

**RAPLEYS**

**Proof of Evidence  
Town Planning**

**Appeal by Harlex (RLP Timperley) LLP against the refusal of  
Planning Application Ref. 105905/OUT/21 by Trafford Council**

**Planning Appeal Ref. APP/Q4245/W/22/3306715**

**WORLD OF PETS AND  
LEISURE, THORLEY LANE,  
TIMPERLEY  
WA15 7PJ**

**December 2022**

**Our Ref: JRH/18-01961**

York House  
York Street  
Manchester M2 3BB

## Contents

1	Executive Summary .....	1
2	Qualifications and Experience of Witness .....	5
3	Introduction.....	6
4	Planning Policy .....	8
5	Relevant Appeal Decisions .....	11
6	Main Issue 1 .....	19
7	Main Issue 2 .....	24
8	Main Issue 3 .....	29
9	Main Issue 4 .....	33
10	Main Issue 5 .....	34
11	Resident Representations .....	47
12	Flood Risk Matters .....	49
13	Conclusions and Overall Planning Balance.....	51

## Appendices

Appendix 1	Decision Notice - Application Ref. 105905/OUT/21
Appendix 2	Committee Report - Application Ref. 105905/OUT/21
Appendix 3	Committee Additional Information Report - Application Ref. 105905/OUT/21
Appendix 4	Relevant Green Belt Appeal Decisions
Appendix 5	Trafford - Housing Land Supply Appeal Decisions
Appendix 6	Previously Developed Land Plan - Ref. L(00)001 - Rev B
Appendix 7	Volumetric Information for Existing Buildings
Appendix 8	Greater Manchester Green Belt Study Stage 2 (September 2020) - Extract
Appendix 9	Correspondence with Registered Providers
Appendix 10	Trafford Strategic Housing Land Availability Assessment - Altrincham Area Analysis
Appendix 11	Trafford Council - 5 Year Housing Land Supply March 2022
Appendix 12	Rapleys LLP - 5 Year Housing Land Supply Analysis - February 2022
Appendix 13	Rapleys LLP - 5 Year Housing Land Supply Analysis - December 2022
Appendix 14	Curtins Briefing Note - 12 November 2021
Appendix 15	Letter from CBRE Residential Land Agency Team
Appendix 16	Socio-Economic Statement

## 1 EXECUTIVE SUMMARY

1.1 This Proof of Evidence has been prepared on behalf of Harlex (RLP Timperley) LLP to support an appeal against the refusal of Planning Application Ref. 105905/OUT/21.

1.2 The description of development is as follows:

*“Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.”*

1.3 The Decision Notice was issued by Trafford Council on 11th March 2022 and includes one reason for refusal which is as follows:

*“The proposed development is located within the Green Belt where there is a presumption against inappropriate development. The proposed development provides for the erection of new buildings, but is not considered to be one of the exceptions listed in Paragraph 149 of the NPPF. Moreover, the proposed development would harm the openness of the Green Belt and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within it. The applicant has failed to demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The development is also contrary to the spatial strategy of the development plan which seeks to direct new development to sustainable locations within the urban area. As such the development is contrary to the Policies L1 and R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan and the National Planning Policy Framework.”*

1.4 This Proof of Evidence addresses each of the main issues detailed by the Inspector at the Case Management Conference which took place on 8<sup>th</sup> November 2022, which were as follows:

1. Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;
2. Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities;
3. Whether the proposal would make adequate provision for affordable housing and a net gain in biodiversity;
4. Whether the proposal would provide adequate infrastructure, with particular reference to education, on site play space, pedestrian access improvements and EV charging;
5. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

1.5 This Proof of Evidence also addresses matters raised by third parties and addresses matters raised by the Inspector with respect to flooding.

1.6 In regard to Main Issue 1, it is confirmed that the comprehensive redevelopment of the planning appeal site for residential use does not fit within any of the types of development set out within Paragraph 149 of the NPPF, which can be deemed appropriate development within the Green Belt.

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- 1.7 It is therefore be regarded as inappropriate development within the Green Belt and as such, very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal need to be demonstrated.
- 1.8 Based upon the evidence presented by Mr Folland of Barnes Walker on Landscape & Visual Matters and the findings of the Greater Manchester Green Belt Assessment Stage 2 (September 2020), it is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed.
- 1.9 The very special circumstances case must be considered in this context.
- 1.10 In regard to Main Issue 2, it is noted that the Proof of Evidence prepared by Mr Aaron Tilley of Curtins confirms that the appeal site is considered to be a sustainable location, which benefits from existing walking, cycling and public transport opportunities, and which is located in close proximity to a variety of key local services and facilities as well as a number of pre-existing residential areas. Mr Tilley's view is that the site is considered to be accessible from sustainable modes of travel in line with national and local transport planning policy.
- 1.11 It is also noted that through the Places for Everyone evidence base, Trafford Council has identified that the proposed Timperley Wedge Allocation, which the appeal site is located within, is a sustainable location and that the allocation was selected on this basis.
- 1.12 In regard to Main Issue 3, it is confirmed that the development proposal will provide adequate provision for both affordable housing and biodiversity net gain.
- 1.13 Trafford Council acknowledge that there is an acute affordable housing need in the borough and that the Timperley Wedge and sites such as the appeal site provide an opportunity to deliver sustainable and affordable housing to meet this need.
- 1.14 In addition, it should be noted that the appeal scheme will provide 10% biodiversity net gain, which exceeds any defined policy requirement.
- 1.15 In regard to Main Issue 4, it is confirmed that the appeal scheme will provide adequate provision for infrastructure with respect to education, on site play space, pedestrian access improvements and EV charging.
- 1.16 In regard to Main Issue 5, it is confirmed that the very considerable planning/public/community benefits of the proposal, taken together, are considered to clearly amount to very special circumstances which clearly and demonstrably outweigh the definitional harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (which it has been identified in this case is very low).
- 1.17 In summary:
- It is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed, which can be afforded significant weight;
  - The proposed development site is well contained with a defensible boundary;
  - The proposed development site comprises a substantial amount of brownfield land, with almost half of the site being classed as 'Previously Developed' land;

- The development site relates well to the existing settlement and is a highly accessible / sustainable location;
- Trafford Council is currently unable to demonstrate the requisite 5-year housing land supply (it is considered that the current land supply equates to just 3.03 years) and the development will provide up to 116no. high quality residential dwellings;
- Trafford Council has a very poor housing delivery record. The 2021 Housing Delivery Test (Published January 2022) identifies that the Council only delivered 79% of the houses needed over the past 3 years. Trafford currently falls within the bottom 20% of local planning authorities in England for housing delivery.
- The proposed development will deliver a substantial contribution towards this significant identified unmet market housing shortfall, which is a substantial material planning consideration weighing very heavily in favour of the proposal;
- The proposed development will also provide a significant and fully policy compliant contribution towards affordable housing (at least 45%, or around 52 homes) in an area where there is substantial unmet affordable housing need as evidenced, among other things, in the Trafford Housing Needs Assessment (2019) and recent Great Stone Road appeal decision (APP/Q4245/W/20/3258552) which also carries very significant weight in favour of the proposal;
- The proposed development will deliver an affordable housing tenure mix which is specifically focused on the local identified needs, as evidenced in the Trafford Housing Needs Assessment (2019), namely through the provision of 75% intermediate tenure / 25% affordable or social tenure;
- The proposed development is supported by interest from Trafford Housing Trust, Irwell Valley Homes, Your Housing Group, Great Places and Onward Homes registered providers who all have confirmed the requirements for affordable housing in this location and that a tenure and mix of affordable housing weighted towards intermediate tenure / shared ownership as is proposed is favoured.
- The site is part of and accords with the proposed Timperley Wedge allocation under Places for Everyone Policy JP Allocation 3.2, identified as suitable for residential development, and its removal from the Green Belt is supported by Trafford Council;
- The site is identified as Site 1 of Phase 1 / Region 1 in the Masterplan for Timperley Wedge and can come forward without any significant supporting infrastructure. Trafford Council also confirmed within their Committee Report that the scheme broadly accords with the Masterplan;
- The proposed development will provide a high quality, design-led scheme, which can accommodate appropriate recreation space for residents.
- The development will deliver economic benefits through direct / in-direct jobs at construction stage, Council tax receipts, and new resident retail expenditure of over £1m per annum which will benefit local businesses;
- The scheme will provide over £500,000 in Community Infrastructure Levy (CIL) payment to Trafford Council;

- The site will benefit the local community through the delivery of a high quality play area on site for use by residents and the general public and 2 electric vehicle charging points for public use in an area where there is a significant shortage of such provision;
- The scheme commits to the provision of a SuDS drainage scheme which controls water release. This will reduce the risk of downstream flooding against the current base line, resulting in betterment when set against the existing position;
- The scheme will be low / zero carbon; and
- The proposed development will deliver a 10% net gain in Biodiversity and enhancement to the Timperley Brook corridor both of which should attract, as the Secretary of State confirmed in the Wheatley Campus decision (APP/Q3115/W/19/3230827), moderate weight in favour of the appeal proposal.

- 1.18 On this basis, it is considered that there are very special circumstances which exist which clearly and demonstrably outweigh the definitional harm to the Green Belt and any other harm arising from the proposal.
- 1.19 In regard to matters raised by third parties, it is confirmed that no matters have been raised which have not already been appropriately addressed or considered with respect to the appeal.
- 1.20 In regard to flood risk, having regard to relevant designations, it is not considered that the flood risk sequential test is required. However, relevant requirements set out within the Strategic Flood Risk Assessment have been addressed with respect to the appeal site's location within a critical drainage area.
- 1.21 The Proof of Evidence concludes that that there are clearly very special circumstances in this case which significantly and demonstrably outweigh the definitional harm to the Green Belt and limited any other harm arising from the proposed development, such that permission should be granted.
- 1.22 Furthermore, it is considered that the site is located within a sustainable location with access to a range of sustainable modes of transport and local facilities.
- 1.23 On this basis it is considered that the development is fully justified and should be allowed and consent granted accordingly.

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## 2 QUALIFICATIONS AND EXPERIENCE OF WITNESS

- 2.1 My name is Jonathan Harper, and I am a Chartered Member of the Royal Town Planning Institute (RTPI) and an Associate Member of the Royal Institute of Chartered Surveyors (RICS).
- 2.2 I hold a Master's Degree (MA Hons) in Town and Country Planning from the University of Manchester.
- 2.3 I have over 13 years of experience in the planning sector, having worked at Rapleys LLP (Rapleys) for over 10 years and previously, at private sector planning consultant, NJL Consulting LLP. I have experience across a comprehensive range of development types.
- 2.4 I am currently a Partner at Rapleys, a property and planning consultancy, which operates throughout the United Kingdom via a network of 7 offices.
- 2.5 I have considerable experience with respect to residential planning matters, having advised on a full spectrum of residential schemes across the country.
- 2.6 I have been advising Harlex (RLP Timperley) LLP with respect to the appeal site since 2018 and have been continuously involved with site thereafter.
- 2.7 I can confirm that the evidence I have prepared with respect to this Inquiry is true and that the opinions expressed are my own professional views. This evidence has been prepared in accordance with relevant standards associated with the RTPI.

### 3 INTRODUCTION

3.1 This Proof of Evidence has been prepared on behalf of Harlex (RLP Timperley) LLP to support an appeal against the refusal of Planning Application Ref. 105905/OUT/21.

3.2 The application was submitted to Trafford Council on 20<sup>th</sup> September 2021. The description of development is as follows:

*“Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.”*

3.3 The application was validated on 1st October 2021. It was given a target determination date of 31st December 2021. The planning application progressed to Planning Committee on 10th March 2022 and was subsequently refused by Trafford Council.

3.4 A copy of the Decision Notice is attached at **Appendix 1**. The Committee Report is attached at **Appendix 2** and the Committee Additional Information Report is attached at **Appendix 3**.

3.5 The Decision Notice was issued by Trafford Council on 11th March 2022.

3.6 The Decision Notice includes one reason for refusal which is as follows:

*“The proposed development is located within the Green Belt where there is a presumption against inappropriate development. The proposed development provides for the erection of new buildings, but is not considered to be one of the exceptions listed in Paragraph 149 of the NPPF. Moreover, the proposed development would harm the openness of the Green Belt and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within it. The applicant has failed to demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The development is also contrary to the spatial strategy of the development plan which seeks to direct new development to sustainable locations within the urban area. As such the development is contrary to the Policies L1 and R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan and the National Planning Policy Framework.”*

3.7 The appellant and Trafford Council worked collaboratively before and during the planning application process to ensure that all technical issues with respect to the application were resolved. This has resulted in a single reason for refusal of the application.

3.8 On 9<sup>th</sup> September 2022 Planning Appeal Ref. APP/Q4245/W/22/3306715 was lodged against the refusal of the planning application.

3.9 This Proof of Evidence will address each of the main issues detailed by the Inspector at the Case Management Conference which are as follows:

1. Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;
2. Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities;



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3. Whether the proposal would make adequate provision for affordable housing and a net gain in biodiversity;
  4. Whether the proposal would provide adequate infrastructure, with particular reference to education, on site play space, pedestrian access improvements and EV charging;
  5. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- 3.10 This Proof of Evidence will also address matters raised by third parties and will address matters raised by the Inspector with respect to flooding.
- 3.11 Separate Proofs of Evidence prepared by Mr Aaron Tilley of Curtins, dealing with highways matters and the sustainability of the site's location, and Mr Nicholas Folland of Barnes Walker, dealing with landscape and visual matters, also form the appellant's case.

## 4 PLANNING POLICY

### ADOPTED POLICY

- 4.1 The adopted Development Plan for Trafford Council with respect to this appeal comprises 'saved policies' of the Revised Trafford Unitary Development Plan (UDP) (2006) and Trafford Core Strategy (2012).
- 4.2 The Greater Manchester Joint Waste Plan (Adopted April 2012) and Greater Manchester Joint Minerals Plan (Adopted April 2013) also form part of the adopted Development but are not of relevance to the appeal proposal.
- 4.3 The relevant policies for the planning appeal have been set out within the Statement of Common Ground.

### Core Strategy

- 4.4 The Core Strategy was adopted on 26th January 2012 and covers the period up to 2026. The document sets out the overarching spatial strategy relating to economic, social, and environmental issues in order to deliver sustainable growth across the Borough.
- 4.5 The policies of relevance in determining this appeal are:
- L1 - Land for New Homes;
  - L2 - Meeting Housing Needs;
  - L4 - Sustainable Transport & Accessibility;
  - L5 - Climate Change;
  - L6 - Waste;
  - L7 - Design;
  - L8 - Planning Obligations;
  - R1 - Historic Environment;
  - R2 - Natural Environment;
  - R3 - Green Infrastructure;
  - R4 - Green Belt, Countryside and Other Protected Open Land; and
  - R5 - Open Space, Sport and Recreation.

- 4.6 The strategic objectives relevant to the appeal are:

- SO1 - Meet Housing Needs;
- SO5 - Provide a Green Environment;
- SO6 - Reduce the Need to Travel;
- SO7 - Secure Sustainable Development; and
- SO8 - Protect the Historic Built Environment.

### Revised Unitary Development Plan (2006)

- 4.7 The Revised Trafford Unitary Development Plan (UDP) was adopted in June 2006 and guided development within the borough until the policies were partly, and in some cases entirely, superseded by the adoption of the Core Strategy in January 2012.
- 4.8 The policies of relevance in determining this appeal are:
- C4 - Green Belt;
  - ENV10 - Wildlife Corridors;
  - H3 - Land Release for New Housing Development; and

- H4 - Release of Other Land for Development.

## EMERGING POLICY

### Places for Everyone

- 4.9 Places for Everyone is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, Places for Everyone will be the overarching Development Plan, setting the policy framework for individual district Local Plans.
- 4.10 Places for Everyone was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14th February 2022. Inspectors have now been appointed to examine the Plan and the examination hearings are taking place from 1st November 2022 to 30th March 2023.
- 4.11 Paragraph 48 of the NPPF is clear in stating that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan;
  - b) The extent to which there are unresolved objections to relevant policies; and
  - c) The degree of consistency of the relevant policies in the emerging plan to this Framework.
- 4.12 The Places for Everyone Plan has now been submitted to the Secretary of State for examination and the examination hearings are on-going. It has been consulted upon and prepared through a rigorous and transparent exercise, through which the authorities have sought to minimise Green Belt release.
- 4.13 However, it is noted that there are unresolved objections to Places for Everyone and in particular with respect to the policies within the Places for Everyone Development Plan of relevance to the appeal.
- 4.14 Therefore, it is considered, at the time of writing, that the document in its current form carries limited weight.
- 4.15 The key policy within Places for Everyone which is of direct relevance to this appeal is Policy JP Allocation 3.2 (Timperley Wedge) which identifies the appeal site for residential development and removal from the Green Belt.
- 4.16 Other policies of relevance in determining this appeal are:
- Policy JP-D1 - Infrastructure Implementation; and
  - Policy JP-D2 - Developer Contributions.

### Trafford Local Plan

- 4.17 Trafford Council are preparing a new Local Plan which will guide development in Trafford up to 2037. A Regulation 18 Consultation Draft was released for consultation in February 2021. The Council have stated that the Publication version of the Plan is dependent on progress with respect to Places for Everyone.

4.18 The key policies within the Draft Trafford Local Plan which are relevant to this appeal proposal are as follows:

- AF8 - Timperley Wedge;
- HO1 - Scale, phasing and distribution of new housing development; and
- HO2 - Land release for new residential development.

## 5 RELEVANT APPEAL DECISIONS

### GREEN BELT

5.1 The following recent planning appeal decisions are considered relevant to the proposals, in that they have some similarities to the planning appeal proposals being brought forward in this instance and that they demonstrate how very special circumstances decisions on Green Belt sites have been determined by Planning Inspectors and the Secretary of State. However, it should be noted that none of the decisions represents an exact parallel to the present appeal case.

5.2 Copies of the full decisions have been included at **Appendix 4** for reference and below is a summary of the relevant facts and conclusions.

#### APP/C2741/W/19/3227359 - North of Boroughbridge Road (October 2019)

5.3 The appeal was made by Miller Homes for 266 new dwellings on a greenfield site in the York Green Belt.

5.4 The site is identified as a housing allocation in the emerging York Local Plan, however at the point of decision, as in the present case, the Inspectors had not issued their examination report and the Local Plan examination was still on-going.

5.5 In this decision, the Inspector concluded that the site would not result in harm to the five purposes of the Green Belt:

- The proposal would not extend development beyond the built form;
- The proposal was not in an area preventing coalescence;
- The proposal was separated from the countryside and would not encroach into it;
- The proposal would be seen within the context of the surrounding built form and the landscaping proposed; and
- The proposal would not adversely impact on regeneration schemes.

5.6 Taking into consideration the site's location adjacent to existing built form and its self-contained nature, the Inspector concluded that in addition to not resulting in harm to the five purposes, the site, in its existing form did not contribute to the five purposes of the Green Belt and this was given significant weight.

5.7 The Inspector found that the Local Planning Authority could only demonstrate a housing land supply of between 3.28 and 3.82 years. At Paragraph 39, the Inspector concluded (emphasis added);

*“In these circumstances, as the Council does not have a 5YHLS and in light of the imperative in the Framework to boost significantly the supply of housing, this provision is a significant consideration that weighs in favour of the proposal. Whilst I am mindful of the Written Ministerial Statement of December 2015 (WMS) which indicates that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, this pre-dates the revised Framework. As this provision has not been translated into the Framework and the associated guidance has been removed from the Planning Practice Guidance, I give this WMS little weight as a material consideration.”*

- 5.8 In conclusion, the Inspector found that the site did not serve any of the five purposes of the Green Belt and did not therefore need to be kept permanently open for Green Belt reasons. The Inspector found the provision of market and affordable housing to be a significant favourable factor which weighed significantly in support of the appeal proposal (paragraph 44).
- 5.9 At Paragraph 48, the Inspector concluded that very special circumstances existed to justify inappropriate development in the Green Belt. It is also notable that the Inspector concluded that as the Written Ministerial Statement of December 2015, which indicates that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm to as to establish very special circumstances, was not incorporated into the revised NPPF and its associated guidance removed from the PPG that this should only be given little weight as a material consideration, a conclusion which was also adopted by the Inspector in the Colney Heath appeal decision (APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926) considered below.

**APP/C4235/W/18/3205559 - Seashell Trust, Stockport (April 2020)**

- 5.10 The appeal was progressed by the Seashell Trust. The scheme comprised a new school campus and up to 325 dwellings. It was permitted by the Secretary of State in April 2020.
- 5.11 In his decision, the Secretary of State gave the provision of affordable housing significant weight, in light of a significant need for affordable housing due to previous under delivery in the borough of Stockport. The Secretary of State also considered the five-year housing land supply, which could not be demonstrated by Stockport Council, concluding;

*‘further taking into account that the proposal will deliver housing in an area with a maximum of 2.8 years supply of housing, the **Secretary of State considers the housing benefits overall carry very significant weight.**’* (Emphasis added)

- 5.12 Whilst the Secretary of State found that the proposals were not in accordance with the Development Plan, he found that the benefits of the proposal clearly outweighed the harm to the Green Belt by reason of inappropriateness and any other harm, and so very special circumstances existed to justify the development in the Green Belt.

**APP/Q3115/W/19/3230827 - Oxford Brookes University, Wheatley Campus (April 2020)**

- 5.13 The appeal by Oxford Brookes University sought outline planning consent for the redevelopment of part of the campus, the demolition of existing structures and development of 500 dwellings (including 173 affordable units) and associated works, it also included the construction of a community / sports use building and associated car parking.
- 5.14 The appeal was recovered by the Secretary of State and was allowed on 23rd April 2020.
- 5.15 As in the present case, a significant portion of the site comprised previously developed land and a portion lying outside this area (14% of the total area) did not comprise PDL and therefore its development would require very special circumstances.
- 5.16 In reaching a decision, the Secretary of State attributed substantial weight to the harm to the Green Belt arising from inappropriate development. However, very substantial weight was given to the visual benefit to openness of the site as a whole and the delivery of up to 500 dwellings including 173 affordable homes as the Council had an ‘acute’ shortage of affordable homes. Substantial weight was also given to the market housing, in combination

with other benefits, despite the Local Planning Authority being able to demonstrate a 5-year housing land supply.

- 5.17 The removal of a tower and other large, unsightly structures amounted to a substantial benefit.
- 5.18 The economic benefits of the scheme were afforded significant weight, as were the benefits associated with impact on heritage and accessibility. The reinvestment of proceeds arising from the sale of land into the education sector was afforded significant weight and the net benefit to biodiversity was given moderate weight.

**APP/C2741/W/19/3233973 - Land at Moor Lane, Woodthorpe, York (May 2020)**

- 5.19 The appeal was progressed by Barwood Strategic Land and concerns a proposal for 516 residential units, a Local Centre, Sports Pavilion and associated infrastructure. The development proposed 35% affordable housing which exceeded a policy requirement for 30% affordable. The appeal site was located within the Green Belt.
- 5.20 Whilst the appeal was dismissed, this was principally due to harm caused to the Askham Bog SSSI and deterioration of irreplaceable fenland habitat. Importantly, the Inspector and Secretary of State gave ‘considerable weight’ to housing.
- 5.21 Para 356 of the Inspector’s Report also refers to the modest excess contribution to the supply of affordable housing:

*“There would be a considerable benefit from the supply of housing in a situation of crisis, a modest excess contribution to the supply of affordable housing which may be given disproportionate value because of the overall deficiency of supply”.*

- 5.22 It was therefore recognised that the contribution the scheme made to affordable housing was given disproportioned value because of the acute deficiency in supply of affordable housing.

**APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926 - Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath (June 2021)**

- 5.23 The appeals were progressed by Canton Ltd and sought outline permission for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath.
- 5.24 The site is located within St Albans City and District Council (SADC) local authority area and also sits partly within Welwyn Hatfield Borough Council (WHBC) local authority area.
- 5.25 The Green Belt site is 100% greenfield, it was not identified as a draft location in an emerging plan and its development did not constitute enabling development.
- 5.26 Very substantial weight was afforded to the provision of market housing in the context of WHBC having a 2.58 year housing land supply and SADC having a 2.4 year housing land supply. The Inspector referred to this position as being “a bleak one and the shortfall in both local authorities is considerable and significant.”
- 5.27 Very substantial weight was also afforded to the provision of 45% affordable housing in the context of an “extremely acute affordable housing position in both SADC and WHBC”. The provision of 10 self-build service plots was also considered to carry substantial weight.

- 5.28 The inspector concluded that “these factors, when considered collectively demonstrate that very special circumstances do exist” which outweigh harm by way of inappropriateness and harm to openness, both of which attracted substantial weight. Moderate weight was also afforded to harm to the character and appearance of the area.

**APP/H1515/W/20/3256968 - Ingatestone Garden Centre, Ingatestone (May 2021)**

- 5.29 The appeal was progressed by Redrow Homes Ltd and sought outline permission for the demolition and redevelopment of the site to provide up to 110 residential units with associated open space with access from Roman Road.
- 5.30 The appeal concerned Green Belt garden centre redevelopment where the Council claimed that the redevelopment of a garden centre located in the Green Belt would prejudice an emerging local plan for the area. There was no dispute that the erection of dwellings on the site following the demolition of existing buildings would be inappropriate.
- 5.31 In addition, the Inspector decided that the houses, some up to three storeys in height, would lead to a moderate loss of openness which added to the harm to the Green Belt. However, the Inspector concluded that the Council’s claim that the scheme would prejudice its consideration of which sites should be released from the Green Belt to accommodate more housing would not be undermined.
- 5.32 Paragraph 25 of the decision noted:
- “Within the ELP the site has been allocated as being suitable for housing development. The site is allocated as site ‘R21’ and the area of the appeal site would be within the area shown on the draft allocation plan<sup>13</sup>. It is not disputed that the appeal scheme being carried out would not prejudice the remainder of the site allocation. The Council accepted that as part of the local plan process it has supported the allocation and has in fact provided evidence to demonstrate why this a suitable site but for this scheme considers that it has not advanced enough. The Council’s support for housing development on the site is known and a level of objection to it within the plan process remains outstanding. Indeed, some of the objections suggest that the site should be deleted as an allocation. Nevertheless, within the context of a district where it is acknowledged that there is a significant need to deliver housing I consider that the weight to be applied to the draft allocation should be significant”*
- 5.33 The provision of 110 dwellings represented a small proportion of the total housing need within the borough and it was agreed that some Green Belt land would be required to meet this need.
- 5.34 The existing Local Plan was out-of-date because the Council was unable to demonstrate a 5 year housing land supply and the site was on the Council’s brownfield land register which weighed in favour of granting permission.
- 5.35 Overall, the inspector decided that the unmet need for open market and affordable housing, together with the site’s **draft allocation for development in the emerging local plan (which the proposal accorded with)** and the provision of open space and transport improvements, collectively amounted to very special circumstances. The Inspector held that the development would not be so substantial individually or cumulatively to prejudice the Local Plan process and the appeal was allowed (Emphasis added).
- 5.36 At the time of the decision, the emerging Brentwood Local Plan had been submitted for examination, but the plan had yet to be examined or found sound.



**APP/V1505/W/22/3296116 - Land at Maitland Lodge, Southend Road, Billericay (November 2022)**

- 5.37 The appeal was pursued by Inland Homes against Basildon Borough Council
- 5.38 The development proposed is the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works.
- 5.39 The majority of the appeal site lies within the Green Belt but part of the site was located outside of the Green Belt. The scheme proposed to construct a number of new buildings within Green Belt Land.
- 5.40 The appeal was allowed on 11<sup>th</sup> November 2022.
- 5.41 The scheme was deemed to be appropriate development in the Green Belt under the provisions of the second bullet point included at Paragraph 149 (g) of the NPPF, which relates to the development of previously developed land where the proposal would contribute to meeting an identified affordable housing need.
- 5.42 On this basis that this position was accepted by the Inspector, it was not necessary for a Green Belt special circumstances case to be considered. However, in reaching the decision on the appeal inspector gave substantial positive weight to the following:
- The delivery of open market homes in the context of housing need / supply;
  - All of the proposed affordable homes due the critical situation with respect to affordable housing delivery (not just those over and above policy requirements);
  - The fact the scheme brought forward new dwellings on previously developed land;
  - The economic benefits of the scheme; and
  - 10% biodiversity net gain.

**GREEN BELT APPEAL CASES SUMMARY**

- 5.43 The following key principles relevant to the appeal can be drawn from these recent Secretary of State and Inspector appeal cases:
1. Where there is a significant shortage of housing land supply, as in this appeal case, very significant weight could and should be given to the provision of market housing that residential schemes make to meeting unmet housing need;
  2. Separately, as in the present case, very significant weight could and should also be afforded to the scheme's provision and mix of affordable housing (whether sub-optimal, policy compliant, or policy plus) which is given particularly substantial weight where, as the Inspector recently concluded in the Great Stone Road (APP/Q4245/W/19/3243720 referenced below) appeal, there is a significant and ongoing need for affordable homes in Trafford;
  3. As was concluded by the Inspector in the Ingatestone Road appeal, significant weight is being afforded to allocation policies in emerging Development Plans, in the context (as in the present case) of a district where it is acknowledged that there is a significant unmet need to deliver market and affordable housing;

4. The nature and extent of “any other harm to the Green Belt” (aside from definitional harm) arising from a development proposal must be considered in the context of a sites existing use, its location, and its current contribution to the 5 purposes of the Green Belt; and
5. The planning and wider public benefits of a proposed development can be considered cumulatively to collectively form very special circumstances which clearly outweigh harm to the Green Belt by reason of inappropriateness or any other harm such that the proposal should be allowed.

#### TRAFFORD COUNCIL

- 5.44 Trafford Council’s housing land supply has been critically looked at in two recent planning appeals. Summaries of these decisions are provided below. Copies of the appeal decisions are provided at **Appendix 5**.

#### APP/Q4245/W/19/3243720 - Land At Warburton Lane, Trafford (January 2021)

- 5.45 The appeal was progressed by Redrow Homes Limited. The scheme comprised a proposal for up to 400 dwellings in outline, with all matters reserved aside from access.
- 5.46 The appeal was dismissed on the basis that the proposal would not be well integrated into Partington, its failure to provide any affordable housing, and significant harm to both the countryside and visual amenity.
- 5.47 Despite the refusal, in considering the planning policy context and approach to decision making, the Inspector advised as follows, which is relevant to the consideration of this appeal:

*“The National Planning Policy Framework (the Framework) states that where strategic housing policies are more than 5 years old and have not been reviewed, as is the case here, the local housing need should be determined through the Government’s standard methodology. This has given rise to a requirement for 1,369 homes a year, which is a considerable increase over the figures in policy L1 of the Core Strategy. On this basis it is agreed that there is a supply of just 2.4 years. The Housing Delivery Test results for 2019 show that just 58% of this requirement was achieved, which is significantly below the expectation in the Framework. The presumption in favour of sustainable development in paragraph 11d of the Framework is thus engaged.”*

- 5.48 In reaching the decision, the Inspector concluded that:

*‘The proposal would be on greenfield land outside the settlement of Partington and in this respect it would not accord with the spatial strategy in the development plan. However, bearing in mind the housing land supply position, the policy conflict in this respect would be a matter to which I give limited weight.’*

- 5.49 In regard to the supply of deliverable land for housing, the Inspector stated:

*“The Council can only demonstrate a deliverable supply of land to meet about 2.4 years of the Borough’s housing requirement. This is a very serious shortfall and does not comply with the Government’s objective of boosting the supply of homes to meet peoples’ housing needs. Furthermore, the Housing Delivery Test indicates delivery is well below the Framework requirement over the last 3 years. Whatever the reason for these failures, they are a matter of considerable concern.”*

5.50 As in the present case, the appeal site had been earmarked for allocation through the Greater Manchester Spatial Framework via GM Allocation 41. This would have allocated the site for 420 units. There is also a New Carrington Masterplan (September 2020), which sits alongside this allocation. In considering whether the development of the site would represent premature development, in the context of the emerging development plan, the Inspector concluded that prematurity was not an issue.

5.51 It is noted that the principal reason the appeal was dismissed related to the provision of 0% affordable housing, compared to the policy target of 45%.

**APP/Q4245/W/20/3258552 - Former B&Q, Great Stone Road, Old Trafford, M32 0yp**

5.52 The appeal was progressed by Accrue (Forum) 1 LLP against Trafford Council. The appellant sought consent for:

*“Demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 332 apartments (use class C3) and communal spaces ancillary to the residential use; flexible space for use classes A1, A3, D1 and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure.”*

5.53 The appeal was dismissed on 8th May 2022. The key reason for the appeal’s dismissal was due to the scheme design being unacceptable.

5.54 Housing Land Supply was a key issue with respect to the appeal. At paragraph 183 of the decision, the Inspector advises that:

*“Following discussions prior to and during the Inquiry the appellant considers there to be a supply of 3.30 years. The Council considers the supply to be 4.24 years.”*

5.55 In regard to Housing Land Supply, the Inspector concluded:

*“Whilst a snapshot in time, it seems to me that Trafford’s current supply of deliverable housing sites lies somewhere between the two figures presented to me but far closer to the appellant’s figure than the Council’s.”*

5.56 Paragraph 198 of the appeal decision states:

*“The Council is confident that the trajectory will only get better and that it will be able to demonstrate a five-year supply of deliverable housing sites. They may be right, but there are simply too many unknowns and given the bumpy nature of Trafford’s supply in recent years, caution needs to be exercised. Yet, there remains a substantial shortfall which must be set against the context of significantly boosting the supply of new homes.”*

5.57 The Inspector’s decision highlighted unknowns about the delivery of a number of sites, which did not benefit from full planning permission and which Trafford Council had suggested could be deliverable in 5 years.

5.58 The appeal decision therefore confirms that Trafford Council continues to have “a substantial shortfall” of housing land supply which, notwithstanding that the appeal was refused, was given considerable weight by the Inspector. Notably, the Inspector also found that there was a significant and ongoing need for affordable homes in Trafford (paragraph 210) which also carried considerable weight in favour of the appeal scheme.

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#### TRAFFORD APPEAL CASE SUMMARY

- 5.59 It has therefore been very recently accepted through the appeal process in the Warburton Lane and Great Stone Road appeal decisions that Trafford Council's failure to deliver new housing is a 'considerable concern' and that there is a "substantial shortfall" of market and affordable housing.
- 5.60 In both cases, the Inspector found the housing land supply to be low. It was also found that Trafford Council had been overly optimistic in regard to their housing land supply.
- 5.61 In this context, this appeal scheme seeks to enable the delivery of up to 116 new homes, making a significant contribution towards the unmet housing needs of the Borough for market and affordable housing. In the context of the overarching objective in the NPPF to boost significantly the supply of housing (para 59), this market and affordable housing provision individually and collectively is considered to be a significant material consideration weighing very heavily in favour of the proposal.

## 6 MAIN ISSUE 1 - WHETHER THE PROPOSAL WOULD BE INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT AND THE EFFECT OF THE PROPOSAL ON THE OPENNESS OF THE GREEN BELT AND ITS PURPOSES

- 6.1 The first part of Trafford Council's reason for refusal of the appeal scheme states the following:

*"The proposed development is located within the Green Belt where there is a presumption against inappropriate development. The proposed development provides for the erection of new buildings, but is not considered to be one of the exceptions listed in Paragraph 149 of the NPPF. Moreover, the proposed development would harm the openness of the Green Belt and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within it."*

- 6.2 It then goes on to confirm that the development is contrary to Policy R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan and the National Planning Policy Framework (NPPF).

### RELEVANT POLICY POSITION

- 6.3 The appeal site is identified as being located within the Green Belt through Policy C4 - Green Belt of the Revised Trafford Unitary Development Plan (2006).

- 6.4 The policy states that *"the primary purposes of this Green Belt are to: -*

- i. Check the unrestricted sprawl of large built up areas;*
- ii. Prevent neighbouring towns from merging into one another;*
- iii. Assist in safeguarding the countryside from encroachment;*
- iv. Preserve the setting and special character of historic towns;*
- v. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

- 6.5 The 5 criteria set out within Policy C4 correspond with the five purposes for including land within the Green Belt set out at paragraph 138 of the National Planning Policy Framework (NPPF) (2021).

- 6.6 Policy R4: Green Belt, Countryside and Other Protected Open Land of the Trafford Local Plan - Core Strategy (2012) states:

*"R4.1 The Council will continue to protect the Green Belt from inappropriate development."*

*R4.2 New development, including buildings or uses for a temporary period will only be permitted within these areas where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal."*

- 6.7 The adopted Development Plan therefore confirms that the national guidance within the NPPF should be utilised with respect to confirming whether development is deemed appropriate or inappropriate development within the Green Belt.

- 6.8 Policy R4 confirms that the Council will protect the Green Belt from inappropriate development but confirms that inappropriate development can be permitted where very

special circumstances can be demonstrated in support of a proposal. This corresponds with paragraph 147 of the NPPF, which states:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. “*

- 6.9 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.10 Paragraph 149 sets out 7 exceptions, whereby the construction of new buildings would not be considered inappropriate development in the Green Belt.
- 6.11 The comprehensive redevelopment of the planning appeal site for residential use does not fit within any of the types of development set out within Paragraph 149 of the NPPF, which can be deemed appropriate development within the Green Belt.
- 6.12 It would therefore be regarded as inappropriate development within the Green Belt and as such, very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal need to be demonstrated.
- 6.13 This position is agreed by both the appellant and Trafford Council.
- 6.14 It is therefore necessary to consider the effect of the appeal proposal on the openness of the Green Belt and its purposes.

#### THE CURRENT POSITION

- 6.15 The whole planning appeal site is currently located within the Green Belt, albeit on a site which is earmarked for removal in the emerging Development Plan.
- 6.16 However, a significant proportion of the site, just over 45% of the total site area, (3.27ha of the 7.2ha site area) is previously developed brownfield land and as such, the development of this sizeable part of the site is, therefore, not by definition inappropriate. This is demarcated on Previously Developed Land Plan Ref. L(00)001 (**Appendix 6**), which formed part of the planning submission.
- 6.17 The previously developed portion of the site houses 4no. buildings which have a combined GEA of 2,489 sq.m. The areas of brownfield land which do not house buildings comprise parking provision, access roads and hardstanding. The site’s existing built volume equates to 7,418.82 m<sup>3</sup>. The volumetric details have been included at **Appendix 7** for reference.
- 6.18 In its current form, the site does not offer any real value from an architectural stand point and if the appeal scheme is not permitted the appeal site will remain as underutilised previously developed land despite being a sustainable location, which has been identified by the Local Planning Authority as suitable for meeting its future housing need requirements.
- 6.19 Paragraph 149 (g) of the NPPF does include provisions for the partial or complete redevelopment of previously developed land which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.20 Therefore, there is potentially scope for the brownfield previously developed portion of the site to be redeveloped for alternative use and for this to constitute ‘appropriate development’ in the Green Belt with no need to demonstrate very special circumstances.

6.21 However, developing the brownfield portion of the site only, does not allow the site to be optimised nor does it make the most effective and efficient use of land as required by Chapter 11 of the NPPF.

6.22 Developing only the previously developed land element of the site would significantly limit the valuable contribution that the site would provide towards meeting the significant unmet housing need for both market and affordable housing in the Council area.

6.23 Therefore, a comprehensive development of the type proposed is preferable, and forms the basis of the appeal scheme.

#### IMPACT ON THE OPENNESS OF THE GREEN BELT AND ITS PURPOSES

6.24 In assessing the level of harm to the Green Belt arising from the application scheme, regard should be had to Paragraph 138 of the NPPF and in particular the five purposes of Green Belt land.

6.25 The site is well contained and surrounded by built form/defensible boundaries and is therefore seen within this context.

6.26 The planning appeal proposals will not extend development beyond the existing built form of the settlement. The site is not in an area which currently prevents coalescence between settlements and therefore, its development would not result in unrestricted urban sprawl.

6.27 Evidence prepared by Mr Nicholas Folland of Barnes Walker specifically addresses Landscape & Visual Matters with respect to the appeal scheme.

6.28 Mr Folland’s evidence concludes that due to the peripheral location of the Appeal Site within a swathe of Green Belt land, where its function in terms of the five purposes of the Green Belt and its openness, is heavily compromised by existing built form and hardstanding, its proposed development will only result in a very much localised, diminished sense of openness (in visual terms) that will only be associated with the Appeal Site and its immediate environs.

6.29 Mr Folland concludes, through his assessment that the development proposals will not materially affect the perceived sense of openness (in visual terms) associated with the wider Green Belt or the perception of an undeveloped gap and will not cause any levels of physical coalescence between Timperley and Hale.

6.30 It is considered that this should be given significant weight in favour of the appeal proposal.

- 6.31 Whilst not an exact parallel, it is noted that in Planning Appeal Ref. APP/C2741/W/19/3227359 for land north of Boroughbridge Road, York, significant weight was given by the Inspector to the limited impact the scheme would have on the Green Belt.
- 6.32 The limited contribution that the appeal site in this case makes to the Green Belt is also reflected in the conclusion of the Greater Manchester Green Belt Assessment Stage 2 (September 2020).
- 6.33 For the 2021 Places for Everyone: Publication Plan Consultation a Green Belt Assessment was undertaken by LUC. It also forms part of the published supporting information associated with the examination of the Places for Everyone Plan.
- 6.34 The planning appeal site was located within assessment area GM46-1, which encompassed the appeal site and land to the east, totalling 31.12ha of land. A copy of the assessment has been included at **Appendix 8** for reference.
- 6.35 The assessment confirms the characteristics of area GM46-1 as follows:
- “The inset edge to the north and west is bound by minor roads (Green Lane and Wood Lane), providing some limited distinction from the urban edge of Timperley, however residential development has breached these boundaries in both cases and the scale of development within the inset settlement limits any sense of separation. The outer boundary with retained Green Belt land is defined by the tree-lined Timperley Brook, field boundaries and a stretch of minor road.”*
- 6.36 The assessment concluded that development of this area of land as a whole would have relatively limited impact or limited/no impact on the five purposes of including land within the Green Belt, and that development would have a minor impact on adjacent Green Belt land.
- 6.37 In Mr Folland’s Proof of Evidence he concludes that had the planning appeal site been assessed in isolation, it is considered that the assessment would have similarly concluded that development of the appeal site had a very limited impact on the five purposes of including land within the Green Belt.
- 6.38 There is recognition within this Green Belt Assessment that the development of GM46-1 will result in a slightly stronger Green Belt boundary in this location. It is considered that the proposed development of the appeal site will contribute to this stronger Green Belt boundary.
- 6.39 Therefore, it is therefore considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed.
- 6.40 At the Case Management Conference, the Inspector raised the question as to whether heights could be identified with respect to the 2 storey and 3 storey development zones shown on Parameter Plan 2 - Key Urban Design Principles (Ref. L(01)111 - P8). The following heights have been identified and included with the Statement of Common Ground. It is also proposed that these heights would be conditioned.
- 2 storey house: 5.5m measured from ground floor finished floor level to the underside of eaves in conjunction with a maximum roof pitch of 42 degrees; and
  - 3 storey house: 8.1m measured from ground floor finished floor level to the underside of eaves in conjunction with a maximum roof pitch of 42 degrees.



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## SUMMARY AND CONCLUSION

- 6.41 Therefore, in regard to Main Issue 1, it can be concluded that the appeal scheme represents inappropriate development within the Green Belt in the context of paragraph 149 of the NPPF.
- 6.42 It is therefore necessary to consider the effect of the appeal proposal on the openness of the Green Belt and its purposes.
- 6.43 At the outset, it should be recognised a significant proportion of the appeal site is previously developed land. This is a significant material consideration in favour of the proposed scheme.
- 6.44 Based upon the evidence presented by Mr Folland of Barnes Walker on Landscape & Visual Matters and the findings of the Greater Manchester Green Belt Assessment Stage 2 (September 2020), it is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed.

**7 MAIN ISSUE 2 WHETHER THE PROPOSED DEVELOPMENT WOULD BE IN A SUITABLE LOCATION, WITH REFERENCE TO THE SPATIAL STRATEGY IN THE DEVELOPMENT PLAN AND THE ACCESSIBILITY OF SERVICES AND FACILITIES;**

7.1 In the reason for refusal of the appeal scheme Trafford Council state;

*“the development is also contrary to the spatial strategy of the development plan which seeks to direct new development to sustainable locations within the urban area.”*

7.2 The Committee Report for the appeal scheme sets out the following reasoning with respect to the sustainability of the site.

*“The housing policy objectives within the NPPF include providing new housing in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport. The Core Strategy, Policy L4 in particular, promotes development within the most sustainable locations, or where development comes forward in less sustainable locations in the Borough will deliver, or significantly contribute towards the delivery of measures to improve the sustainability of the location.*

*The application site is located close to two parades of shops located at opposite sides of the junction with Green Lane and Wood Lane. The premises are designated as Neighbourhood Shopping Centres within the UDP Proposals Map. The Neighbourhood Centres have a limited offer with no retail food service such as a supermarket the nearest being Timperley village approximately 1km from the site. Local bus services are the only method of public transport available close to the site. TfGM’s Greater Manchester Accessibility Levels map identifies the site within accessible areas 2 and 3 (1 being the lowest level of accessibility 8 being the highest).*

*There is, therefore, a real lack of public transport provision and services offer in relation to the application site and at present the site is considered to be an unsustainable location without immediate access to amenities. This is contrary to the spatial strategy and objectives of the development plan which seeks to meet housing needs within the most sustainable locations and would conflict with Policy L1.”*

7.3 The Proof of Evidence prepared by Mr Aaron Tilley of Curtins, dealing with highways matters and the sustainability of the site’s location addresses the sustainability of the location in detail.

7.4 Mr Tilley’s Proof of Evidence confirms that appeal site is located such as to benefit from existing walking, cycling and public transport opportunities, and that the site is located in close proximity to a variety of key local services and facilities as well as a number of pre-existing residential areas. It confirms Mr Tilley’s view that the site is considered to be accessible from sustainable modes of travel in line with national and local transport planning policy.

7.5 This Proof will not seek to replicate any of the matters raised by Mr Tilley. However, there are points regarding the policy position and the emerging policy position which are addressed below.

## RELEVANT POLICY POSITION

- 7.6 Policy L1 - Land for New Homes of Trafford Core Strategy is referenced within the Council's reason for refusal and Policy L4 is referenced within the justification included within the Committee Report (as quoted above).
- 7.7 Policy L1 of the Core Strategy confirms that housing growth will be achieved through:
- “new-build, conversion and sub-division of existing properties. The Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations”*
- 7.8 Policy L4 of the Core Strategy states that *“development within the most sustainable areas accessible by a choice of modes of transport”* should be prioritised.
- 7.9 Therefore, whilst there is a general presumption in these policies with respect to development bring progressed in sustainable locations, there is no definitive definition as to how a sustainable or indeed, unsustainable location, might be defined. It is ultimately a matter of planning judgement.
- 7.10 The NPPF at paragraph 73 states:
- “The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*
- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*
  - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
  - c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;*
  - d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)<sup>37</sup>; and*
  - e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.”*
- 7.11 Paragraph 105 of the NPPF states:
- “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public*

*health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

- 7.12 At paragraph 110 it is confirmed that that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location (criterion a).
- 7.13 The NPPF Annex 2: Glossary confirms the following definition of sustainable transport modes:
- “Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.”*
- 7.14 The NPPF therefore confirms a presumption for development being focused in locations which are or can be made sustainable and that there should be appropriate opportunities for sustainable modes of transport demonstrated through planning applications.
- 7.15 As with the policies included within Trafford Council’s adopted Development Plan, there is no definitive definition as to how a sustainable or unsustainable location, might be defined. It is ultimately a matter of planning judgement.

#### EMERGING POLICY

- 7.16 The appeal site is located within the wider area proposed as the Timperley Wedge in emerging Policy JP Allocation 3.2 of the Places for Everyone: Publication Plan, which was published for Regulation 19 public consultation on 9th August 2021 and subsequently submitted to the Secretary of State for Examination on 14th February 2022.
- 7.17 The allocation policy earmarks the Timperley Wedge to deliver 2,500 residential units and a minimum of 60,000 sq.m of employment space. It is identified that 1,700 residential units and 15,000 sq.m of employment space will be delivered during the plan period (2021 - 2037).
- 7.18 The allocation is supported by Trafford Council.
- 7.19 Places for Everyone - JPA3.2 Timperley Wedge Allocation Topic Paper (July 2021) confirms that in identifying sites for allocation:
- “the site selection process identified sustainable locations for residential and employment development that could achieve the GMSF Vision, Objectives and Spatial Strategy. (Paragraph 5.1)”*
- 7.20 Paragraph 2.2 of the Topic Paper States:
- “The allocation is situated in Trafford between Timperley and Hale Barns which are popular residential areas. The allocation has well-connected transport links to surrounding residential areas and is also adjacent to the Manchester Council border with Newall Green and the M56 in the south east.”*

- 7.21 Paragraph 5.6 of the Topic Paper States:
- “At Timperley Wedge only the land required to meet housing needs is proposed for Green Belt release and the options for which of the call for sites could best deliver this were assessed through consideration of the sustainability of each of the call for sites within the Area of Search and an overall consideration for minimising harm to Green Belt.”*
- 7.22 It is clear therefore, that part of the reason the wider Timperley Wedge allocation is being progressed is due to the site being considered sustainable.
- 7.23 The contents of the Masterplan for Timperley Wedge Allocation (September 2020) are also of relevance in this regard.
- 7.24 The planning appeal site is identified as Site 1 within Region 1 / Phase 1 of the masterplan. It is identified that a minimum density of 35 dph should be delivered on the site and that it may be appropriate for a children’s play area to be situated on the site, which this appeal proposal commits to delivering on site.
- 7.25 It is identified that sites within Region 1 / Phase 1 have the propensity to come forward for development first as access to these sites will be off the existing road network and they do not require significant enabling infrastructure to come forward.
- 7.26 Therefore, in the event that Places for Everyone is formally adopted, the appeal site will come forward as the first part of the Timperley Wedge allocation. It will come forward in advance of later phases and therefore, will not benefit from the other uses / facilities coming forward as part of the allocation for a number of years.
- 7.27 This is no different to the current position.
- 7.28 It is considered that the Council’s position regarding the sustainability of the site is therefore contradictory.
- 7.29 Furthermore, it is noted that through the Masterplan for Timperley Wedge Allocation the key areas for new community facilities are located at the new proposed Davenport Green Metrolink Stop and the new proposed Manchester Interchange Metrolink Stop / HS2 & NPR Interchange.
- 7.30 A new Local Centre is proposed at Davenport Green which it is identified will include retail, healthcare, and education infrastructure. However, it should be noted that the appeal site is located in closer proximity to Timperley Town Centre than it is to the proposed Local Centre at Davenport Green. Based upon the Masterplan, the new Local Centre appears to be circa. 1.8km from the appeal site. It is only 1.2km from the appeal site to Timperley Town Centre.
- 7.31 In addition, the Masterplan identifies 3,136 sq.m of retail / commercial floorspace is proposed for the new Davenport Green Local Centre. Therefore, if a supermarket was delivered in the centre this is likely to be a single small supermarket as opposed to a large format main foodstore.
- 7.32 On this basis, whilst new facilities are proposed through the Timperley Wedge Masterplan they are unlikely to make a significant material difference to the range of facilities in close proximity to the appeal site, which are considered to be plentiful.

- 7.33 Ultimately, it considered that the appeal site is very accessible by a range of transport modes and that there are numerous local facilities and services which future residents of the appeal site would be able to utilise and access.

