



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

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

December 2022

Contents

1. Qualifications and Scope of Evidence.....	
2. Preliminary Matters.....	
3. Decision Taking Framework	
4. Planning Policy Overview.....	
5. Main issues:-.....	
i. Inappropriate Development.....	
ii. Purposes of Green Belt.....	
iii. The Effect on Openness of Green Belt.....	
iv. Previously Developed Land (PDL) & Fall-back Position.....	
v. Green Belt Harm & Any Other Harm.....	
vi. Very Special Circumstances (VSC).....	
6. Conclusion.....	

Appendices

Appendix 1 – Previously Developed Land (PDL) Exclusion Map

1. Qualifications and Scope of Evidence

- 1.1 My name is Cormac McGowan and I am a Major Planning Projects Officer within the Planning and Development Service of Trafford Council. I have been employed by Trafford Council since October 2003 as a Planning Officer; Senior Planning Officer and have been in my present role since August 2018. I hold a BSc (Hons) in Town and Regional Planning from the University of Dundee and I am a Chartered Member of the Royal Town Planning Institute. I have been involved in various aspects relating to planning and development including the assessment of numerous major planning applications and the handling of appeals.
- 1.2 In my evidence I shall set out the Council's case in relation to the appeal proposal having regard to Local and National Green Belt Policy. 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 carrying out the planning balance.

Accompanying Council Evidence

- 1.3 The evidence of Caroline Wright will address matters in relation to Housing Land Supply and the emerging Places for Everyone Development Plan.

2. Preliminary Matters

- 2.1 This appeal is made 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.*
- 2.2 The application was received on the 20th September 2021 and made valid on the 1st October 2021. The 13 week expiry date was the 31st December 2021. An extension of time was agreed with the appellant. On the 10th March 2022 a report was presented to the Planning and Development Management Committee recommending refusal of the submitted scheme. This officer report to committee (CD-A41), along with the Additional Information Report (AIR) (CD-A42) are included within the core document list. The Committee endorsed officer's recommendation and members resolved to refuse the application in accordance with officer's recommendation. A copy of the decision notice is contained within the core document list (Ref: CD-B3).

3. Decision Taking Framework

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The National Planning Policy Framework (NPPF) is the Governments expression of planning policy and how this should be applied.
- 3.2 The NPPF sets out a presumption in favour of sustainable development. Paragraph 11 (c) says for decision taking development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.3 For applications which involve the provision of housing, Footnote 8 confirms that 'out-of-date' includes situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. It is common ground the Council does not have a five year supply, however the extent of this existing supply is in dispute. The Council sets out it has 3.47 years of housing land supply.
- 3.4 However, the application site sits within the Green Belt and paragraph 11(d)(i) 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.

- 3.5 Even if the Inspector goes on to apply paragraph 11(d)(ii), whilst the lack of housing land supply automatically triggers paragraph 11d, it is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it. This is detailed in the Proof of Evidence of Mrs Caroline Wright.
- 3.6 The appellant has advanced a number of very special circumstances (VSC) which they contend outweigh the harm to the Green Belt by reason of inappropriateness. If the Inspector considers that VSC are demonstrated that outweigh the harm to the Green Belt and any other harm having regard to paragraph 148 of the Framework then paragraph 11d(ii) is not engaged as the decision maker has made their determination.

4. Planning Policy Overview

National Planning Policy and Guidance

- 4.1 Section 13 of the NPPF relates to national Green Belt Policy. It advises that the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Essential characteristics of Green Belts are their openness and their permanence.
- 4.2 Paragraph 138 details the five purposes which Green Belt serves, which includes to assist in safeguarding the countryside from encroachment.
- 4.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC), (paragraph 147).
- 4.4 Decision makers are required to give substantial weight to any harm to the Green Belt as detailed at paragraph 148. 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.
- 4.5 The construction of new buildings in the Green Belt is classified as inappropriate, with the exception of a number of categories detailed within paragraph 149. Of relevance to the appeal proposals are criterion (g),
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), 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.

The Statutory Development Plan

4.6 The Trafford Core Strategy is the primary development plan document used to guide development over the plan period to 2026. It sets out the overall planning policy strategy for the area, describing the spatial direction, strategic objectives and core policies that have been adopted. A list of all relevant Core Strategy policies against which the application was assessed against are included within the officer's report to committee, core document list (CD-A41).

4.7 Of relevance to this appeal with regards the reason for refusal, the most important policies of the development are:

Policy L1 – Land for New Homes

Policy L2 – Meeting Housing Needs

Policy R4 – Green Belt, Countryside and Other Protected Open Land

4.8 A review of all Core Strategy Policies was undertaken in April (2019) with regards their consistency with the NPPF and the weight to be afforded. A copy of this review policies is included within the core document list (CD-D3).

4.9 With regards the status of these three policies, Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight. It does not however countenance the release of Green Belt in circumstances where there is no five year housing land supply. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other

parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.

4.10 Policy R4 of the Core Strategy sets out the Councils policy in respect of Green Belt. The policy is consistent and up to date with the NPPF in respect of the assessment of planning applications.

4.11 Policy L1 of the Core Strategy details an 80% target proportion of new housing on brownfield land and buildings over the plan period (up to 2026). This would involve release, in order of :

- previously developed land and sustainable urban area greenfield land within the Regional Centre and Inner Areas;
- land that will contribute to regeneration priorities and support town centres; and
- land that can be shown to benefit the achievement of the wider strategic and plan objectives of the plan.

4.12 Use of Green Belt land in a piecemeal manner for residential development does not form part of this policy objective. The PfE process has identified the need to release land from the Green Belt to accommodate residential development but in a comprehensive manner involving master planning for the necessary infrastructure to come forward as part of the allocation rather than in individual parcels outside of the process. The protection afforded to the Green Belt by the NPPF, carries substantial weight and is central to determination of this appeal in respect to Green Belt matters.

Emerging Development Plan

Places for Everyone

4.13 Places for Everyone (PfE) 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, PfE will be the overarching development plan, setting the policy framework for

individual district Local Plans. The PfE 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 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan the hearings for which commenced at the start of November 2022 and are scheduled to run until March 2023.

- 4.14 The Publication version of Places for Everyone (PfE) Joint Development Plan Document, core document list (CD-E3), sets out the amount of new housing and employment development required over the plan period whilst supporting the delivery of key infrastructure and protecting environmental assets. The plan also proposes a new Green Belt boundary and identifies sites for development which are outside of the existing urban area. This includes two proposed allocations in Trafford, New Carrington and Timperley Wedge. Both are proposed for mixed use development with a significant amount of new housing, employment land and supporting infrastructure. Both allocations propose the release of land from the Green Belt, including the appeal site which is located within the wider Timperley Wedge allocation.
- 4.15 The appeal site as previously stated is located within the Timperley Wedge allocation as detailed within the Publication version of the PfE Joint Development Plan Document within Policy JP Allocation 3.2 (JPA3.2 relating to the 'Timperley Wedge' site). The Council have prepared a draft high level Masterplan (September 2021), core document list (CD-E4), for the allocation, which supports Policy JPA3.2 and identifies indicative development parcels, infrastructure requirements and a phasing schedule for the allocation. The Masterplan has been prepared in collaboration with local landowners and other key stakeholders. The proposed allocation is also supported by a number of other evidence base documents, including a Transport Locality Assessment and Strategic Viability Assessment.
- 4.16 Policy JPA 3.2 of PfE requires development to be in accordance with a masterplan or SPD agreed by the LPA to ensure the site is planned and

delivered in a coordinated and comprehensive manner. The concept masterplan produced has informed the high level vision for the allocation, and a more detailed masterplan will be produced should the PfE Plan be adopted. Development of the Timperley Wedge site will be required to deliver:-

- 2,500 residential dwellings (minimum of 45% affordable)
- 60,000sq.m employment land;
- A comprehensive public transport strategy including bus rapid transit, walking and cycling routes;
- Contribute to Airport Metrolink Line, western leg extension;
- Improvements to the local and strategic highway infrastructure including a new spine road and junction onto Thorley Lane;
- A new local centre, providing community infrastructure; and
- Significant green infrastructure enhancements and rural park; retain and enhance existing sports and recreation facilities

5. Main Issues

i. Inappropriate Development

- 5.1 Paragraph 149 of the Framework sets out that the construction of new buildings within the Green Belt is inappropriate development and paragraph 147 states that inappropriate development should not be approved except in very special circumstances. There is no dispute that the scheme involves inappropriate development and this is accepted by both parties within the statement of common ground.
- 5.2 Paragraph 149 however does set out a number of exceptions to development in the Green Belt that could be appropriate in criteria a-g.
- 5.3 The appellant in their Statement of Case (SOC) paragraph 5.42, core document list (CD-B2), sets out a case that some of the application site is previously developed land (PDL). Exception (g) of paragraph 149, outlines the provisions for the partial or complete redevelopment of PDL. Part of the appellants case is that this should be considered as a legitimate fallback position whereby development of the PDL areas of the site could be pursued in isolation. The appellant states at paragraph 6.29 of their SOC that only developing the PDL parts of the site does not allow the site to be optimised or make the most effective and efficient use of land, it is therefore not a realistic 'fallback' position that is likely to come forward in reality. The appellant therefore relies on demonstrating 'very special circumstances' (VSC). I will address further the appellants position regarding their fallback position, PDL and VSC later in this proof of evidence.

ii. Purposes of the Green Belt

- 5.4 The Framework (Paragraph 138) and the Core Strategy (Policy R4.2) core document list (CD-D2) identifies the five purposes of Green Belt. It should be noted that any given site does not have to perform all, or even most of the five functions in order to form a valuable part of the Green Belt. Further, NPPF

paragraph 137 notes that the “fundamental aim” is to keep land permanently open. Effect on openness is therefore the driving feature of policy in this area.

- 5.5 The first of these purposes is to check the unrestricted sprawl of large built-up areas. The Green Belt in the location of the appeal site does act as a green buffer between the urban areas of Timperley to the north and Hale to the south and has been successful in achieving that aim. It is acknowledged that nearby residential developments to the west of the site have extended into land a similar distance of that proposed as part of the appeal site (these residential developments extend from Cloverley Drive to the west side of Green Lane) however none of this land is within Green Belt. Part of the appeal site is accepted as previously developed land and therefore the site does not perform this function as successfully if the site was free from development of any form. However, the appeal proposals would introduce considerable additional built form, infrastructure and movement into the site and would cause notable urban sprawl.
- 5.6 Aligned to this first purpose is the second purpose of Green Belt which seeks to prevent neighbouring towns merging into one another. The site is located between Timperley and Hale and the Green Belt in this location serves to keep them separate. Extending built form into the appeal site would reduce the gap, however, the settlements would not completely coalesce as a result of the appeal proposals.
- 5.7 The third purpose of Green Belts relates to encroachment, developing this land for housing would, notwithstanding its edge of urban area setting, represent encroachment into the countryside. Unlike the other four purposes listed in paragraph 138, there is no corresponding reference to a nearby town or urban area in relation to encroachment.
- 5.8 The Councils SPG SPG30: Landscape Strategy (September 2004), core document list (CD-D8) identifies that in relation to the Wooded Claylands there has been gradual change to reflect the demands from adjacent urban areas.

- 5.9 The appellant references within their SOC, core document list (CD-B2) paragraph 6.34 that Timperley Brook separates the site from the Countryside. Timperley Brook is a natural feature within the landscape it does not function as a boundary between the settlement of Timperley and land to the south. The undeveloped open area of the site to the south and east of the appeal site assimilates into the wider countryside land beyond the south of the site. The appeal proposals dictate that built form would replace open countryside and encroachment would thereby be incurred. I would contend that the appeal proposal would be harmful with regards this purposes of the Green Belt.
- 5.10 The fourth purpose of Green Belt relates to preserving the setting and special character of historic towns. Neither Timperley or Hale would be characterised as historic towns (albeit there are areas within Hale designated as Conservation areas namely South Hale Conservation Area and Hale Station Conservation Area). I do not consider that the appeal site performs the function of preserving the setting of historic towns.
- 5.11 The final function of Green Belt is to assist in urban regeneration, by encouraging the recycling of derelict and other urban area. All parts of the Green Belt assist in this aim to some extent by restricting edge of settlement development, the aim is to essentially force development of the more “difficult” town centre brownfield sites.
- 5.12 The appeal proposals would therefore be contrary to the identified purposes of including land within the Green Belt. The Site performs moderately in relation to some of the purposes of including land within the Green Belt.
- 5.13 I give the moderate harm to purposes, substantial weight in line with the requirements of NPPF paragraph 148.

Greater Manchester Green Belt Assessment (Stage 2)

- 5.14 The appellant also makes reference within their SOC paragraph 6.37, core document list (CD:B2) to the Greater Manchester Green Belt Assessment Stage 2 (September 2020), core document list (CD-E8) which was

commissioned as part of the then Greater Manchester Spatial Strategy (now PfE) to consider land proposed to be released from Green Belt. The appeal site was included within assessment area GM46-1 and also included land to the east (totalling 31.2 ha of land). The conclusion stated that development of this land as a whole would have relatively limited impact or limited/no impact on the five purposes of including land in the Green Belt and that development would have a minor impact on adjacent Green Belt Land. The appellant suggests that in isolation, the same conclusions would be reached with regards the appeal site.

- 5.15 The assessment of the Green Belt credentials for the site was carried out as part of the emerging PfE Development Plan. The purposes of the study was to assess the potential harm to the Green Belt that could result from release of land within the development allocations. The overall conclusion reached from the assessment that in relation to the overall harm to the Green Belt purposes from the release of land would be moderate.
- 5.16 This assessment considered the allocation as a whole and not specific development sites nor specific development proposals. Some of the individual development plots may return similar conclusions that were reached as part of the wider allocation assessment. Nonetheless, certain development plots across the allocation will perform differently with regards the five purposes of Green Belt when assessed on site specific proposals and context. The development of the appeal site was considered based on the submitted proposals and in the context of the site as part of the planning application process and subject to the assessment of local and national Green Belt policy.
- 5.17 There is no specific requirement to grade the quality of Green Belt land as part of the consideration of individual development proposals having regard to Green Belt policy. There can be no basis for any watered-down approach to the application of the Frameworks strict approach to Green Belt.

iii. The Effect on Openness of Green Belt

5.18 Within the Framework openness is defined as one of the essential characteristics of the Green Belt. Whilst there is no formal definition of openness, having regard to Green Belt it is generally accepted to be an absence of development.

5.19 National Planning Practice Guidance (NPPG) advises (Paragraph:001 Reference ID: 64-001-20190722), core document list (CD-C2), that when assessing the impact of a proposal on the openness of the Green Belt it will require judgement based on the circumstances of the case. It highlights that the Courts have identified a number of matters which may need to be taken into account in making this assessment which include:-

- Openness from both a spatial and visual aspect – in other words the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development (it is noted the appeal proposal is for permanent housing); and
- The degree of activity likely to be generated, such as traffic generation (it is noted that ‘urban sprawl’ for example, is not limited to urban sprawl through built development for example.

5.20 The spatial (physical) dimension of openness relates to the consideration of the extent of existing development within a site and how this would compare as a result of the change that would occur with the implementation of a new development. It is relevant to consider the scale and massing of buildings, both existing and proposed including the volumetric change that would occur and the location of the development across the site.

5.21 The visual element of openness is the change in how the physical features and built structures within a site would be viewed following development of the site.

Assessment on Green Belt Openness

Existing Development

- 5.22 The site is located on the urban fringe of Timperley. Residential properties boarder the site to the north and along part of the western boundary. To the east side of Thorley Lane is a turf landscaping business with an external storage area, beyond which is two large glass house structures used for storage, and a bungalow along with an external storage area used by a landscaping business. A further landscaping business is located to the south-east side of the appeal site on the opposite side of Thorley Lane.
- 5.23 A significant area of undeveloped land within the appeal site extends along the western boundary, comprising tree and unmaintained low level scrub and forms a buffer from the developed part of the site which is the central core and the residential development to the west. The two main buildings on site were originally horticulture type glass houses and although they have been subject to some external alterations they are still identified as such structures. These are low level structures, the former World of Pets building as an example measures approximately 3.5m in height (Building height taken from submitted plans for Planning Ref: 78180/FULL/2012), core document list (CD-F13).
- 5.24 To the north-eastern side of the site is the rear garden/paddock areas of 124 & 126 Wood Lane, the latter of which forms a significant parcel of land. To the south side of the site is open land used for grazing. The eastern boundary of the site along Thorley Lane provides an open aspect of views into the site, this part of the site as well as along the southern side of the site comprise the most significant areas within the site that are undeveloped. The southern boundary of the site which extends alongside Timperley Brook has a belt of tree and shrub coverage along the banks of Timperley Brook, with a gradual slope in land levels from the north to the southern end of the site.
- 5.25 The northern boundary of the site provides an open view into the undeveloped grassed area (adjacent to 124 Wood Lane). Beyond this views are limited into the site from Wood Lane due to tree coverage.

- 5.26 The appeal sites baseline position is that it is not free from development and therefore there is an existing impact on the openness of Green Belt by virtue of the existence of buildings and hardsurfaced areas.

Proposed Development

- 5.27 The Landscape master plan submitted as part of the planning application submission, core document list (CD-A28) illustrates the extent of development that could come forward as part of the appeal proposals. New dwellings would be located extending up to all site boundaries with new areas of hardstandings, car parking courts and internal road layout.
- 5.28 This proposal involves new built development in areas of the site which are currently undeveloped. 116 new residential units are proposed across the development site as suggested within the Landscape Masterplan with approximately 99 individual buildings proposed, three of which are understood to be apartment blocks. The majority of new buildings would comprise semi-detached and terraced properties. The submitted Parameter Plan 2 – Key Urban Design Principles, core document list (CD-A27) details that the new properties would be up to three stories in height within the central core of the site and 2 storey in height around the periphery of the site.
- 5.29 These proposed building height parameters clearly illustrate that the new properties would be much greater in height than the existing buildings on site, which are single storey, low level horticultural type structures and buildings used for storage. The proposed scheme results in a greater distribution of built development across the site, at a greater height, including on parts of the site which are currently free from buildings such as car parking and storage areas and on undeveloped land. This results in a greater impact on the openness of the Green Belt than the existing development, which is grouped around the two main retail buildings and three smaller subsidiary buildings and includes areas of hardstanding for parking and storage, having regard to the spatial element of openness.

- 5.30 The Council is very clear in its Core Strategy, spatial profile chapter, core document list (CD-D2), in describing the characteristics of the urban fringe “neighbourhoods” to the north of the Green Belt area. The Green Belt land in this area separates the built up area of Timperley to the north from the less built up areas and different character neighbourhood areas of Hale and Hale Barns to the south. One of the key objectives listed for this profile area is AL04 – *“to manage the potential impact of development on the urban fringes of the area.”* It is considered the proposal would impact on this character. The NPPF, at paragraph 137, states that the essential characteristics of Green Belt are their openness and their permanence.
- 5.31 The appeal site is clearly visible from the eastern boundary and the northern most section adjacent to Wood Lane, which is open and visible from the streetscene. Views into the site are less visible from the western side of the site (from Green Lane) and from the northern side (Wood Lane) beyond the gate access due to existing tree cover. However, openness in Green Belt terms is an absence of built or urbanising development as well as the visual impact of a development and therefore a loss of openness occurs from the presence of built form, regardless if this built form can readily be seen from the public realm.
- 5.32 The Councils SPG30: Landscape Strategy (September 2004), core document list (CD-D8) identifies that the appeal site is located within the ‘Wooded Claylands’ landscape type, one of seven different landscape types across the Borough. The Wooded Claylands designation effectively follows the Green Belt allocation in this part of the Borough (Timperley Wedge), within which the appeal site is located, extending from the M56 to the east to the A560 (Stockport Road) to the west.
- 5.33 In brief the key features of the Wooded Claylands include, a gently rolling topography dissected by narrow, often steep sided valleys; ancient wooded landscape with densely scattered hedgerow oaks and mature woodland; predominantly pastoral landscape; views typically restricted by hedgerows, hedgerow trees and development; scattered marl pits within field areas a piecemeal enclosure pattern of fields and dispersed settlement pattern of

scattered farmsteads and rural dwellings. Land use in the northern part of the Wooded Claylands is more mixed with arable farming, market gardening and golf courses along with sports and playing facilities. In this northern area the landscape is identified as more open and the scale larger.

- 5.34 Pressures identified with regards the Wooded Claylands areas include a gradual sub-division and piecemeal encroachment into the rural areas; development pressure/poorly designed development; farm diversification and loss of hedgerows and trees and marl pits along with the wider recreational pressure on woodland areas.
- 5.35 The appeal site exhibits many of the characteristics of the land in the northern part of the Wooded Claylands, with an historic horticultural use reflected by the existing buildings on site and with a large open area of landscaped land comprising grass sward and tree and shrub coverage along the southern boundary with Timperley Brook. Further tree coverage to the west side of the site and along the eastern boundary.
- 5.36 The western and north-western side of the appeal site it is accepted are more physically enclosed by the adjacent residential development along Green Lane to the west and Wood Lane to the north and therefore the visual impact of the development would be less evident and would comprise relatively glimpsed exposure of upper levels of buildings, particularly three storey which would be higher than neighbouring surrounding properties. The same cannot be said however regarding the south, east and part northern boundary that extends up to Wood Lane.
- 5.37 The northern section of the site would involve the formation of three properties adjacent to 124 Wood Lane, in the undeveloped area of grass ward, the visual impact on openness would be significant as this area of the site is free from development, this is particularly relevant when viewed at the access to the site on Wood Lane. An additional building would be located to the east side of 120 Wood Lane (Veterinary Clinic), this area of land is open with grassed landscaped verges and a hardsurfaced area providing vehicular access to the vets. Similarly any new development in this area will have a significant visual

impact when viewed from the Wood Lane access due to the absence of any building in this location.

- 5.38 The eastern side of the site which extends up to the Thorley Lane boundary is open and therefore there is a greater sense of exposure and intervisibility with the surrounding landscape. This is particularly evident with close range views from along the boundary side of the site. Views of the eastern site from further distances such as Thorley Lane roundabout to the north east or approaching from the south side of Thorley Lane are limited due to topography and tree coverage.
- 5.39 This western side of Thorley Lane is flanked by the undeveloped paddock/garden areas of 126-128 to the north side of the site access along with the grazing land to the south of the site and this creates a more open character as one travels along Thorley Lane. The eastern side of Thorley Lane comprises pasture land beyond the landscaping business, the access to which is opposite the appeal site access. Similarly the perception one experiences is of open countryside with this land functioning as a green buffer between settlements.
- 5.40 In relation to the visual element, the impact of the proposed development with regards the built form, the layout and siting and associated works would deliver a greater quantum of development that currently exists on site including on areas free from development. There would be a very significant spatial and visual loss of openness arising from the proposal which would give a far greater urban appearance than what currently exists on site.
- 5.41 The landscape masterplan indicates tree planting and other soft landscaping to mitigate the visual impact of the built form as such landscaping become established. It is acknowledged that the provision of soft landscaping can mitigate against the visual effect of openness, this would be subject to a number of factors such as land levels (lower towards Timperley Brook) and the successful implementation and establishment of landscaping and its maintenance in perpetuity. However, the development is permanent and therefore the spatial implications of the development cannot be offset by new landscaping and the spatial impact upon openness does not reduce over time.

5.42 Having regard to the baseline position of the site I consider that the appeal proposals would lead to a substantial and permanent loss of openness in both a spatial and visual context. The proposal involves permanent two and three storey scale development across the entire site, in my opinion this would result in the erosion of openness compared to the existing character of the site. In addition the proposed scale of development will extend up to site boundaries which will increase the visual perception of enclosure and reduce further the openness of the site in this part of the Green Belt.

iv. Previously Developed Land (PDL) & Fall-Back Position

PDL

5.43 The Glossary to the Framework defines PDL as *‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.’* It states that exclusions from this definition include *‘land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’*

5.44 The appellant states within their SOC paragraph 6.19, core document list (CD-B2) that just over 45% of the total site area (3.27acres of the 7.2acres site) is previously developed brownfield land. The Council accept that parts of the site constitute PDL having regard to the permanent buildings on site and there are areas of hardstanding used for parking and external storage. There are three areas however that I would contend do not meet the Framework definition of PDL and are located on (Appendix 1 - PDL Exclusion Map) for illustrative purposes. The areas do not comprise any form of hardstanding or building that is clearly discernible and if historically had been areas of previously developed land have now blended back into the landscape.

5.45 Area 1 on the map is located between the Nissan hut and outbuilding along the eastern boundary of the site. This area comprises tree and shrub coverage.

- 5.46 Area 2 on the map is a grassed verge area located alongside the boundary with the veterinary clinic and the access road leading into the site from Wood Lane.
- 5.47 The final area within the site that is not considered to constitute PDL is Area 3 located to the west/south-west side of the former World of Pets building. This area it is understood had been used for informal external storage beyond the existing compound fencing but I would contend has now blended into the landscape.
- 5.48 The three areas comprise land that would be considered as soft landscaped, comprising grass sward and trees and shrubs with no clear remnants of PDL. I would contend that the amount of PDL land within the site is less than that advanced by the appellant.

Fall-back Position

- 5.49 The appellant has advanced a 'fall-back' position in relation to the existing buildings on the Site and contends that the proposals should be assessed against spatial and visual impacts of that volume of development.
- 5.50 The appellant has provided volumetric information for the existing buildings on site, appendix 5 of the appellants SOC, core document list (CD-B2). The appellant suggests that the volume of the existing buildings on site would be the equivalent of circa. 18 detached properties across the developed part of the site, without having a greater impact on the openness of the Green Belt than the existing development at the site having regard to paragraph 149 (g) criterion 1 of the framework. A greater impact on openness than currently exists at the site is also suggested as a viable option under the second criterion of paragraph 149 (g) if the proposal is on PDL and meets an identified affordable housing need. Neither of these alternative proposals have been put before the Council by the appellant for detailed consideration. They are therefore purely hypothetical and are not realistic in the sense that there is a real prospect of them being delivered.
- 5.51 Development of the PDL would involve development on areas where no buildings exist, only hardstanding for car-parking and external storage. In

addition, the appellant acknowledges that by not developing the entire site this would not optimise or make the most effective and efficient use of the land as required by the Framework and would significantly limit the delivery of open market and affordable housing. Such a proposal does not have consent and, in my view, is quite unlikely to be granted planning permission. The development of the PDL cannot therefore be considered as a realistic fall-back position as it does not have permission, is unlikely to get it and is unlikely to be brought forward.

5.52 The appellant also references the lawful use of the site under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). The lawful use of the site was established through the granting of the certificate of lawful use development granted under planning ref:77607/CLEUD/2011, core document list (CD-B19). This certificate has an appended site plan which indicated the area within the site where retail use and external storage and parking areas have been demonstrated as lawful and reflects how the site is currently operated. Any new commercial use operating from the site would also be subject to the same restrictions. The reuse of the existing buildings on site does not have a greater impact on openness of the Green Belt than the proposed development of 116 residential properties would have. There is no evidence that the Council are aware of that a prospective new operator of the site has been identified.

5.53 Whilst there is dispute over the extent of PDL within the site, this does not fundamentally change the consideration of the appeal proposal. The development of the PDL is a hypothetical scenario, there is no planning permission in place and no evidence that such a scheme would realistically be brought forward. This therefore cannot be considered a realistic fall-back position and in any event just not being inappropriate does not on its own mean that planning permission would be secured. Further, disaggregating the site into parts that might be acceptable for development and areas that are not is not the correct approach and the site needs to be assessed in its entirety based on the details as submitted for consideration.

v. **Green Belt Harm & Any Other Harm**

Green Belt Harm

5.54 As I have set out above the appeal proposals comprise inappropriate development that would result in a substantial loss of openness from both a spatial and visual dimension. The proposals would also conflict with the purpose of including land in the Green Belt to safeguard the countryside from encroachment, which I contribute substantial weight to the level of harm. The proposal would conflict with the provision of Policy R4 of the Trafford Core Strategy and advice within the Framework with regards protecting the Green Belt.

5.55 In respect of the appeal proposals I consider that other harm that would arise from development of the site would relate to the unsustainable location of the site.

Any Other Harm

Unsustainable Location

5.56 Paragraph 105 of the Framework advises that 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.

5.57 The National Design Guide, core document list (CD-C3), as part of consideration of the characteristic of 'movement' (paragraphs 75 & 76), explains that patterns of movement for people are integral to well-designed places. Such patterns include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. Successful development depends upon a network that makes connection to destinations, places and communities, both within the site and beyond its boundaries.

5.58 The Council's Draft Design Guide, core document list (CD-D11), outlines the key considerations and qualities that will help to deliver high quality and

successful neighbourhoods across the borough. Key to this is the commitment to promote sustainable movement whereby buildings and places will be designed in a way that makes walking, cycling and public transport the most attractive option to make and creating connected neighbourhoods (Chapter 1.2). Developments should deliver a choice in movement including facilitating more strategic movement into the neighbouring centres via public transport (Chapter 2.2 Strategic Design Principles– Connected Neighbourhoods).

- 5.59 The Councils Strategic Objectives SO1 Meet Housing Needs and SO6 reduce the Need to Travel, core document list (CD-D2), underline Governments aim to locate development in sustainable locations.
- 5.60 The appeal site suffers from lack of integration, due to its geographical location and as a consequence of the poor public transport links. As noted, the appeal site is located beyond the southern periphery of Timperley. The main shopping area for Timperley is located to the north in Timperley Village which is located at the cross roads junction of Thorley Lane and Stockport Road. It is defined as a 'district centre' by means of Policy W2 (Town Centres and Retail) core document list (CD-D2). From the Thorley Lane access to the site, the distance to the village centre is approximately 1km. A local centre is located on Briarfield Road which is approximately 1km from the appeal site. There are two neighbourhood shopping parades which are closer to the appeal site located to the west at the junction of Wood Lane and Green Lane North and Wood Lane and Green Lane (approximately 90m and 150m from the Wood Lane access respectively) both these parades offer is more restricted. The nearest primary school is Cloverlea, approximately 300metres to the north, with the nearest secondary school Altrincham College located approximately 600m to the South.
- 5.61 The nearest bus stops to the appeal site are two stops (one either side of the road) on Wood Lane approximately 55m from the Wood Lane access. The nearest bus stop on Thorley Lane is located outside Christ Church approximately 350m from the Thorley Lane access and further stops on Mainwood Road and Shaftesbury Avenue. The appellant has summarised the local bus services within their Highway Statement Table 6.3 (September 2022)

core document list (CD-B9) which reflects information on TfGMs web-site. The nearest bus service to the site is along Wood Lane and is the Altrincham – Timperley Grange – Timperley circular (Bus service no.285 eastbound and no.286 westbound) and is an hourly service on weekdays and on a Saturday.

5.62 Metrolink and Rail provision are located at Navigation Road (approximately 2.2km from the appeal site north –west direction) and Altrincham Interchange (approximately 2.8km west from the site).

5.63 The Council have referenced with the committee report (paragraph 51), core document list (CD-A41) TfGM's Greater Manchester Accessibility Levels map which identifies the site within accessible areas 2 and 3 (1 being the lowest level of accessibility 8 being the highest). Greater Manchester Accessibility Levels (GMAL) are a detailed and accurate measure of the accessibility of a point to both the conventional public transport network (i.e. bus, Metrolink and rail) and Greater Manchester Local Link (flexible transport service), taking into account walk access time and service availability. The method is essentially a way of measuring the density of the public transport provision at any location within the Greater Manchester region. The appellant has stated within their Highways Statement, core document list (CD-B9) (para.6.5.6 – 6.5.7) that the rating does not capture the potential for multi-modal journeys where a bus journey could be linked to a wider journey by light or heavy rail services and is therefore not a measurement of the accessibility of a site to key features but the availability of public transport services within an area.

5.64 I do not dispute this conclusion, however it does not alter the fact that the site is poorly served by public transport, with restricted local bus services the only option with regards public transport close to the site. This site is in the context of Greater Manchester and not an isolated rural setting and it is acknowledged that there are public bus services as detailed above. Its location and limited public transport provision however makes onward journeys by public transport less efficient and appealing with regards journey times and the public transport option on offer.

5.65 Cycle infrastructure is poor in the immediate locality of the appeal site. Thorley Lane has a demarcated cycle lane on one side of the highway between Ridgeway and the Thorley Lane/Clay Lane roundabout (a distance of approximately 100m and is poorly maintained. The remainder of Thorley Lane which extends southwards past the appeal site from Thorley Lane/Clay roundabout down to the junction with Old Meadow Lane has narrow demarcated cycle lanes with no separation from vehicular traffic on a 40mph section of road, these are also poorly maintained and demarcated. Shaftesbury Ave has sections of designated cycle lanes which are separated from vehicular traffic. The remaining surrounding streets including Wood Lane are narrow residential streets with little or no cycle lane infrastructure. This makes the option of cycling from this location less appealing.

5.66 The Institution of Highways and Transportation (IHT) Guidelines for 'Providing Journeys on Foot' 2000, core document list (CD-F1) details at paragraph 3.31 that acceptable walking distances depend on various factors including an individuals fitness and physical ability; encumbrances (e.g. shopping, pushchair); availability, cost and convenience of alternative transport modes; time savings; journey purpose; personal motivation and general deterrents to walking. In table 3.2 it gives suggested acceptable walking distances to services outside town centres of 800m and a preferred maximum of 1,200m. Walking distances to either Timperley District Centre or Briarfield Road Local centre would fall within both these parameters having regard to specific factors as stated.

5.67 Manual for Streets, core document list (CD-F3) at paragraph 4.4.1 advises that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. It does state that this is not an upper limit and that walking offers the greatest potential to replace short trips, particularly those under 2km. Similarly this would be dependent on the range of factors to those given in the IHT guidance.

- 5.68 I consider that the appeal site is located in an area that is poorly served by public transport and although is sited close to a number of schools and businesses there is a limited offer from these local services that would require new residents to rely on car-borne journeys to access a wider range of goods, services and facilities. I consider it unlikely that future residents of the proposed development would walk or cycle to such services, other than the nearby schools. Bus services are limited and local and would therefore require onward connections making this less appealing.
- 5.69 The site as previously stated has been identified within the Publication version of the PfE Joint Development Plan Document within Policy JP Allocation 3.2 (JPA3.2 relating to the 'Timperley Wedge' site. The Council have prepared a high level masterplan (September 2021) for the site, core document list (CD-E4), which supports Policy JPA3.2 and identifies indicative development parcels, and crucially infrastructure requirements that are required to bring forward this allocation. The master plan details (Chapter 1.0) that Timperley Wedge has been selected for housing and employment allocation due to the opportunity for sustainable development on this site and its location adjacent to other areas of growth identified at Medipark and Airport City, this area of Greater Manchester will see significant growth and infrastructure to support development over the plan period.
- 5.70 The masterplan (Chapter 5.10) identifies that Timperley Wedge and the surrounding allocations will support significant population growth (Timperley Wedge estimated to have population increase of 5510 over the plan period).
- 5.71 The masterplan details the formation of a sustainable community (chapter 2.1). To facilitate this it will incorporate a comprehensive public transport strategy including bus rapid transit, walking and cycle routes as part of locational and transport connectivity improvements. A new integrated HS2 station and Northern Powerhouse Rail station will be provided within the Timperley Wedge allocation providing significant connectivity on a strategic and national level. The airport metrolink, western extension which will provide three new metrolink stops, two of which within the Timperley Wedge allocation at Manchester

Interchange and Davenport Green, the third stop would be at Wythenshawe Hospital as part of the Medipark allocation.

5.72 A new spine road would be provided through the allocation, this is proposed to connect with Thorley Lane with the formation of a new roundabout junction located close to the Thorley Lane access of the appeal site. The spine road would involve formation of a new section of road from the Thorley Lane junction, connection with and upgrading a section of the existing highway (Clay Lane) and then formation of a further new section of road from Clay Lane/Dobbinetts Lane junction to link with Runger Lane Bridge at Manchester Airport and the new Hs2/NPH station. The new spine road would also branch off to connect with the Medipark allocation. The spine road would be the route for the rapid bus transit between Altrincham and Manchester Airport.

5.73 The master plan also details environmental and social opportunities in creating sustainable communities. It is recognised that there is a limited retail provision within a short walk of the allocation area. In order to address this development coming forward should provide towards the formation of a new local centre with convenience shopping facilities close to the new metrolink stop at Davenport Green. New community infrastructure including health and education facilities will also be required to support the new community. The local centre at Davenport Green is highlighted as the location for a new primary school, healthcare facilities and community facilities to support a new community in Timperley Wedge. The masterplan identifies that these services would be accessible via direct and attractive pedestrian and cycle routes as well as the new metrolink stop to promote active travel and reduce car dependency.

5.74 Protecting and enhancing the natural environment along with heritage assets and historic landscapes is an important component of creating new sustainable communities. This would include a new rural park in the south-west of the allocation; improvements to biodiversity across the allocation and new play and sports facilities with at least 3 play areas for young people and 10 childrens play areas.

5.75 The appeal proposal has been presented at the beginning of the process in advance of any adoption of the PfE plan and crucially before the provision of any supporting infrastructure is provided to make this a sustainable location for new housing development. In isolation this site would function as car-focused residential destination poorly served by public transport. Approval of this site in advance of the adoption of PfE could result in other developers within the allocation proceeding with planning applications, crucially avoiding the requirement to contribute towards the infrastructure effecting the ability of the allocation to finance the necessary infrastructure required to bring forward the full allocation.

5.76 I therefore find that the appeal proposals in their current format coming forward outside of the PfE process would be contrary to advice within the Framework (Paragraph 105) and the Councils Strategic SO1 in locating development in sustainable locations which I attach substantial weight to the level of harm.

vi. Very Special Circumstances (VSC)

5.77 The Framework (paragraph 148) is clear 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 (VSC) 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. I have detailed in my evidence above that I find the appeal proposals would result in harm to the Green Belt and other harm by virtue of the unsustainable location of the appeal site.

5.78 The appellant has detailed the VSC that they rely on within their SOC core document list (CD-B2) (paragraph 6.18 – 6.142). The appellant lists these under impact on the Green Belt; contribution to housing supply; affordable housing need; emerging policy context and what they consider to be the wider planning and economic benefits.

5.79 With regards the Impact of the Green Belt, I have addressed this matter previously within this statement. The appeal proposal would harm the openness of the Green Belt and fail to safeguard against encroachment.

Housing Land Supply

5.80 It is common ground between the Council and the appellant that the Council cannot demonstrate a five year supply of housing land as required by the Framework. The evidence of Mrs Wright shows a current housing land supply figure of 3.47 years. This figure is down from 3.75 years in March 2022 due to a large number of completions coming from the supply that have not yet been replaced by new schemes coming forward.

5.81 Despite the current position, the situation in Trafford is improving. Mrs Wrights evidence details that this is due to the Council's interventions in bringing forward sites for development and implementation of its Housing Delivery Test Action Plans, an improving delivery rate in the borough alongside a corresponding increase in the HDT measurement for Trafford to 79% in 2021, up from 58% in 2019. The conclusion reached by Mrs Wright that the deficit in housing land supply should be given less weight in the planning balance than if it had arisen as a result of the Council not allocating sites or not granting sufficient planning permissions.

Emerging Policy Context (PfE)

5.82 The evidence of Mrs Wright includes the current status of the PfE Examination in Public. Suffice as to say that individual sites are required to contribute towards the provision of the necessary infrastructure such as the new PfE spine road and associated junction to ensure delivery of the wider plan area. In addition the development subject of this appeal is proposed in isolation of the Timperley Wedge allocation infrastructure requirements as proposed in PfE. Whilst the policy and the evidence base are supported by the Council as the direction of travel for the Timperley Wedge area as part of PfE, there are a number of objections to the plan and in specific regard to the release of Green

Belt generally and specifically in respect of this allocation. Details of the representations received as part of the PfE process in relation to the Timperley Wedge allocation are available to view on the PfE Submission & Supporting Documents List (ref:SD75 for Timperley Wedge), core document list (CD-E6). The appellant at paragraph 6.104 of their SOC, core document list (CD-B2) lists the elements which they consider this appeal proposal will deliver and which reflects the policy requirements of the PfE allocation under JPA 3.2 core document list (CD-E3).

