeal site is used for maintenance, upkeep and cropping of that land.

3.6 This is not a small scale operation with scope to produce a small amount of hay. There are various sources which suggest yield per hectare for hay, but the Scottish Agricultural Survey 2017, published 14 March 2018 suggests a yield of between 6 and 7 tonnes per hectare. 26ha could produce between 156t and 182t per annum. A horse needs 8kg of hay per day 2920kg per annum – the 32 horses currently liveried at the site could use 93t of hay per annum (Source Haygain.co.uk)

3.7 The Defra CAP payments site suggests that DC Tate and Partners have been in receipt of subsidies exceeding £10700 in across 2019 and 2020.

3.8 It is not the intention of HPC to suggest that New House Livery is not operated in an entirely appropriate and legitimate manner, but rather to indicate that the appeal site is subject to a range of uses – not necessarily a dominant and ancillary or incidental use but two principle uses with equestrian and agricultural uses occurring side by side. Buildings on the site remain in agricultural use and the scale of PDL is less than that suggested in the appellants' submissions.

3.9 It is worthy of note in this context that the Council have not provided a conclusive response in their comment on issues raised as potentially agreed by the appellants' representatives. Item 5 of the Statement of Agreed Matters poses the question that the appeal site is PDL. The Council responds by indicating that whilst there is not dissent to that position, there is an absence of evidence to support that condition and no formal decision which confirms lawful use of all of the site as a livery rather than an agricultural use.

3.10 In this context it is considered that development on the site should be restricted to a much smaller area than currently proposed.

### Affordable housing

3.11 The second limb of paragraph 145(g) of the NPPF provides scope to consider an identified need for affordable housing as a reason to exempt proposed development from the presumption against the grant of planning for inappropriate development in the Green Belt.

3.12 It has been the contention of the Parish Council that whatever other issues relate to the site it is wholly unsuited to the provision of affordable housing and that unmet need for affordable housing across the wider Borough cannot justify an exemption to the restrictions imposed by Green Belt policy, having regard to the objectives of the development plan as a whole.

3.13 A recent appeal case is appended in which the Inspector reaches some conclusions relevant to this case – APP/Z2830/W/20/3261692.

3.14 That proposal related to development of up to 26 dwellings in open countryside. At paragraphs 24 -28 the Inspector considers whether a recognised need for affordable housing across the Borough justifies the failure to comply with settlement related policy.

3.15 He concludes that “whilst there is an unmet need for affordable housing district wide, there is little substantive evidence of an unmet need attributable to the Paulerspury area....”. Reference is made to a recent nearby consent. The development would only provide the standard requirement for affordable housing and this was not considered to be a strong reason to set aside policy compliant or other schemes in more sustainable locations.

3.16 Whilst clearly complex it is considered that the Inspector has logically appraised the nature and extent of affordable housing need before committing to development which would otherwise raise policy based objection.

3.17 In this case the development plan does not identify any specific need for affordable housing in rural locations or specific settlements such as Hatton.

3.18 Observation of the wider South Warrington area will show a number of housing sites under active development – Roland Homes at Grappenhall Heys,

Barrett Homes at Stretton, Barrett and David Wilson at Dingle Bank. Each of these schemes includes provision for affordable housing in line with policy which will change any deficiency as housing delivery figures are updated.

- 3.19 The appellant makes copious reference to the proximity of the site to Halton and Daresbury, without noting the large scale housing developments located in those areas including 800 dwellings at Daresbury Village. It is understood that this development was not required to provide affordable housing given prevailing market conditions and the availability of affordable housing across the wider Runcorn area.

### The reason for refusal does not reflect the decision made by members

- 3.20 It is of some concern that the reason for refusal given in the notice of decision by the Council does not entirely reflect the discussion at the meeting of the Development Management Committee which considered the application. It is accepted that with the application being refused against officer recommendation that it would have been challenging to ensure that the reason for refusal encapsulated all the areas of concern raised by Councillors. The full reason for refusal as contained within the decision notice was not framed within the meeting, neither, as is the practice with other Council's, was the full reason for refusal presented for the scrutiny of members at a later date. It is considered that if this had been the case the reason would have raised issue over compliance with Green Belt policy.

### Bus Services

- 3.21 The current bus timetable shows 7 timetabled round trips from Warrington Town Centre to Hatton. There are no services on Saturdays or Sundays. The scope for some journeys to school for older children is noted, however the closure of the sixth form at Bridgewater High School would complicate journeys for older pupils.
- 3.22 The Parish Council's key contention in terms of bus services and accessibility relates to infrequency of services. It would be possible to leave Hatton to visit the doctor's surgery in Stretton leaving at 0941 and arriving at 0946, but there is no return service until 1324. A trip to Stockton Heath again leaving at 0941 would arrive at 1004 but with no return service before 1310.
- 3.23 The bus service suffers from a circuitous routing to serve Appleton Thorn. A journey which by direct routing is 4.5 miles is doubled
- 3.24 It is noted that the undertaking/obligation now tabled includes provision for a financial contribution to the bus service. There is no clarity as to how this contribution would or can be used to improve services and particularly how the service would be supported in perpetuity in order for it to remain a viable alternative to car use.
- 3.25 There are of course no bus services to Daresbury despite identification of this as a location for services potentially sourced by occupiers of the appeal site.

### Education provision

- 3.26 It is noted that the Council's Education department has offered comment on the appeal submissions alluding to a requirement for a commuted payment of £208 977 towards education provision. This appears to contradict assertions made in the original officer report that no issues were raised by the Education Service.

3.27 It is also worthy of note that the closest school – St Matthew’s in Stretton, is commonly oversubscribed. The school has an outstanding Ofsted rating with consequent pressure on places. Additional pressures will arise from new development close to the location of St Matthews. Contributions from developers building housing in South Warrington have been directed to additional class room capacity elsewhere in South Warrington because of the lack of space for development at St Matthews. It is entirely possible that new residents at a development on the appeal site would not be able to access places at St Matthews and would have to travel further into Warrington – exacerbating the lack of accessibility of the appeal site.

### Accessibility

3.28 The application site is located some distance from services, facilities and places of employment. Residents would inevitably rely on the use of the private car to access all of the above.

3.29 Consideration of bus services available to residents demonstrates that whilst they may accommodate a small number of specific journeys, they do not provide a realistic or convenient alternative to use of the private car.

3.30 It is interesting to note that the cycle route map published on the Council’s website excludes Hatton. However despite the appellant’s attempt to present the walking and cycling routes from Hatton to Stretton or Daresbury, they are observably unattractive to pedestrians or walkers. Daresbury Lane, Hatton Lane and Warrington Road are known for speeding motorists. This topic is the subject of regular discussion between the Parish Council and the Police Community

Support Officer for the area. Specific enforcement activity targets offending motorists using Hatton Lane in particular. The minutes for the Parish Council meeting of 12<sup>th</sup> April 2021 noted one session of enforcement over 1 month on Warrington Road which resulted in one activation; four sessions of enforcement over 1 month on Hatton Lane which resulted in 68 activations.

3.31 Roads lack pavements and lighting. There are several stretches of highway with double white lines highlighting areas where caution is required. Daresbury Lane includes one stretch where the gradient is steeper than 10%. Walking or cycling are not attractive transport options.

3.32 The site clearly lacks accessibility and fails to meet the standards expected of policy CS1 of the development plan. The paucity of accessibility is of a degree which is sufficient to cause the development to fail the test of sustainability expected by CS1.

3.33 The broad provisions of CS1 are reflected in policy CC2 Protecting the Countryside

*Protecting the Countryside Development proposals in the countryside which accord with Green Belt policies set out in national planning policy will be supported provided that;*

- *the detailed siting and design of the development relates satisfactorily to its rural setting, in terms of its scale, layout and use of materials;*
- *they respect local landscape character, both in terms of immediate impact, or from distant views;*
- *unobtrusive provision can be made for any associated servicing and parking facilities or plant, equipment and storage;*

- *they relate to local enterprise and farm diversification;*
- *and it can be demonstrated that there would be no detrimental impact on agricultural interests.*

3.34 The reasons and explanation for policy CC2 include the following comment

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*The Overall Spatial Strategy sets out the quantity and distribution of development within the borough and directs growth towards the urban area of the town of Warrington. Policy CC1 helps to implement this approach by requiring development proposals to conform with Local Plan Core Strategy policy CS1 and specifically, with regards to Green Belt settlements, through guiding the scale and nature of development likely to be deemed appropriate in such locations. This approach alongside evidence which suggests that development opportunities within the countryside and its constituent settlements are limited*

3.35 This policy can be interpreted as saying that new development should not be located in the open countryside as it will inevitably provide a lesser standard of accessibility and sustainability than would be provided by development within the built up areas.

3.36 The list of appeal decisions tabled by the appellants, which suggest that rural locations can secure sufficient levels of accessibility are difficult to compare with the application site. In the absence of review of all details of each application it is impossible to give weight to these decisions. It is noticeable that in the majority of cases quoted the number of units within developments is considerably less than the 31 proposed at New Hall Farm.

### Previously submitted comments

3.37 As noted above the Parish Council continues to rely on submissions made to the Council, which will already be with the Inspectorate, in justification of their objection to the proposed development.

### Statement of Agreed Comments

3.38 It is noted that the Statement Agreement submitted by the appellant actually includes a range of areas where there is not agreement.

## 4 Conclusions

4.1 It is considered that a number of issues justify a conclusion that planning permission for the proposed development should not be granted.

- It should not be assumed that the site can be considered in its entirety as previously developed land, therefore the provisions of Para 145(g) of the NPPF should not be applied.
- Notwithstanding the above it is considered that the development fails to meet the tests of 145(g) in terms of either a greater or a substantial impact on the openness of the Green Belt.
- The proposed development cannot be considered to represent sustainable development in any of the terms which define sustainability in the NPPF, including accessibility to facilities and services by means other than the private car
- The design and form of the development in addition to contributing to impact on openness fails to reflect the character and history of the area in which it is located. The farm buildings represent an acceptable visual feature in the Green

Belt whereas the proposed development being effectively a housing estate will be a significant intrusion in the landscape and would consequently cause considerable harm to the openness and purposes of the Green Belt.

- The application makes no provision for the consideration of impact on non designated heritage assets on the site.
- The proposed development fails to comply with the requirements of the NPPF or the policies of the development plan when considered as a whole, with any benefit being significantly outweighed by harm caused to the wider objectives of policy