#### SUMMARY AND CONCLUSION

- 7.34 In regard to Main Issue 2, Mr Tilley's Proof of Evidence has confirmed that the appeal site is considered to be a sustainable location, which benefits from existing walking, cycling and public transport opportunities, and which is located in close proximity to a variety of key local services and facilities as well as a number of pre-existing residential areas. Mr Tilley's view is that the site is considered to be accessible from sustainable modes of travel in line with national and local transport planning policy.
- 7.35 Through the Places for Everyone evidence base, Trafford Council has identified that the proposed Timperley Wedge Allocation is a sustainable location and that the allocation was selected on this basis.
- 7.36 The appeal site is shown as Site 1 within Region 1 / Phase 1 of the Masterplan for the Timperley Wedge Allocation with the propensity to come forward for development first as access to the site will be off the existing road network and it does not require significant enabling infrastructure to come forward.
- 7.37 Whilst the appeal site will benefit from the other uses / facilities coming forward as part of the wider allocation these will not be realised for a number of years and in any event, it is currently situated in closer proximity to existing local services and facilities than many of those which are proposed to be delivered through the Timperley Wedge allocation.

## 8 MAIN ISSUE 3 - WHETHER THE PROPOSAL WOULD MAKE ADEQUATE PROVISION FOR AFFORDABLE HOUSING AND A NET GAIN IN BIODIVERSITY;

- 8.1 The appellant and Trafford Council are in agreement that the appeal proposal provides adequate provision for both affordable housing and a net gain in biodiversity.

### AFFORDABLE HOUSING

#### RELEVANT POLICY POSITION

- 8.2 Through Core Strategy Policy L2 it is identified that in the Altrincham area, where the planning appeal site is located, 40% affordable housing should be provided with residential development in normal market conditions.
- 8.3 The Altrincham area is deemed to be a 'hot' market area, where values are such that a higher level of affordable housing can be provided than in other areas of the borough ('moderate' and 'cold' areas).
- 8.4 The Council's Supplementary Planning Document: Planning Obligations (SPD1 - 2014), identifies that as Core Strategy Policy L2 is based on 'normal' market conditions, and that any variance from normal market conditions will be considered when determining the appropriate level of contributions.
- 8.5 In "hot" market locations, a 40% affordable housing target will normally be applied. However, under "good" market conditions this will be raised to a 45% requirement and maintained at 40% or decreased as is deemed necessary on an individual site basis, under "poor" market conditions. In November 2018, Members of Trafford Council Planning Committee, resolved that for the purposes of relevant planning policy, the borough is now in 'good' market conditions. This was supported by a market conditions report prepared by Trebbi Continuum.
- 8.6 Therefore, Trafford Council currently require 45% affordable housing to be provided for residential development in the area the planning appeal site is located.
- 8.7 However, it should be noted that no review has taken place since November 2018 as to whether Trafford Council remains in 'good' market conditions. The country is currently at the beginning of what the Bank of England expects to be a 2 year long recession and there are downward pressures on the housing market due to rising interest rates and the current cost of living crisis. There are therefore question marks around this position.

### AFFORDABLE HOUSING PROPOSED

- 8.8 The scheme will provide a fully policy compliant provision of 45% affordable housing, which would equate to circa. 52 units.
- 8.9 It is noted that Trafford Council currently has a net need for 545 affordable houses per annum and that within the Altrincham area, there is a need of 114 affordable houses per annum. This is confirmed through the Trafford Council Housing Needs Assessment (2019).
- 8.10 In support of the Trafford Council Housing Needs Assessment (2019), an Altrincham Area - Housing Propositions Paper was prepared. The affordable housing need for the Altrincham area of 114 affordable houses per annum is confirmed through this paper. It is identified that this need is split between 81.6% intermediate tenure / 18.4% affordable or social rented.

- 8.11 On this basis, to respond to this identified need, the planning appeal scheme will offer a split of 75% intermediate tenure / 25% affordable or social rented. This mix was confirmed as being acceptable by Trafford Council within their Officers Report.
- 8.12 The delivery of this much needed affordable housing will be in conjunction with a registered provider. Discussions have taken place with a number of registered providers, who are active in Trafford. They have confirmed that the tenure split proposed is appropriate for this location and that it will meet identified need for affordable housing.
- 8.13 The proposed appeal is supported by interest from Trafford Housing Trust, Irwell Valley Homes, Your Housing Group, Great Places and Onward Homes who have all confirmed requirements for affordable housing in this location and that a tenure and mix of affordable housing weighted towards intermediate tenure / shared ownership as is proposed is favourable. Copies of letters which confirm their interest have been included at **Appendix 9**.
- 8.14 The Altrincham Area - Housing Propositions Paper (2019) also sets out the affordability issues facing this area of Trafford. It is identified that the median house price in the area is £352,000, which compares to an average house price of £154,000 across Greater Manchester as a whole. This demonstrates that affordability is a particularly acute issue in this area of Trafford.
- 8.15 This is likely to have been exacerbated further over the past 12 months. The UK House Price Index for May 2022 identifies that there has been an annual house price rise of 13.1% with the North West experiencing an annual price rise of 11.5%. Therefore, the need for affordable homes is now more pressing than ever.
- 8.16 The planning appeal site can deliver circa. 52 affordable homes, which will provide a significant contribution to this identified unmet affordable housing need. This equates to almost 50% of the annual requirement for this area of Trafford.
- 8.17 This contribution to affordable housing in the Altrincham area must be considered against the potential future supply of affordable housing, which is likely to come forward in this location.
- 8.18 Trafford Council's Strategic Housing Land Availability Assessment (2020) (SHLAA) identifies sites which are capable of coming forward for residential development across the borough.
- 8.19 In the Altrincham area, there are no development sites identified as being capable of delivering over 100 dwellings and only 2 sites, not already under construction, capable of delivering over 50 dwellings.
- 8.20 There is therefore a clear shortfall of suitable sites which can provide a meaningful contribution to affordable housing delivery in this part of the borough. The value of the affordable housing which can be delivered through this planning application is therefore increased in this context.
- 8.21 **Appendix 10** provides analysis of the sites identified within the Altrincham area within the Trafford Council SHLAA (2020). It identifies the affordable housing which will be provided by sites with planning permission and affordable housing which could be provided by sites still to come forward (if it was delivered at the 45% policy level).
- 8.22 The analysis shows that the SHLAA (2020) sites are capable of delivering 246 affordable units if the sites without planning permission were all delivered on a fully policy compliant basis.



- 8.23 This is therefore likely to represent a best-case scenario.
- 8.24 The affordable housing need for the Altrincham area is 114 affordable houses per annum. Therefore, the figure of 246 affordable units, would only meet 2.16 years of affordable housing needs. The shortfall in sites capable of delivering affordable housing within this area is therefore particularly acute.
- 8.25 Furthermore, since January 2019 there are 15 major residential schemes which have been approved by Planning Committee by Trafford and which have received detailed planning consent. The range of affordable housing provided by these schemes runs from 0% to 100% and 3 of these schemes seek to provide 100% affordable housing, as they were progressed by or for registered providers.
- 8.26 However, across the remaining 12 schemes the average affordable housing contribution across all these sites represents just 15.7% affordable housing provision. The significant and valued contribution that this planning appeal's fully policy compliant contribution of 45% should not be underestimated in this context.
- 8.27 It is clear therefore, that there is a significant unmet affordable housing need in this area of Trafford with 114 affordable homes per annum required to meet the area's needs. Affordability in this location is a particular issue, with median house prices being more than double the average for Greater Manchester as a whole. Further, the Altrincham area does not have a supply of deliverable sites capable of meeting this affordable housing need.
- 8.28 The need for new homes in Trafford was also identified by the public consultation exercise, undertaken in advance of the planning application's submission.
- 8.29 It is also noted that the acute affordable housing need in Trafford is specifically referenced within the Masterplan for Timperley Wedge Allocation on page 8 of the document, which states:
- "Timperley Wedge offers an opportunity to deliver sustainable and affordable housing on a greenfield site which will provide a significant contribution to addressing the acute affordable housing need in Trafford."*
- 8.30 Trafford Council themselves therefore acknowledge that there is an acute affordable housing need in the borough and that the Timperley Wedge and sites such as the appeal site provide an opportunity to deliver sustainable and affordable housing to meet this need.
- 8.31 At paragraph 32 of the Trafford Council Planning Committee Report for the appeal scheme, it is suggested that the affordable housing contribution the scheme makes should not form part of the "very special circumstances" case on the premise that it is simply policy compliant. This approach is incorrect, particularly in cases such as this where there is a significant unmet affordable housing need.
- 8.32 In this context, as with the Seashell Trust appeal decision (APP/C4235/W/18/3205559) and other appeals referenced within Section 5 of this Proof of Evidence (including Colney Heath - APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926 and Billericay - APP/V1505/W/22/3296116), the significant contribution that the scheme can make to affordable housing delivery should also (i.e. separately and additional to the provision of market housing) be given very substantial weight in favour of the proposal being allowed.

## BIODIVERSITY NET GAIN

### RELEVANT POLICY POSITION

- 8.33 The Development Plan for Trafford does not include any implicit requirement for development proposals to achieve biodiversity net gain.
- 8.34 However, it is noted that Policy R2 - Natural Environment of the Core Strategy seeks to protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban countryside assets and protect the natural environment throughout the construction process.
- 8.35 The NPPF at paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 8.36 Paragraph 180 of the NPPF advises that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

### BIODIVERSITY NET GAIN PROPOSED

- 8.37 The Appellant is fully committed to the scheme delivering biodiversity net gain. This will either be achieved on site or through an off-site contribution (as required).
- 8.38 This complies with the requirements of Policy R2 in that the scheme will enhance biodiversity. It also complies with the requirements of the NPPF.
- 8.39 The Appellant has included 10% biodiversity net gain provision within the Unilateral Undertaking submitted with respect to the appeal. This goes above and beyond providing net gain, exceeding current policy requirements.
- 8.40 The Local Planning Authority has identified three potential receptor sites, in the event that an off-site contribution needs to be provided. These are as follows:
- a) King George Pool;
  - b) Altrincham Golf Course; and
  - c) Davenport Green.
- 8.41 Appropriate provision has been included within the Unilateral Undertaking on this basis.
- 8.42 It is considered that this commitment to 10% biodiversity net gain should be given significant positive weight in favour of the appeal, as it was in the Billericay appeal decision (APP/V1505/W/22/3296116) referenced within Section 5 of this Proof of Evidence.
- 8.43 As a minimum, it considered that it should be given moderate weight, given that it exceeds any defined policy requirement.

**9 MAIN ISSUE 4 - WHETHER THE PROPOSAL WOULD PROVIDE ADEQUATE INFRASTRUCTURE, WITH PARTICULAR REFERENCE TO EDUCATION, ON SITE PLAY SPACE, PEDESTRIAN ACCESS IMPROVEMENTS AND EV CHARGING;**

- 9.1 The Appellant and the Local Planning Authority are in agreement that the appeal scheme would make adequate provision for infrastructure, with particular reference to education, on site play space, pedestrian access improvements and electric vehicle charging.
- 9.2 Draft Heads of Terms have been agreed, which include the following provisions and the Appellant and Local Planning Authority are currently working together with a view to agreeing a Unilateral Undertaking:
- Affordable Housing - 45% provision (75% intermediate tenure / 25% affordable/social rent);
  - Education Contribution - Towards primary and secondary school - Final figure to be agreed between both parties;
  - Electric vehicle charging spaces for public use (2);
  - On site children's play area (Local Equipped Area of Play standard);
  - Financial contribution and/or commitment to delivery of a scheme detailing pedestrian access improvements to the Thorley Lane/Wood lane roundabout junction - Final figure to be agreed between both parties; and
  - Biodiversity Net Gain provision (10%) - Final detail to be agreed between both parties as could be off-site provision.
- 9.3 In regard to electric vehicle charging provision, it should be noted that the under the Building Regulations Part S requirements all new build homes with associated parking will require installation of electric vehicle charging infrastructure.
- 9.4 However, in this case, the appellant has committed specifically to provide 2no. electric vehicle charging spaces for public use (i.e. for use by residents of the wider area). This therefore represents a wider public benefit to the scheme as opposed to just meeting Building Regulation requirements.
- 9.5 During the planning application's consideration, the appellant also offered a financial contribution toward a new Thorley Lane roundabout (detailed within the briefing note enclosed at **Appendix 11**).
- 9.6 The roundabout is proposed as part of the Masterplan for Timperley Wedge Allocation and is located in close proximity to the site. Curtins, the appellant's transport consultant, therefore modelled the likely impact of the appeal scheme on the roundabout and a financial contribution was put forward to the Local Planning Authority on a commensurate basis. However, Trafford Council did not consider a financial contribution could be accepted at that stage, given the weight they were affording to the Places for Everyone Development Plan.
- 9.7 Through the appeal process, the appellant has included this provision within the Unilateral Undertaking for the Inspectors consideration. Depending upon the weight the Inspector affords to Places for Everyone, it may be considered that such a financial contribution is required, and as such, it has been offered up accordingly by the Appellant.

**10 MAIN ISSUE 5 - IF THE PROPOSAL WOULD BE INAPPROPRIATE DEVELOPMENT, WHETHER THE HARM BY REASON OF INAPPROPRIATENESS, AND ANY OTHER HARM, IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS SO AS TO AMOUNT TO THE VERY SPECIAL CIRCUMSTANCES NECESSARY TO JUSTIFY IT.**

10.1 It is the appellant's case the development proposed constitutes inappropriate development in the Green Belt. Under the provisions of NPPF paragraph 147, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

**VERY SPECIAL CIRCUMSTANCES CASE**

10.2 This appeal is made in the context of the Government's overarching policy requirement in the NPPF to significantly boost the supply of housing (paragraph 60).

10.3 The proposal is deliverable in the short term to increase the supply and choice of housing in Timperley. It is considered that homes could be occupied on site by late 2024. It will contribute towards economic growth and deliver wider social benefits to the local community, meeting a range of housing requirements, including affordable housing.

10.4 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

10.5 Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the following when dealing with an application for planning permission or permission in principle:

- The provisions of the Development Plan, so far as material to the application;
- A post-examination draft neighbourhood development plan, so far as material to the application;
- Any considerations relating to the use of the Welsh language, so far as material to the application;
- Any local finance considerations, so far as material to the application; and
- Any other material considerations.

10.6 In this case, as the site is currently located within the Green Belt, the proposal is not considered to comply with the adopted Development Plan overall. However, it is considered that planning permission should be granted on the basis of relevant material considerations which collectively weigh very heavily in favour of the proposal being allowed as was the case, for example, in the Secretary of State's decision in the Seashell Trust decision (paragraph 39 of the decision letter).

10.7 Policy L1 of the Trafford Core Strategy seeks to achieve a minimum of 12,210 new dwellings over the plan period, with a minimum of 3,800 proposed between 2016/17 and 2020/21. The Policy also requires that 80% of new housing should be located on brownfield land where it can be demonstrated that the proposed development would create a sustainable development.

10.8 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed (NPPF paragraph 60).

- 10.9 It is considered that the Council should seek to not only meet its adopted housing requirement but should exceed this target wherever possible through sustainable development.
- 10.10 The key consideration as to whether development of the planning appeal site should be permitted is its location within the Green Belt.
- 10.11 The NPPF at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.12 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.13 Policy R4 of the Core Strategy states that the Council will continue to protect the Green Belt from inappropriate development and that new development will only be permitted where it is one of the identified purposes specified in the NPPF, where it would not prejudice the primary purpose of the Green Belt, or very special circumstances can be demonstrated in support of the proposal.
- 10.14 The comprehensive redevelopment of the planning appeal site for residential use does not fit within any of the types of development set out within Paragraph 149 of the NPPF, which can be deemed appropriate development within the Green Belt.
- 10.15 It would therefore be regarded as inappropriate development within the Green Belt and as such, very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal need to be demonstrated.
- 10.16 It is considered that very special circumstances exist to justify the proposed development and the appeal should therefore be allowed.

#### THE IMPACT ON THE GREEN BELT

- 10.17 The impact of the proposed development on the Green Belt has been addressed through Section 6 of this Proof of Evidence, which addresses Main Issue 1, and the evidence prepared by Mr Folland of Barnes Walker on Landscape & Visual Matters.
- 10.18 The appeal scheme represents inappropriate development within the Green Belt in the context of paragraph 149 of the NPPF. It is therefore necessary to consider the effect of the appeal proposal on the openness of the Green Belt and its purposes.
- 10.19 A significant proportion of the appeal site is previously developed land. This is a significant material consideration in favour of the proposed scheme.
- 10.20 Based upon the evidence presented by Mr Folland of Barnes Walker on Landscape & Visual Matters and the findings of the Greater Manchester Green Belt Assessment Stage 2 (September 2020), it is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed.
- 10.21 Overall, it is therefore considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed.

- 10.22 The very special circumstances case must be considered in this context.

#### CONTRIBUTION TO HOUSING SUPPLY

- 10.23 Although the site is located within the Green Belt, a substantial amount of the site is brownfield land and therefore classed as 'previously developed land'. The site currently has an open Class E - Commercial Business and Service use and comprises 2,489 sq.m of built form through the existing buildings on site.
- 10.24 Policy L1 of the Core Strategy supports the use of brownfield land in meeting housing needs. The proposed development site is, in the Appellant's view, a sustainable location and therefore its use for residential development should be supported in this context.
- 10.25 Paragraph 74 of the NPPF requires that Local Planning Authorities identify and update annually a supply of deliverable sites sufficient to provide a minimum of 5 years housing supply against their adopted housing requirement or against Local Housing Need where the strategic policies are more than 5 years old.
- 10.26 The Development Plan is more than five years old meaning Local Housing Need is the basis for calculating the housing supply in Trafford.
- 10.27 The Housing Delivery Test requires that where the Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years an action plan is required. Where delivery has fallen below 85%, a 20% buffer applies, and from 2020, the presumption in favour of sustainable development will be engaged where delivery is less than 75%.
- 10.28 The Housing Delivery Test results published in January 2022 indicated that Trafford Borough Council achieved a score of 79%, only delivering 79% of the new houses needed over the past 3 years. Therefore, a 20% buffer is applied to Trafford's 5-year housing land supply, and an action plan must be produced.
- 10.29 Since the Housing Delivery Tests were first published in February 2019, Trafford Borough Council has not passed the housing delivery test.
- 10.30 Trafford Council was identified as one of the worst 20% performing local planning authorities in the country through the Housing Delivery Test.
- 10.31 Trafford Council published a Housing Delivery Test Action Plan for 2022 in December 2022. In the document the Council acknowledged that the five-year requirement increases from 7,035 homes to 8,442 homes as a result of the 20% buffer and that the NPPF presumption in favour of sustainable development applies, as the Council cannot demonstrate a five-year housing land supply.
- 10.32 Trafford Council published an updated five year housing land supply position as at 31<sup>st</sup> March 2022. This confirms the Council's current 5 year housing land supply target, based upon Local Housing Needs, plus a 20% buffer, equates to 8,442 dwellings or 1,688.4 dwellings per annum. On this basis, a current deliverable supply of 6,328 dwellings was identified which equates to a supply of 3.75 years. This continues to represent a significant housing land supply shortfall.
- 10.33 The information published with respect to the 31<sup>st</sup> March 2022 housing land supply, also provides clarity as to how Trafford Council's housing land supply has fared against the 5 year

housing land supply requirement since 2021. This information is included at **Appendix 12**. A summary is provided in the table below.

Year	No. of Years Housing Land Supply
2012	6.2
2013	6.5
2014	3.2
2015	3.0
2016	3.0
2017	3.9
2018	2.8
2019	2.8
2020	2.4
2021	2.58
2022	3.75

- 10.34 This therefore demonstrates that it has been 9 years, almost a decade since Trafford Council has been able to properly demonstrate a 5 year housing land supply.
- 10.35 The appeal decision for Land at Warburton Lane, Trafford, (APP/Q4245/W/19/3243720 - January 2021) confirmed that Trafford Council's housing land supply was 2.4 years at the time of decision and that the under delivery of housing was 'a matter of considerable concern'.
- 10.36 Furthermore, the more recently determined Great Stone Road appeal decision (APP/Q4245/W/20/3258552) also confirmed that Trafford Council did not have a 5 year housing land supply. In determining the appeal, the Inspector determined that the supply was somewhere between the two figures identified by the Appellant (3.30 years) and the Council (4.24 years) but far closer to the Appellant's figure than the Council's. It was also concluded that there "remains a substantial shortfall" in the housing land supply.
- 10.37 In consideration of the application, to which this planning appeal relates, the Appellant submitted analysis of Trafford's 5 year housing land supply. A copy of this analysis submitted at application stage is included at **Appendix 13**. This analysis identified a housing land supply of 2.77 years as of February 2022.
- 10.38 The analysis was based upon a detailed review of the evidence provided by Trafford Council with respect to the Great Stone Road Planning Appeal Ref. APP/Q4245/W/20/3258552. The review considered whether the sites included with the Council's land supply figure meet the requirements of the NPPF definition of deliverable, which is as follows:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is*



*identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

- 10.39 In support of this planning appeal, this housing land supply analysis has been reviewed and updated so that a position at the 31<sup>st</sup> October 2022 base date agreed with the Local Planning Authority can be presented.
- 10.40 During the intervening period, there have been a number of completions which can no longer form part of the future supply, a number of planning consents which have expired, and new planning consents which have come forward.
- 10.41 A schedule of the sites and the calculations has been included at **Appendix 14**.
- 10.42 It should be noted that Trafford Council 5 year housing land supply figures shown on the schedule simply reflects the position shown within the evidence provided by Trafford Council with respect to the Great Stone Road Planning Appeal Ref. APP/Q4245/W/20/3258552. It is understood Trafford Council will be presenting new evidence in support of this planning appeal. However, at the time of writing, this evidence has not been shared and therefore, the schedule and the information included is based upon the best available information within the public domain.
- 10.43 This exercise has shown that when sites which are not considered to meet the NPPF definition of deliverable are removed from the housing land supply figures, the Trafford Council housing land supply figure equates to just **3.03 years**.
- 10.44 The need for additional housing in Trafford is very much long standing. The Council has not been able to demonstrate a 5 year housing land supply for nine years, almost a decade.
- 10.45 Furthermore, the January 2022 Housing Delivery Test results indicated that Trafford Borough Council achieved a score of 79%, only delivering 79% of the new houses needed over the past 3 years. Indeed, Trafford Council was identified as one of the worst 20% performing local planning authorities in the country through the Housing Delivery Test.
- 10.46 There is both a significant shortfall in supply and a significant shortfall in delivery of housing. The housing shortage in Trafford is therefore particularly acute.
- 10.47 The need for new homes in this area of Trafford was also identified by the public consultation exercise, undertaken in advance of the planning application’s submission.
- 10.48 To further demonstrate the need for new homes in the area, a letter has been included at **Appendix 15** Mr Kieran McLaughlin - Senior Director in CBRE UK Development & Residential Team, which notes “there is a chronic lack of supply for new build housing” in Timperley.
- 10.49 It is widely accepted and demonstrated in planning appeals (see Section 5 of this Proof of Evidence) that the greater the extent of housing shortfall, the greater the weight that should be attached to the housing provision in the very special circumstances balance.
- 10.50 For example, In the June 2021 Colney Heath appeal decision (APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926), such housing benefits in and of themselves were deemed sufficient by the Inspector to constitute very special circumstances justifying the development of a 100% greenfield site, which (unlike in the present case) had not previously been identified for allocation in a draft Local Plan and had not previously developed land element.



- 10.51 In this context, the substantial contribution this planning appeal can make towards addressing the significant unmet housing need for market housing and affordable housing in the borough should be separately afforded very substantial weight in favour of the proposal. This is particularly so given the accelerated build out timetable for the proposed development. The indicative timescales for housing delivery at the site indicate that high quality new homes could be occupied in 2024.

#### AFFORDABLE HOUSING NEED

- 10.52 Trafford Council themselves acknowledge that there is an acute affordable housing need in the borough and that the Timperley Wedge and sites such as the appeal site provide an opportunity to deliver sustainable and affordable housing to meet this need.
- 10.53 As set out within Section 8 of this Proof of Evidence, the significant contribution that the scheme can make to affordable housing delivery should also (i.e. separately and additional to the provision of market housing) be given very substantial weight in favour of the proposal being allowed.

#### EMERGING POLICY CONTEXT

- 10.54 The site is located within the wider area proposed as the Timperley Wedge in emerging Policy JP Allocation 3.2 of the Places for Everyone: Publication Plan, which was published for Regulation 19 public consultation on 9th August 2021 and subsequently submitted to the Secretary of State for Examination on 14<sup>th</sup> February 2022.
- 10.55 The allocation policy earmarks the Timperley Wedge to deliver 2,500 residential units and a minimum of 60,000 sq.m of employment space. It is identified that 1,700 residential units and 15,000 sq.m of employment space will be delivered during the plan period (2021 - 2037).
- 10.56 Through this proposed allocation, the planning application would be removed from the Green Belt.
- 10.57 It should be noted that the Timperley Wedge allocation has been included within the 2016 GMSF Consultation Draft and the 2019 Consultation Draft, and that it was included within the 2020 GMSF Publication Document, which was not formally released for consultation.
- 10.58 At each stage of the GMSF consultation, the planning appeal site formed part of the allocation, and it continues to do so now that the GMSF has been replaced with the Places for Everyone Plan.
- 10.59 Trafford Council Draft Local Plan also highlights the importance of the Timperley Wedge allocation to Trafford, and it has been confirmed that if required, the Trafford Local Plan will bring forward this allocation in the absence of a strategic Development Plan document encompassing Greater Manchester authorities.
- 10.60 The Places for Everyone: Publication Plan is now with the Secretary of State for examination with hearing sessions taking place from 1st November 2022 to 30th March 2023. The nine authorities therefore consider this plan to be their final plan which they want to formally adopt in due course.
- 10.61 It is clear therefore, that the principle of the site allocation and the exceptional circumstances warranting the planning appeal site being removed from the Green Belt are very much supported by Trafford Council and that this position will be realised either through

- the Places for Everyone Plan or Trafford Council's own Local Plan. The policy direction of travel is therefore very clear.
- 10.62 Indeed, it is notable that at Paragraph 49 of the Committee Report for the appeal scheme the Council confirmed that if the Places for Everyone Plan is adopted "*the application site would likely be released from the Green Belt and development of this nature would likely be supported*".
- 10.63 Paragraph 48 of the NPPF is clear in stating that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan;
  - b) The extent to which there are unresolved objections to relevant policies; and
  - c) The degree of consistency of the relevant policies in the emerging plan to this Framework.
- 10.64 The draft Trafford Local Plan, which is at Regulation 18 consultation stage, is still someway off adoption and, therefore, it can only be afforded very limited weight.
- 10.65 However, the Place for Everyone Plan has now been submitted to the Secretary of State for examination and its examination is on-going. It has been consulted upon and prepared through a rigorous and transparent exercise, through which the authorities have sought to minimise Green Belt release. Therefore, it is considered that the document in its current form carries limited weight in the decision-making process.
- 10.66 It is noted and acknowledged that there are unresolved objections with respect to the Places for Everyone Development Plan and in particular with regard to JP Allocation 3.2. These are summarised and addressed within the Places for Everyone Allocations; Cross Boundary Timperley Wedge Issues Summary (February 2022).
- 10.67 The range of issues raised are as follows:
- Principle / scale of development;
  - Employment and Economy;
  - Green Belt;
  - Brownfield Land;
  - Transport;
  - Physical Infrastructure and Utilities;
  - Social Infrastructure;
  - Environment;
  - Flood Risk;
  - Heritage;
  - Noise, Light and Air Quality / Pollution; and
  - Other Matters.
- 10.68 Notwithstanding the matters raised, it is noted that Trafford Council / the Places for Everyone Authorities have coherently responded to the comments raised. It is clear that Trafford Council / the Places for Everyone Authorities consider that the policy is sound and that they are comfortable continuing to progress it on this basis.
- 10.69 The Trafford Council / the Places for Everyone Authorities have gone through due process to identify the best spatial strategy for the Places for Everyone Plan and to select the most appropriate sites to deliver these growth aspirations. Indeed, Trafford Council themselves

acknowledge that in the event the Places for Everyone Plan does not progress to adoption they will need to release Green Belt land through their own Local Plan to meet future housing needs. Any such release is likely to include land at Timperley Wedge.

- 10.70 Trafford Council support Places for Everyone, in part, because it will allow the Borough to meet its housing needs. The Places for Everyone - Housing Topic Paper notes at Page 24 that housing completions have been substantially below what is needed in Trafford. It also notes at page 32 that house prices are greater than four times local average earnings in Trafford.
- 10.71 Table 6.2: Distribution and phasing of new housing development (2021-2037) confirms that across the Places for Everyone Authorities, some authorities will deliver in excess of their Local Housing Needs figure during the plan period, whereas others will deliver below their Local Housing Needs figure.
- 10.72 It is identified that Trafford would deliver 81% of their Local Housing Need figure. This results in a target of 17,954 dwellings over the plan period 2021 - 2037. It is noted that a 15% buffer is also being factored into this target for Trafford which equates to a total supply of 20,698.
- 10.73 Places for Everyone's evidence base therefore acknowledges the housing delivery issues in Trafford, the issues around housing affordability in Trafford and has allowed for some authorities to deliver in excess of their local housing need to ease the burden on authorities where housing delivery has been challenging.
- 10.74 The proposal being brought forward through this appeal has been progressed in a manner which ensures that the future development of the site complies with emerging Places for Everyone Plan policies and the policy associated with JP Allocation 3.2. In this context, the development will:
- Directly contribute to housing need in the locality;
  - Deliver an average residential density of over 35 dph;
  - Provide 45% affordable housing;
  - Be sensitively integrated with the existing residential area;
  - Be of high-quality design;
  - Incorporate safe cycle and working routes;
  - Contribute to community infrastructure;
  - Deliver new green infrastructure;
  - Provide green spaces for recreation;
  - Protect and enhance environmental assets;
  - Deliver biodiversity net gain;
  - Enhance the Timperley Brook corridor;
  - Incorporate appropriate flood risk and drainage solutions;
  - Create defensible Green Belt boundaries; and
  - Deliver a low/zero carbon development.
- 10.75 Accordingly, it is considered that the appeal proposal fully complies with the emerging Places for Everyone site allocation policy. Therefore, as in the case of the Ingatestone appeal decision (APP/H1515/W/20/3256968) referenced in Section 5 of this Proof of Evidence, the site's draft allocation in the emerging site allocation policy should attract significant weight which weighs very heavily in favour of the proposal being allowed.
- 10.76 Further, the appeal site is identified as Site 1 of Phase 1 / Region 1 of the Masterplan for Timperley Wedge and it is identified as having the ability to come forward for development as access to the site will be off the existing road network and it does not require enabling

infrastructure to come forward. Therefore, the planning appeal site's early delivery would not prejudice the delivery of any other part of the allocation or masterplan area.

10.77 The proposed development is capable of being delivered in short order and the following indicative timescales for delivery of the housing are provided:

- Outline consent - April / May 2023;
- Reserved matters consent - December 2023;
- Commencement of site delivery in April 2024; and
- New homes available for occupation late 2024.

#### WIDER PLANNING BENEFITS OF THE SCHEME

10.78 The proposed development will deliver a range of wider planning/public/community benefits alongside its significant contribution to meeting unmet market housing need and delivering affordable housing where there is, as the Inspector concluded in the Great Stone Road appeal, a "significant and ongoing need for affordable homes in Trafford".

10.79 As can be seen through the appeal decisions referenced within Section 5 of this Proof of Evidence, it is entirely appropriate for the wider public/community benefits of the proposed development to be considered collectively alongside the other planning benefits, which, when taken together, clearly constitute very special circumstances in the present case such that the proposal should be allowed.

10.80 First, it is considered that the proposed development constitutes sustainable development, as it will allow for the redevelopment of a significant section of previously developed brownfield land, in a sustainable and highly accessible location.

10.81 Second, the scheme will deliver a development of high-quality design, high quality landscaping, and which is low/zero carbon. The framework for such a scheme is set out within the technical documents which support the appeal.

10.82 Third, the proposed development will significantly enhance the Timperley Brook corridor, deliver a 10% net gain in biodiversity, and deliver on-site amenity space for future residents all of which are material considerations weighing in favour of the appeal.

10.83 Fourth, the proposed development will also provide clear benefits for the local community through the provision of a high quality play area on site and electric vehicle charging points for public use in an area where there is a significant shortage 2 of such facilities. The delivery of both of these community benefits of the proposal will be secured by suitably worded planning obligations and are material planning considerations weighing in favour of the appeal.

10.84 Fifth, the Masterplan for the Timperley Wedge Allocation identifies the appeal site as being capable of providing a new play area for children. The Appellant is able to make this commitment through the planning application. However, the final form and location of this new high quality play area on site will be established through future reserved matters applications.

10.85 The development proposal also commits to the provision of a SuDS drainage scheme which controls water release. This will reduce the risk of downstream flooding against the current base line, resulting in betterment when set against the existing position.

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- 10.86 The Design and Access Statement, prepared in support of the appeal scheme, identifies a suitable indicative location for illustrative purposes for the new play area near to the Thorley Lane site entrance. This area is capable of accommodating a LEAP play space and if brought forward in this indicative location, the play space could be used by residents living within the wider surrounding area, as opposed to those just living within the site. As such, the play space provision is a community benefit of the proposal and a material planning consideration weighing in favour of the appeal.
- 10.87 Through the public consultation exercise, undertaken in advance of the application submission, the Appellant asked residents for their views on what community benefits they would like to see the scheme support. Strong support was identified for contributions towards highways (21%), local sports facilities (15%), electric vehicle charging (13%), public transport (13%), and community space (13%).
- 10.88 In direct response to the public consultation, the Appellant committed to providing 2no. electric vehicle charging provision specifically for public use through the application. The delivery of this community benefit of the proposal would be secured by a suitably worded planning obligation or condition.
- 10.89 There is currently a significant shortfall of electric vehicle charging points for public use within this location. In a 2km radius from the site, there are only 3 locations where fast chargers can be found (source Zap Map 2022). 4no. chargers are available at Tesco Altrincham and 5no. at Baguley (4no. at Tesco Extra / 1no. at Lidl). In addition, 6no. chargers are available in the Thorley Lane Timperley public car park.
- 10.90 This same 2km radius is home to a population of circa. 30,000 people and Trafford has a car ownership figure of 0.56 cars per person (DVLA 2017). Therefore, the lack of chargers is very clear in this context.
- 10.91 In November 2020, the Government announced that the sale of new petrol and diesel cars will be banned by 2030, which is now only 9 years away. The Government's Road to Zero Paper (November 2018) confirms that electric vehicles will be at the forefront of its planned transition to zero emission transport. The country will therefore shift to zero-emission vehicles and as such, infrastructure to support these vehicles will be imperative in ensuring that this target can be achieved.
- 10.92 The Government envisages that the majority of vehicle charging will take place at home but recognises that a widespread public charging point network is important for drivers who do high mileage, travel long distances or who do not have access to charging points at home or at work.
- 10.93 Therefore, publicly accessible electric vehicle charging points on sites such as the appeal site, which take access of a main A road, can provide a valuable contribution to the local transport network and real benefits to the wider community, where there is a dearth of such provision currently available.
- 10.94 It will be seen that through all of the measures set out above, the development meets and exceeds the requirements of the adopted Development Plan.
- 10.95 Overall, it is considered that individually and collectively these wider planning and community benefits of the proposal also carry significant weight in favour of the proposed development.

## ECONOMIC BENEFITS

- 10.96 Housing development is a key component of economic growth that is fully recognised by national policy through the NPPF. Through the redevelopment of the site, a significant amount of investment will be made through construction and the associated spend through the construction period. The construction industry and house building make an important contribution to both the local and national economy and through job creation.
- 10.97 The economic role is one of the three dimensions for achieving sustainable development. In these terms, the economic role of sustainable development is to contribute to building a strong, responsive, and competitive economy. Paragraph 81 of the NPPF stipulates planning policies and decisions should help create the conditions in which business can invest, expand, and adapt.
- 10.98 Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 10.99 The economic benefits of the planning appeal site coming forward for residential development should be recognised accordingly.
- 10.100 In addition to direct and in-direct economic benefits during the construction of the development, the new dwellings will provide Council tax receipts to Trafford Council which can be re-invested by the Council. The scheme will also contribute to the Community Infrastructure Levy assisting the delivery of local infrastructure.
- 10.101 The Home Builders Federation calculator identifies that the development of 116no. residential dwellings can provide the following economic benefits:
- Support the employment of 359 people;
  - Provide 3 apprentices, graduates, or trainees with job roles;
  - Increase open space, community sport, leisure spending by circa. £100,000; and
  - Generate circa. £1.4m in tax revenue, including circa. £130,000 in Council tax.
- 10.102 The new residents of the development will bring additional retail spend to the area in excess of £1m per annum, which is likely to directly benefit local retailers and businesses.
- 10.103 These economic benefits of the scheme hold particular importance at this present time when the country's economy has been hit hard by the Covid-19 pandemic and the cost of living crisis now being experienced.
- 10.104 In support of the appeal scheme, a Socio-Economic Statement has been prepared (**Appendix 16**). The report confirms that granting planning permission for sites such as the appeal site to address the shortfall in market and affordable housing can assist in addressing the housing affordability imbalance which is currently hindering Trafford's residents. This in turn, could increase the disposable income which could be spent locally, rather than a large percentage of income being spent on mortgage payments or private rent.
- 10.105 The report expands on the type of employment which will be generated through the grant of planning permission and confirms that the employment opportunities can directly benefit local people living within Trafford. The new residents who will live in the houses on the

scheme will also provide a positive economic impact, as it is anticipated that the site will be occupied by at least 140 residents who would be economically active.

- 10.106 In addition, it is anticipated that the scheme will provide over £500,000 in CIL payment to Trafford Council.
- 10.107 These economic benefits which will be derived from the scheme are therefore individually and collectively significant. As such, significant weight should be placed upon these benefits in accordance with paragraph 81 of the NPPF.

#### GREEN BELT VERY SPECIAL CIRCUMSTANCES

- 10.108 Based on the information set out above, the very considerable planning/public/community benefits of the proposal, taken together, are considered to clearly amount to very special circumstances which clearly and demonstrably outweigh the definitional harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (which it has been identified in this case is very low).
- 10.109 Further, it is considered that any actual harm to the Green Belt will be mitigated through a robust and extensive landscaping scheme at the site, which will be secured via a Design Code / suitably worded condition and the opportunity the site provides to increase containment of the retained Green Belt land lying to the south.
- 10.110 In summary:
- It is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed, which can be afforded significant weight;
  - The proposed development site is well contained with a defensible boundary;
  - The proposed development site comprises a substantial amount of brownfield land, with almost half of the site being classed as 'Previously Developed' land;
  - The development site relates well to the existing settlement and is a highly accessible / sustainable location;
  - Trafford Council is currently unable to demonstrate the requisite 5-year housing land supply (it is considered that the current land supply equates to just 3.03 years) and the development will provide up to 116no. high quality residential dwellings;
  - Trafford Council has a very poor housing delivery record. The 2021 Housing Delivery Test (Published January 2022) identifies that the Council only delivered 79% of the houses needed over the past 3 years. Trafford currently falls within the bottom 20% of local planning authorities in England for housing delivery.
  - The proposed development will deliver a substantial contribution towards this significant identified unmet market housing shortfall, which is a substantial material planning consideration weighing very heavily in favour of the proposal;
  - The proposed development will also provide a significant and fully policy compliant contribution towards affordable housing (at least 45%, or around 52 homes) in an area where there is substantial unmet affordable housing need as evidenced, among other



things, in the Trafford Housing Needs Assessment (2019) and recent Great Stone Road appeal decision (APP/Q4245/W/20/3258552) which also carries very significant weight in favour of the proposal;

- The proposed development will deliver an affordable housing tenure mix which is specifically focused on the local identified needs, as evidenced in the Trafford Housing Needs Assessment (2019), namely through the provision of 75% intermediate tenure / 25% affordable or social tenure;
- The proposed development is supported by interest from Trafford Housing Trust, Irwell Valley Homes, Your Housing Group, Great Places and Onward Homes registered providers who all have confirmed the requirements for affordable housing in this location and that a tenure and mix of affordable housing weighted towards intermediate tenure / shared ownership as is proposed is favoured.
- The site is part of and accords with the proposed Timperley Wedge allocation under Places for Everyone Policy JP Allocation 3.2, identified as suitable for residential development, and its removal from the Green Belt is supported by Trafford Council;
- The site is identified as Site 1 of Phase 1 / Region 1 in the Masterplan for Timperley Wedge and can come forward without any significant supporting infrastructure. Trafford Council also confirmed within their Committee Report that the scheme broadly accords with the Masterplan;
- The proposed development will provide a high quality, design-led scheme, which can accommodate appropriate recreation space for residents.
- The development will deliver economic benefits through direct / in-direct jobs at construction stage, Council tax receipts, and new resident retail expenditure of over £1m per annum which will benefit local businesses;
- The scheme will provide over £500,000 in Community Infrastructure Levy (CIL) payment to Trafford Council;
- The site will benefit the local community through the delivery of a high quality play area on site for use by residents and the general public and 2 electric vehicle charging points for public use in an area where there is a significant shortage of such provision;
- The scheme commits to the provision of a SuDS drainage scheme which controls water release. This will reduce the risk of downstream flooding against the current base line, resulting in betterment when set against the existing position;
- The scheme will be low / zero carbon; and
- The proposed development will deliver a 10% net gain in Biodiversity and enhancement to the Timperley Brook corridor both of which should attract, as the Secretary of State confirmed in the Wheatley Campus decision (APP/Q3115/W/19/3230827), moderate weight in favour of the appeal proposal.

10.111 On this basis, it is considered that there are very special circumstances which exist which clearly and demonstrably outweigh the definitional harm to the Green Belt and any other harm arising from the proposal.



## 11 RESIDENT REPRESENTATIONS

- 11.1 During the planning application's consideration, 153 letters of objection were received (22 of which were received from the same 11 addresses).
- 11.2 24 letters of support were also received which supported the delivery of new homes, particularly affordable homes, the investment in the area, the development of a brownfield site, and the delivery of sustainable properties / development.
- 11.3 A further 10 letters of representation have been submitted to date with respect to this planning appeal at the time of writing.
- 11.4 The key themes of the objections raised were as follows:
- Green Belt;
  - Highways;
  - Impact on Residential Amenity;
  - Environmental Impacts; and
  - Others Matters.
- 11.5 In regard to the objections raised with respect to development in the Green Belt, it is considered, as set out within this Proof of Evidence, that there are clearly very special circumstances as to why the appeal scheme should be permitted within the Green Belt.
- 11.6 In regard to highways concerns, there are no outstanding objections from Transport for Greater Manchester, Local Highways Authority, or National Highways. Council Officers and relevant consultees were fully satisfied that the development is acceptable in highways terms. However, Mr Tilley has responded separately in his Proof of Evidence to specific comments raised by representors with respect to highways.
- 11.7 The concerns raised with regard to residential amenity impacts related principally to the construction of the development and with potential loss of light / privacy to adjoining dwellings. Impacts associated with construction can be mitigated through a robust Construction Environmental Management Plan. The Appellant is willing to accept a suitably worded planning condition on this basis to secure its provision. In regard to potential impacts on adjoining occupiers, the Appellant will work with the Council to ensure that there are no adverse impacts on adjacent occupiers. It is considered that a detailed scheme design can be brought forward which ensures that residential amenity is not adversely affected. Indeed, the indicative masterplan submitted with the planning application shows a scheme which has the ability to come forward without any such adverse impacts arising.
- 11.8 In regard to the environment, concerns were raised around the development's impact on the Timperley Brook Wildlife Corridor, flood risk, and ecology. The scheme is being progressed on the basis that it will enhance the Timperley Brook Wildlife Corridor and an appropriate area has been factored into the scheme parameter plans which is a no build area that is reserved for the enhancement of the designated Wildlife Corridor.
- 11.9 The development received no objections from the Lead Local Flood Authority, the Environmental Agency, or United Utilities with regard to flood risk and drainage matters. The development proposal fully commits to the use of a SuDs drainage scheme which will control drainage release and will reduce the risk of downstream flooding against the current baseline position, resulting in betterment. The scheme therefore satisfactorily demonstrated that appropriate drainage provision could be provided for the scheme and that it would not increase the risk of flooding elsewhere.

- 11.10 From an ecological perspective, it was confirmed during the application's consideration, that it would not result in any harm to protected species or overall biodiversity.
- 11.11 Other comments were raised with respect to inter alia, bin collections, capacity at local schools, crime, play provision, ground contamination. All of these matters were appropriately addressed through the application's consideration to the satisfaction of Trafford Council.

## 12 FLOOD RISK MATTERS

- 12.1 In advance of the Case Management Conference, Point 13 of the Pre-Conference Note identified the following:

*“The Council have confirmed that the appeal site is located within a Critical Drainage Area as specified within the Trafford Strategic Flood Risk Assessment. Paragraph 161 of the National Planning Policy Framework sets out the need for a sequential risk-based approach to the location of development taking into account all sources of flooding. Further guidance on sequential testing is provided in Paragraph 162 of the Framework. It would therefore be helpful to receive further evidence on whether a sequential test is required. This can be done through a Statement of Common Ground (SOCG) and/or Proofs and I may need to hear evidence at the Inquiry.”*

- 12.2 It should be noted that the site is predominantly in Flood Zone 1, with only a very small section of the site adjacent to Timperley Brook, where no development is occurring, in Flood Zone 2. The Appellant and the Local Planning Authority are in agreement that this would not necessitate a Flood Risk Sequential test.

- 12.3 In addition, based upon the Environment Agency records, the part of the site where development would occur is also identified as being at low risk of flooding from other sources of flooding:

- Rivers and the sea;
- Surface water;
- Reservoirs; and
- Groundwater (where data is available).

- 12.4 On this basis, it is not considered that this would necessitate a Flood Risk Sequential test being undertaken.

- 12.5 Whilst the appeal site is located within Critical Drainage Area for Manchester and Trafford South, as identified through Manchester City, Salford City and Trafford Councils Strategic Flood Risk Assessment (SFRA), it should be noted that Critical Drainage areas cover the vast majority of Trafford Borough Council’s Local Authority Area.

- 12.6 The Strategic Flood Risk Assessment User Guide (2010), identifies that if development is coming forward in a Critical Drainage Area a detailed Flood Risk Assessment is required and that this should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes. It should also demonstrate that the development will not adversely affect existing flooding conditions by the use of appropriate mitigation measures. The FRA should define and address the constraints that will govern the design of the drainage system and layout of the development site.

- 12.7 The SFRA provides the following guidance that should be adhered to:

- Development should aim to deliver Greenfield runoff on Greenfield sites up to a 1 in 100 year storm event, considering climate change.
- Development should aim for a minimum reduction in surface water runoff rates of 50% for Brownfield sites, with an aim of reducing runoff to Greenfield rates up to a 1 in 100 year storm event, considering climate change.

- Development should be designed so that there is no flooding to the development in a 1 in 30 year event and so that there is no property flooding in a 1 in 100 year plus climate change event.

- 12.8 It is identified that where possible these measures should be provided through SUDS.
- 12.9 A Flood Risk Assessment was prepared in support of the planning application, to which this appeal relates, which addressed these matters on a commensurate basis and the Lead Local Flood Authority, and the Environment Agency were fully satisfied with the information provided in the context of the development proposed.
- 12.10 The scheme proposes to incorporate SUDS and controlled flows, and as such, there is scope to provide betterment from the existing scenario. The scheme is therefore capable of meeting the requirements of the SRFA for Critical Drainage Areas.

### 13 CONCLUSIONS AND OVERALL PLANNING BALANCE

- 13.1 It is considered that Trafford Council's decision to refuse the application was not justified on the planning merits and that the appeal should be allowed.
- 13.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, as the site is currently located within the designated Green Belt, it is considered that it does not comply with the adopted Development Plan overall.
- 13.3 However, it is considered that the proposal complies with the emerging allocation and that planning permission should be granted on the basis of the relevant material considerations which individually and collectively weigh very heavily in favour of the proposal.
- 13.4 This Proof of Evidence demonstrates that there are clearly very special circumstances in this case which significantly and demonstrably outweigh the definitional harm to the Green Belt and limited any other harm arising from the proposed development, such that permission should be granted.
- 13.5 Furthermore, it is considered that the site is located within a sustainable location with access to a range of sustainable modes of transport and local facilities.
- 13.6 The very special circumstances which clearly outweigh the harm to the Green Belt and other harm arising from the proposal are summarised below:

#### GREEN BELT IMPACT

- It is considered that there will be a very low impact / low level of actual harm arising to the Green Belt from the development of the site as proposed, which can be afforded significant weight;
- The proposed development site is well contained with a defensible boundary;
- The proposed development site comprises a substantial amount of brownfield land, with almost half of the site being classed as 'Previously Developed' which should attract significant weight;
- The development site relates well to the existing settlement and is in a highly accessible and sustainable location;
- Impacts upon the Green Belt will be mitigated by a robust and well-planned landscaping scheme, which will be a key component of the development;

#### HOUSING SUPPLY & DELIVERY

- Trafford Council is currently unable to demonstrate the requisite 5-year housing land supply (it has not had a demonstrable 5-year housing land supply for nine years, almost a decade and the Appellant's position is that current housing land supply equates to just 3.03 years) and the development will provide up to 116no. high quality residential dwellings;
- Trafford Council has a very poor housing delivery record. The 2021 Housing Delivery Test (January 2022) identifies that the Council only delivered 79% of the homes needed over the past 3 years. Trafford currently falls within the bottom 20% of local planning authorities in England for housing delivery;

- The proposed development will deliver a substantial contribution towards this identified housing shortfall for market housing, which is a significant material consideration weighing very heavily in favour of the proposal;

### **AFFORDABLE HOUSING**

- The proposed development will provide a significant contribution towards affordable housing (at least 45% which is fully policy compliant, or around 52 homes) in an area where there is substantial affordable housing need as evidenced, among other things, in the Trafford Housing Needs Assessment (2019), within the findings of the Strategic Housing Land Availability Assessment (2020) and conclusions of the Inspector in the recent Great Stone Road appeal (APP/Q4245/W/19/3243720);
- The proposed development will deliver affordable housing tenures which are specifically focused on the local identified needs, as evidenced in the Trafford Housing Needs Assessment (2019), namely through the provision of 75% intermediate tenure / 25% affordable or social tenure;
- Trafford Council themselves acknowledge that there is an acute affordable housing need in the borough and that the Timperley Wedge and sites such as the appeal site provide an opportunity to deliver sustainable and affordable housing to meet this need.
- The proposed application is supported by interest from Trafford Housing Trust, Irwell Valley Homes, Your Housing Group, Great Places and Onward Homes registered providers who have all confirmed requirements for affordable housing in this location and that a tenure and mix of affordable housing weighted towards intermediate tenure / shared ownership as is proposed is favoured;

### **EMERGING POLICY SUPPORT**

- The site is part of and accords with the proposed Timperley Wedge allocation under Places for Everyone Policy JP Allocation 3.2, identified for residential development and its removal from the Green Belt for housing development is supported by Trafford Council both of which carry significant weight in favour of the appeal proposal;
- The site is identified as Site 1 of Phase 1 / Region 1 in the Masterplan for Timperley Wedge and can come forward within a five-year period with no requirement for significant supporting infrastructure;
- Trafford Council have themselves confirmed that if the Places for Everyone Plan is adopted “the application site would likely be released from the Green Belt and development of this nature would likely be supported”;

### **OTHER PLANNING BENEFITS**

- The proposed development will provide a high quality, design-led scheme;
- The development will deliver economic benefits through direct / in-direct jobs at construction stage, Council tax receipts, and new resident retail expenditure of over £1m per annum which will benefit the local economy;
- The scheme will provide over £500,000 in CIL payment to Trafford Council;
- The site will benefit the local community through the delivery of a high quality play area and electric vehicle charging points for public use in an area where there is a significant shortage of such provision which weighs heavily in favour of the proposal;
- The scheme will be low / zero carbon;
- The development proposal fully commits to the use of a SuDs drainage scheme which will control drainage release and will reduce the risk of downstream flooding against the current baseline position, resulting in betterment; and

- The proposed development will deliver a 10% net gain in Biodiversity and enhancement to the Timperley Brook corridor.

13.7 These material considerations relevant to the site and the proposed development, taken together, constitute very special circumstances which clearly outweigh any harm arising to the Green Belt as a result of 'inappropriate development' or any other harm such the proposal development is fully justified and should be allowed and consent granted accordingly.