



Appeal Decision

Site visit made on 19 January 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/02/2022

Appeal Ref: APP/M0655/D/21/3283957

Brookside Farm, Lady Lane, Croft, Warrington WA3 7AY

- 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 K Fenney against the decision of Warrington Borough Council.
 - The application Ref 2021/39184, dated 13 April 2021, was refused by notice dated 15 September 2021.
 - The development proposed is two storey extension to rear of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(i) 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.

(ii) The effect on the openness of the Green Belt.

(iii) If the proposal would be inappropriate, 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 the development.

Reasons

Whether or not inappropriate in the Green Belt

3. There is no dispute between the main parties that the appeal site is located within the Green Belt for the purposes of decision making. Policy CS 5 (Overall Spatial Strategy – Green Belt) of the Warrington Borough Council Local Plan Core Strategy (2014) (LP) states amongst other things that development proposals within the Green Belt will be approved where they accord with relevant national policy.
4. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception is 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.

5. What constitutes a disproportionate addition is not defined within the Framework nor within the policies of the LP. However, the Warrington Borough Council House Extensions Supplementary Planning Document (2021) (SPD) confirms amongst other things that in the Green Belt, any extensions and additions that result in an increase in size of over 33% of the original building will be considered to be disproportionate. Without any alternative definition, I find this pertinent to my considerations. The SPD also confirms that original in this context is defined as a building as it existed on 1 July 1948 and that the measurement will be based predominantly on floorspace and volume.
6. Whether I base my assessment on the Council's calculation of 45.81%, or the appellant's figure of 42%, the proposal would result in an increase in floorspace to the dwelling which significantly exceeds the 33% measurement specified in the SPD. The floorspace calculations do not take into account the increased scale and mass of the dwelling as a result of the extension. In this regard, the Council has calculated that the extension would also result in a 34.01% increase in volume over that of the original dwelling, which again exceeds the measurement in the SPD. No substantive evidence is before me to suggest that the Council's volume calculation is not accurate.
7. Overall, the SPD and the floorspace and volume figures before me persuade me that the extension would be a disproportionate addition over and above the size of the original dwelling and would therefore be inappropriate development in the Green Belt having regard to the development plan and the Framework.

The effect on the openness of the Green Belt

8. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
9. The footprint of the extension would sit within an area that is currently hard surfaced. Even so, the volume of the extension would undoubtedly effect openness from a spatial perspective. The side elevations of the extension would be visible from public vantage points on Lady Lane. Consequently, there would be an appreciable increase in bulk and mass, albeit this would be seen within the context of a cluster of built form including the adjacent bungalow and the buildings associated with the commercial and agricultural activities at Brookside Farm. Overall, taking all these factors into account, the proposal would have a modest impact on the openness of the Green Belt.

Other Considerations

10. The appellant suggests that they need to reside on site to be close to their dairy farm and dog breeding business for welfare and security purposes and that the extension would make the dwelling more suitable for their family. However, there is no substantive evidence before me to suggest that an extension of the specific size before me is the only way to achieve this.
11. The appellant also contends that prior to siting the dog breeding business to rear of the property, the rear boundary of the residential curtilage was sited further back from the dwelling and that they previously could have extended out by 3.0m under permitted development rights. I must consider the proposal

on the basis of the existing site circumstances. Given the close proximity of the rear boundary, the evidence before me suggests that a comparable fall-back position does not exist. In any case, the appellant's statement of case confirms that the proposal is for a larger extension with a depth of 3.5m which would have a greater spatial impact on the openness of the Green Belt than the example given.

Green Belt Balance and Conclusion

12. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances.
13. I have also found that the design and scale of the proposal and the site-specific circumstances of the development means the development would have a modest impact on the openness of 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, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal carry only limited weight.
14. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
15. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR