



Appeal Decision

Site visit made on 30 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/M0655/D/20/3259068

1 Marsh End Farm Barns, Marsh Lane, Cuerdley, Warrington WA5 2UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony McDonnell against the decision of Warrington Borough Council.
 - The application Ref 2020/36862, dated 9 April 2020, was refused by notice dated 17 July 2020.
 - The development proposed is orangery to side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for an orangery to side elevation at 1 Marsh End Farm Barns, Marsh Lane, Cuerdley, Warrington WA5 2UN in accordance with the terms of the application, Ref 2020/36862, dated 9 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: location plan 1:1250 and proposed details.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

3. The appeal site comprises one half of a two storey barn located in the Green Belt that was converted to two dwellings following the grant of planning permission in 1999 (Ref 99/39660). Permitted development rights were removed for the host building when planning permission was granted. It appears from the evidence that at the time of conversion the barn was not extended externally though internal alterations meant that additional floorspace was created. The barn does not appear to have been subsequently

extended though the host building has a number of detached domestic outbuildings located on land immediately surrounding it.

4. Policy CS5 of the Core Strategy¹ states that development proposals within the Green Belt will be approved where they accord with relevant national policy. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within one of the listed exceptions. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines original building as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Framework does not define the term disproportionate.
5. In refusing the proposal as being a disproportionate addition, the Council focused its assessment primarily on floorspace increase and made reference to guidance contained within its House Extension Guidelines document adopted 15th December 2003 (HEG). This states that as a guideline, the Council generally considers an increase in floorspace of more than a third added to the original dwelling within a Green Belt area to be judged as disproportionate but that each case is judged on its merits. The HEG pre-dates the Framework and makes reference to PPG2² which was replaced by the Framework in 2012. Consequently, in determining the appeal I attach very little weight to the HEG.
6. As stated, although the floorspace of the original building was increased when it was converted, the barn was not extended externally. Consequently, although the Council calculates the floorspace increase to be 59% (67% including the outbuildings), 53% of the increase was created at the time of conversion and by contrast, the volume increase would be much lower at approximately 4% (7% including the outbuildings). Therefore, having regard to the fact that the Framework does not define disproportionate and to the overall scale of the proposed extension relative to the scale of the original building, I consider that the extension would not be a disproportionate addition, notwithstanding that the host building also has a number of domestic outbuildings. As I have found the proposal not to be inappropriate development in the Green Belt, it would not be harmful to openness or to Green Belt purposes.
7. Although I note that the issue of the extent of the residential curtilage is raised in the Council's Officer report, having regard to the position of the proposed extension on an area of hardsurfacing immediately adjacent to the host building and to the evidence before me, the proposal does not appear to involve a change of use of land. I have determined the appeal accordingly.
8. Taking the above matters into consideration, the proposal is not inappropriate development in the Green Belt. It therefore accords with Policy CS5 of the Core Strategy and relevant paragraphs of the Framework which seek to

¹ Warrington Borough Council Local Plan Core Strategy adopted July 2015

² Planning Policy Guidance 2: Green Belts

restrict inappropriate development in the Green Belt and to keep land permanently open.

Conditions

9. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the extension to be constructed from materials to match the host building in order to protect the visual amenity of the area. I have not imposed the suggested condition regarding the colour and texture of facing materials as I consider this to be unnecessary and adequately controlled by the matching materials condition.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR