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# Appeal Decision

Site visit made on 4 April 2024

**by K A Taylor MSC URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> April 2024**

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**Appeal Ref: APP/M0655/D/23/3332572**

**Bradley Brook House, Tarporley Road, Stretton, Warrington WA4 4DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr David Tilley against the decision of Warrington Borough Council.
  - The application Ref is 2023/01079/FULH.
  - The development proposed is detached garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and since the determination of the planning application the Council have adopted the Warrington Borough Council Local Plan 2021/22 – 2038/39 (LP) on 4 December 2023 which forms the development plan. In the interests of natural justice both main parties have had the opportunity to make representation.
3. The policies within the LP now supersede the policies which were cited from within the Warrington Borough Council Local Plan Core Strategy, 2014 in the Council's decision. Therefore, in reaching my decision I have had regard to the revised Framework and the relevant policies within the adopted LP.

## Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt;
  - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

## Reasons

### *Inappropriate development*

5. The Framework sets out the Government's policies for England and is an important material consideration in all planning decisions. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions.
6. Policy GB1 of the LP states that in accordance with national planning policy, within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances.
7. The appellant refers to the exceptions to being inappropriate development in relation to buildings listed at paragraph 154 c) of the Framework.
8. The appeal site relates to a two-storey residential dwelling which is directly located off the Tarporley Road (A49). The site is bounded by hedges and vegetation towards the A49 and fencing along the western boundary which appears to adjoin an open field with Brookside fisheries to the west and southwest. There are several trees within the site which T1 Beech and T2 Norway Maple are covered by a Tree Preservation Order (TPO). The proposal would result in a detached brick double garage positioned furthest to the southwest of the dwelling and on garden land. It would be of a considerable size, mass and height with a dual pitched roof and 2 garage doors.
9. The Framework does not make any specific reference to ancillary buildings within the curtilage of a dwelling or other buildings. The appellant contends that the proposal should be viewed as an extension to the dwelling. Therefore, as outbuildings (garages) are buildings paragraph 154 c) should logically apply to the appeal proposal where an extension or alteration to a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original dwelling.
10. Although, case law<sup>1</sup> has established that a domestic outbuilding could be regarded as part of the dwelling and, therefore, that an outbuilding could potentially be regarded as an extension to the dwelling, this is a matter of fact and degree. It appears from the evidence before me that both parties do not agree that it would form a 'normal domestic adjunct' or that the proposal would be an extension to the dwelling.
11. Furthermore, in this case, there would be no physical attachment between the proposed garage and that of the dwelling as there is a considerable distance between them and an intervening grassed area and patio. There would be little visual or functional relationship between them, given the garage would be standalone, detached and it could function independently as an outbuilding housing motor vehicles from a separate access point that has recently been granted consent. Therefore, the proposal could not reasonably be regarded as an extension to the original dwelling.

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<sup>1</sup> *Sevenoaks District Council v The Secretary of State for the Environment and Dawe [1997]*; *Warwick DC v SSLUHC, Mr J Sorer & Mrs A Lowe [2022] EWHC 2145 (Admin)*.

12. Notwithstanding the above, even if I were to consider the proposed garage should be regarded as an extension to the dwelling, the Framework does not define the term of disproportionate. The garage would be of a notable size, volume and footprint, and I have no substantive evidence to the contrary that it would not add considerable further built development at the site, alone or in combination with the previous alterations and extensions to the original dwelling.
13. Moreover, the appellant acknowledges that the proposal would not meet the Council's threshold set out in the House Extensions Supplementary Planning Document, 2021 (SPD) which advises that the extension and additions that result in an increase in size over 33% of the original building will be considered disproportionate. Therefore, in that regard, the proposal would not be of a limited scale or proportionate addition when comparing to the original dwelling.
14. For the reasons given above, I conclude the proposal would not comply with the exceptions as set out in paragraph 154 of the Framework, or Policy GB1 of the LP and as such, it would be inappropriate development in the Green Belt.

#### *Openness*

15. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence.
16. The proposed garage would be built on garden land to the rear of the dwelling, it would result in additional built development and the loss of this garden area which unavoidably results in a reduction of openness of the site. Furthermore, the appeal site is within a prominent position in relation to the surrounding landscape, the adjacent access road and the A49. It would be seen from both nearby and distant views in the public realm. Despite, the existing hedge and vegetation, which would vary during the year, the proposal due to its height, scale and prominent position would still be readily visible. As a result, the proposal would have a moderate detrimental effect on the open character of the area and causes a reduction in the openness of the Green Belt, in both visual and spatial terms.
17. Therefore, I conclude that the development does not preserve, and has a harmful effect on, the openness of the Green Belt. It is contrary to Policy GB1 of the LP and the Framework which all aim to protect the openness of the Green Belt.

#### *Other Considerations*

18. I acknowledge that a new vehicular access and parking/turning area has recently been granted planning permission which would serve the proposed garage at the appeal site. However, this does not justify the construction of a new building that would be inappropriate development in the Green Belt.
19. The appellant asserts that they require a free-standing garage at the bottom of the garden to house the family motor vehicles securely, and if left on a driveway they would be subject to theft. However, there is nothing before me to suggest that criminal activities have taken place in the area and a garage is not the only security measure for prevention of theft. I therefore give this consideration no weight.

20. In terms of the protected trees on the appeal site which are covered by a TPO. The Council have confirmed that there is sufficient distance from the proposed garage to ensure the longevity and protection of the trees. A suitably worded condition could address protection during construction works and any replacement planting required by the loss of the Silver Birch which is decayed and of poor quality. However, this consideration does not outweigh the harm I have identified above.

### **Planning Balance and Conclusion**

21. The proposal is inappropriate development in the Green Belt. This is harmful by definition and to which I attach substantial weight. The proposal would reduce the Green Belt's openness, which gives rise to additional harm. The considerable harm renders the proposal contrary to the requirements of the Council's development plan policies and in conflict with the Framework.
22. Against the totality of the harm, I have identified, the other considerations advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
23. The proposal is contrary to the development plan and the Framework taken as a whole. There are no other material considerations that would indicate that the development should be determined other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*KA Taylor*

INSPECTOR