



Appeal Decision

Site visit made on 15 April 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/M0655/W/24/3358212

95 Heath Lane, Croft, Warrington WA3 7DT

- 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 Ken Harrop against the decision of Warrington Borough Council.
 - The application Ref is 2024/00822/FUL
 - The development proposed is conversion of existing outbuilding to dwelling including first floor extension (Class C3) and new vehicular access to Heath Lane.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding to dwelling including first floor extension (Class C3) and new vehicular access to Heath Lane at 95 Heath Lane, Croft, Warrington WA3 7DT in accordance with the terms of the application, Ref 2024/00822/FUL, and the plans submitted with it, subject to the conditions in the schedule below:
 - 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 drawing nos: Location Plan (ref. 2366/SK01); Existing Plans and Elevations (ref.2371/01); Proposed Plans and Elevations (ref. 2371/02 Rev A) and the application form.
 - 3) The development hereby permitted shall be constructed in the materials shown on the application form and plan no. 2371/02 Rev A and shall not be varied without the written prior approval of the local planning authority.
 - 4) The building hereby permitted shall not be occupied until the area indicated on drawing no. 2371/02/Rev A to be set aside for parking and servicing has been drained and surfaced and permanently marked out or demarcated in accordance with the details and specifications shown. That area shall thereafter be kept available at all times for servicing and parking of vehicles.

Preliminary Matters

2. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issues

3. The main issues are:
 - 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, including the effect of the proposal on the openness of the Green Belt; and

- if the proposal would be inappropriate development, 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 it.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Policy GB1 of the Warrington Local Plan 2021/22–2038/39 (2023) (LP) is generally consistent with the Framework, as it requires that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances.
5. The Council's reason for refusal related to the exception detailed in Paragraph 154c) of the Framework, which permits 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.
6. While the Framework does not define what might be considered a disproportionate addition, the Warrington Borough Council House Extensions Supplementary Planning Document 2021 (SPD) addresses the exception. The SPD sets out that any extensions and additions that result in an increase in size of over 33% to the original building will be considered to be disproportionate and therefore unacceptable.
7. The proposal relates to an outbuilding associated with No 95 Heath Lane (No 95), and the evidence before me indicates that the proposed scheme would result in the floorspace of the host dwelling increasing by a figure well over 33%. The proposed development would therefore result in a disproportionate addition over and above the size of the original dwelling, even taking into consideration the removal of an adjoining lean to garage. As such, it would not meet the exception of Paragraph 154c).
8. A separate exception, at Paragraph 154g) permits limited infill or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. The appeal site would see a permanent building within the curtilage of No 95 redeveloped to deliver a new dwelling. The definition of previously developed land in the Framework excludes land in built-up areas such as residential gardens. However, the question of whether a residential garden falls within or outside a built-up area for this purpose is a matter of planning judgement. Furthermore, the definition does not specify the scale of built-up area which is relevant.
10. The appeal site lies partly within the small settlement of New Lane End. Despite there being a number of properties in the village, and a public house, the village has a rural feel, distinctly separate from the larger nearby settlement of Croft and

the built-up area of Warrington, and is surrounded by fields and open countryside. Therefore, drawing on the evidence before me and my observations on my site visit, I consider that the appeal site is not within a built-up area with regard to the definition of previously developed land in the Framework. The site therefore comprises previously developed land. Consequently, whether the development causes substantial harm to the openness of the Green Belt will determine its conformity with the exception at Paragraph 154g) of the Framework.

11. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposed development would be materially larger in size and would be taller than the existing outbuilding, with an increase in floorspace and volume. The footprint of the building would not be extended however, which would temper the overall spatial effect, and the parking element at No 95, being at ground level, would have a limited impact on spatial openness.
12. Due to the proposed development's position at the rear of residential development it would be relatively secluded from the road, with only glimpses of the proposal possible from Heath Lane itself. However, whilst there are open fields to the rear of the proposal, the site lies within an established residential area in proximity to other properties. The proposal's increased height and mass would therefore be visible from a small number of neighbouring dwellings, resulting in a loss of openness in visual terms. Furthermore, the addition of parked vehicles at the front of No 95 would also have a visual impact on openness.
13. Whilst there would be some loss of openness resulting from the proposal, it would be of a moderate scale and localised in nature. It follows that the effect on the openness of the Green Belt would not reach the threshold of substantial harm under criterion 154g) and the proposal would therefore not be inappropriate development in the Green Belt. Consequently, the proposal would not conflict with Policy GB1 of the LP or the Green Belt objectives of the Framework.
14. Given my findings, it is not necessary to consider whether the proposal would meet the exception at Paragraph 155 relating to grey belt land. Moreover, as the proposal does not amount to inappropriate development in the Green Belt there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Other Matters

15. As set out above, the proposal would be set back and well screened from the road, and it would be of an appropriate design, height, scale and materials in the context of surrounding built form. The proposal would not lead to an overdevelopment of the site, which would retain an overall spacious feel. As such, it would not harm the character and appearance of the area.
16. The appeal scheme would allow for the provision of parking spaces at No 95 in order to compensate for the resultant loss of parking. I noted from my site visit that suitable and safe access from Heath Lane to the proposed development already exists, and the proposal would include garage space for the new dwelling. No concerns were raised by Highways Officers regarding the parking or access elements of the proposal, and there is no substantive evidence that the proposal would result in harm to highway safety.

17. The proposed windows would not directly overlook adjacent properties or their rear gardens, and the proposal would be separated from nearby properties by an appropriate distance so as not to harm outlook or appear as overbearing.
18. Matters relating to building regulations are outside the scope of this appeal. Whilst the dwelling would also contribute to housing targets were it to be single storey, I have determined the appeal before me on its own merits and found it to be acceptable.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have slightly amended a number of the conditions in the interest of clarity. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty (conditions 1 and 2). Condition 3 relates to the materials to be used and is necessary in order to protect the character and appearance of the area. Condition 4 relates to parking and servicing areas and is necessary in the interest of highway safety. I have not attached a condition relating to electric vehicle charging points since this matter falls under the Building Regulations.

Conclusion

20. For the reasons given above, and having regard to the development plan as a whole and any material considerations, I conclude that this appeal should be allowed.

L C Hughes

INSPECTOR