



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Harlex (RLP Timperley) LLP

SITE: World of Pets, Thorley Lane, Timperley WA15 7PJ

LPA REFERENCE: 105905/OUT/21

PINS REFERENCE: APP/Q4245/W/22/3306715

**SUMMARY PROOF OF EVIDENCE OF MR CORMAC MCGOWAN ON BEHALF OF THE
LOCAL PLANNING AUTHORITY REGARDING PLANNING MATTERS**

December 2022

SUMMARY

1.0 Introduction & Policy Overview

- 1.1 This appeal arises against the refusal of planning permission by the Local Planning Authority (LPA) Trafford Council under reference: 105905/OUT/21 which proposes: *Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.*
- 1.2 The Council's objection to the scheme relates primarily to the appeal proposals constituting inappropriate development within the Green Belt.
- 1.3 The Council's case is covered in two proofs of evidence. My evidence relates to Green Belt. This shall include the purposes of Green Belt, address harm to Green Belt openness, and the very special circumstances case, associated with which is the extent of previously developed land within the appeal site advanced by the appellant. I shall also address the sustainability of site outwith the emerging Places for Everyone (PfE) Development Plan. This evidence serves to bring together the principle areas of dispute and arguments and draw overall conclusions. My evidence will consider the planning benefits and harm of the appeal proposals carrying out the planning balance in reaching my conclusion.
- 1.4 The evidence of my colleague Caroline Wright will address matters in relation to Housing Land Supply and the emerging Places for Everyone Development Plan.
- 1.5 The application site sits within the Green Belt and paragraph 11(d)(i) of the Framework therefore applies. Footnote 7 of Paragraph 11(d)(i) is clear that the application of policies in the Framework that protect areas or assets of particular importance includes land designated as Green Belt. The first question is therefore whether Green Belt policies provide a "clear reason" for refusing the proposals. I consider that this is the starting point for the decision-

taking structure that should be applied, that there is a clear reason for refusing the appeal proposal. The tilted balance test in Paragraph 11d(ii) is therefore not engaged.

My Evidence

- 1.6 Within this evidence I demonstrate that the appeal proposals constitute inappropriate development within the Green Belt, (which there is no dispute between both parties) and which I contend would result in a substantial loss of openness. In addition, I demonstrate that the appeal proposals would result in harm to the identified purposes of including land within the Green Belt.
- 1.7 Paragraph 148 of the Framework is clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm in 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.
- 1.8 The starting point for decision taking is the development plan. Policy R4 is consistent with the NPPF, and sets out a presumption against inappropriate development within Green Belt in line with the NPPF. The development by virtue of resulting in additional built form in the Green Belt constitutes inappropriate development within the Green Belt. I have concluded that the proposed appeal scheme would result in an unacceptable impact on openness, both from a spatial and visual dimension and would result in encroachment into the Green Belt.
- 1.9 My evidence will show that the appellant has not evidenced that the appeal proposals would fall within any of the exceptions identified in paragraph 149 of the NPPF. The appellant has made reference to scenarios of developing the PDL areas of the site having regard to both limbs of paragraph 149 (g) of the Framework. Neither of these are realistic as 'fallback' positions. They do not benefit from planning permission and would be unlikely to be granted

permission as they would result in convoluted developments following PDL area arrangements and would not fully optimise the site, as acknowledged by the appellant. The claimed fallback position of the site under Class E for alternative commercial use at the site is also restricted due to the areas of the land that are designated for retail use and for external storage areas by virtue of the extant certificate of existing lawful use development. Even taking these arguments at their highest, the impact caused by the appeal proposals over and above the claimed lesser developments of the site, would be unacceptable harm to openness of the Green Belt in this location.

1.10 I shall demonstrate that the development would also conflict with the spatial strategy of the development plan which seeks to direct new development to sustainable locations in the urban area. This would be contrary to Policy L1 of the adopted Core Strategy. In relation to Places for Everyone (PfE) it is recognised that this site is part of the wider allocation 'The Timperley Wedge' and is planned to be released from the Green Belt. This will allow the site to come forward with all other development sites in a planned coordinated approach, contributing to the wider allocation infrastructure requirements to create a new sustainable community. The evidence of Mrs Caroline Wright will demonstrate however that the weight afforded to the plan is not such that it would constitute very special circumstances and outweigh the harm identified to the Green Belt and any other harm.

1.11 Whilst I acknowledge that weight should be afforded to benefits of the appeal proposals including economic benefits of development and new resident spend and social benefits provided by a policy compliant level of affordable homes, I do not consider that any of the very special circumstances (individually or cumulatively) advanced by the appellant would overcome the harm identified to the Green Belt together with the other harm identified.

1.12 With regards the appropriate weight to be afforded to the delivery of housing in the circumstances of a current deficient housing land supply position, it is relevant to consider that housing land supply is a snapshot in time with the evidence of Mrs Caroline Wright demonstrating the improving position of the

Councils housing land supply position. In contrast, Government recognises that permanence is one of the essential characteristics of the Green Belt together with openness. The appeal proposals would lead to the permanent loss of the openness of the Green Belt, this would not change and the adverse impacts would endure.

1.13 On this basis it is considered that the appeal should be dismissed.

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