5.83 The proposal coming forward in isolation of PfE would exempt the appellant from contributing to the wider critical infrastructure improvements required to deliver the allocation. This includes contributing towards the new spine road and roundabout at Thorley Lane and the Manchester Airport Metrolink line western Leg extension including metrolink stops and social infrastructure such as the local centre at Davenport Green with new health facilities and a primary school. Mrs Wright advises that due to the advanced stage of the plan, some weight should be afforded to the policies contained within PfE and the requirements set out in JPA 3.2 should be a material consideration in the determination of this appeal.

Wider Planning and Economic Benefits

5.84 The appellant has summarised a number of planning and economic benefits that the appeal proposals will bring forward and should be considered together as amounting to VSC. These are as follows:

- Sustainable development on brownfield land, a significant section of PDL
- Deliver a high quality development (design, landscaping and low/zero carbon)
- Enhancement of Timperley Brook corridor and deliver a net gain in biodiversity.
- Development site relates well to existing settlement and is a highly accessible/sustainable location.
- Provide a high quality play area Local Equipped area of Play (LEAP)

- The development will deliver economic benefits (Construction related employment and associated economic benefit); £500k in CIL payment; generate £1.4m in tax revenue, including circa. £130k in Council tax.
- Provide a minimum of 2 public use electric charging points, there is a significant shortage of such facilities.
- Provision of SuDS drainage.

5.85 It is acknowledged that the proposal would bring forward development on PDL, however this relates only to part of the appeal site and the building on PDL does not constitute very special circumstances and I afford limited weight to this benefit

5.86 The applicant refers to a biodiversity net gain and enhancements to Timperley Brook but it has been established by the applicant's ecologist that there would be an overall loss of biodiversity across the site as a result of the proposals, and off-site receptor site may be required to address the shortfall. Whilst specific enhancement and protection work can be carried out along the Brook these are works that would be required to comply with planning policy and would be required if the site is within Green Belt or not and would not constitute very special circumstances, I afford some weight to this as a benefit of the development.

5.87 The applicant has made reference to the site being well contained with a defensible boundary and being within a highly accessible and sustainable location. The site is located adjacent to existing residential development, partly along the western and northern boundaries however this does not constitute a very special circumstance, the site also shares significant sections of its boundaries with open undeveloped land. It is not accepted that the site is in a highly accessible/sustainable location, as I have evidenced earlier in this statement. I afford no weight to this as a benefit of the scheme.

5.88 The applicant also refers to the provision of affordable housing; a play area and two public electric vehicle charging points. Whilst these measures are welcomed they are means of mitigating harm arising from the development and

are required by the development. The affordable housing contribution (45%) is policy compliant and would therefore mitigate the quantum of development proposed (i.e. it is not proposing more affordable housing than what is required as a minimum). Residential schemes of over 100 dwellings as detailed in SPD1: Planning Obligations (paragraph 3.61), core document list (CD-D5) will need to provide new open space as part of the site design. Moderate weight is afforded to the benefit brought by affordable housing, the play area and EVC points.

5.89 Reference is made to the site being a high quality, design led scheme and zero carbon, and these are factors the Council would welcome on any residential site within the Borough. However the application subject of this appeal is in outline and therefore the design quality and sustainability credentials are currently unknown, as such it is considered that they do not constitute very special circumstances and only limited weight could be afforded to the claimed benefit of a design led low carbon scheme. Reference is also made to the provision of a Sustainable Drainage System (SuDS) to reduce risk of downstream flooding against the current base line, resulting in betterment when set against the existing position. The Framework advises (paragraph 169) that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This scale of development would be expected to incorporate such a system and it is welcome that the appellant is proposing to include, particularly as it results in a greater quantum of development than exists currently on site and therefore required to mitigate against water surface flooding. The provision of a SuDS system is not considered to constitute a very special circumstance and limited weight is afforded to this scheme as a benefit

5.90 Similarly the applicant refers to a Community Infrastructure Levy contribution that the development would generate, this would also apply if the site was not in the Green Belt. Economic benefits from the development, construction related benefits through employment and Council Tax receipts are welcome in terms of benefits to the local economy and investment however these do not

constitute very special circumstances and Council Tax is required to deliver essential services to the residents of new development.

- 5.91 Overall, notwithstanding the benefits of the scheme taken together, I do not consider these to clearly outweigh the identified harm to the Green Belt and other identified harm arising from the proposal and demonstrate the very special circumstances to justify inappropriate development in the Green Belt having regard to Paragraph 148 of the Framework.

6. Conclusion

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This, and other accompanying Council evidence, has demonstrated that the proposed appeal proposals are at odds with the development plan.
- 6.2 Given the Council cannot demonstrate a five year supply of housing land, paragraph 11 of the NPPF is engaged. Paragraph (d)(i) is clear that the application of policies in the Framework that protect areas or assets of particular importance (in this case Green Belt) provides a clear reason for refusing the development.
- 6.3 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.
- 6.4 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. It has also been concluded that the proposed appeal scheme would result in an unacceptable impact on openness and would result in encroachment into the Green Belt.
- 6.5 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.

- 6.6 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 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 Wright has demonstrated 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.
- 6.7 In relation to the Councils current HLS, it has been demonstrated in accompanying evidence by Mrs Wright that there is an improving position. The current figure of 3.47 years has been composed with a significant degree of caution, it does not include every potential site in the borough into the supply nor does it suggest unrealistic rates of delivery.
- 6.8 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.

6.9 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 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.

6.10 Accordingly, the Inspector is respectfully requested to dismiss the appeal.

Appendix 1

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

SITE: World of Pets, Thorley Lane, Timperley WA15

Appendix 1: Previously Developed Land (PDL) Exclusion Map

