



Appeal Decision

Site visit made on 29 April 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/M0655/D/25/3360750

4 Hatton Lane, Hatton, Warrington WA4 4BY

- 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 Donald Bradfield against the decision of Warrington Borough Council.
 - The application Ref is 2024/01114/FULH.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Donald Bradfield against Warrington Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) Whether the proposed extension 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 of the proposal on the openness of the Green Belt; and
 - (iii) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the listed exceptions applies. This includes at 154c) 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. Policy GB1 of the Warrington Local Plan 2023 (LP), states that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents.

5. The House Extensions Supplementary Planning Document 2021 (SPD) sets out that any extensions and additions that result in an increase in size of over 33% of the original building will be considered to be disproportionate and therefore unacceptable, with the measurement being based predominantly on floorspace and volume. It is stated that the appeal proposal would increase the floorspace of the dwelling by 48.9% and the volume by 50.2%. There would be no increase in either the ridge height or eaves height in comparison to those of the existing dwelling.
6. The SPD sets out what the Council defines as disproportionate, and I give weight to this document in making my own assessment. But, irrespective of any percentage increases that are set out by the SPD, the proposal would increase the size of the existing dwelling by approximately half its current size in terms of its volume, floorspace, footprint and its external dimensions, being particularly bulky because of its two storey height. This would be a disproportionate addition to the dwelling.
7. The appellant refers to two other parts of the Framework, namely paragraph 154g) and paragraph 155. However, for the purposes of paragraph 154g) the proposal is an extension to a building and not a partial or complete redevelopment of previously developed land. In terms of paragraph 155, the appellant does not address the individual criteria of that paragraph. In any event, I have significant reservations about how it could be shown that there is a demonstrable unmet need for the type of development proposed, which is necessary to meet paragraph 155b). Therefore, neither of these parts support the appeal proposal.
8. Copies of a number of previous appeal decisions have been provided, along with a court judgement. The appellant is of the view that these show that what is considered disproportionate should not be determined having regard to a percentage increase and should be determined on the planning merits of the case. My understanding of the developments that were permitted in those instances is limited to what can be read in the respective decisions and judgement. However, it is clear that in each case the Inspector was required to exercise their planning judgement on the specifics that were before them, which will have included the policy background at the time and any Supplementary Planning Documents, the individual proposal and its relationship to its host dwelling.
9. I acknowledge the concerns of the appellant that assessment should not be made solely as an arithmetical test. Whilst I have had regard to the SPD in making my assessment, I have set out that it is not the percentage increases alone that are determinative to my judgement that the proposal would be a disproportionate addition. I have therefore used the SPD as guidance to assess the case. Having regard to the considerations outlined relating to other cases and to the application of the SPD, I am satisfied that I have assessed this specific proposal based on the planning merits of the case.
10. The proposal would therefore not fall into any of the exceptions listed in paragraph 154 and paragraph 155 of the Framework, and it would be inappropriate development in the Green Belt. Consequently, it would also fail to accord with Policy GB1 of the LP.

Openness

11. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
12. Although in a rural location, the appeal property stands prominently in the street scene. The open fields behind the dwelling are apparent from the public domain because of the current openness to its side. Along with the land to the immediate east that is occupied by low level domestic garages, this part of Hatton Lane is particularly open. By adding a two storey extension to the dwelling in such a context the proposal would reduce the current openness of the site in both visual and spatial terms.
13. For these reasons and on consideration of the scale of the development, I conclude that it would cause moderate harm to Green Belt openness. The proposal would therefore be contrary to the specific guidance within the Framework in that regard.

Other Considerations

14. My attention has been drawn to a two storey side and single storey rear extension that was granted planning permission by the Council in 2016 at 1 Hatton Lane. Visible from the road there are also two storey extensions to the side of 2 and 3 Hatton Lane. Whilst those all appear to have been approved prior to the adoption of the current SPD, the appellant has provided evidence to suggest that a 33% increase has been a longstanding Council figure in terms of providing guidance on whether an extension to a dwelling is considered to be disproportionate. No further details have however been provided to show the reasoning behind the Council's approval of those extensions. Overall, the appellant considers that this shows inconsistency in decision making from the Council.
15. Be that as it may, and whilst I agree that those extensions now form part of the character and appearance of the area and that consistency is a key tenet of the planning process, their presence does not overcome the fact that I have judged the proposal before me to be a disproportionate addition and to cause harm to the openness of the Green Belt. I do not have the benefit of the Council's reasoning in those cases but, in any event, I would not be bound to reach the same conclusions. Whilst there would be some minor visual benefit in that each of the dwellings at Nos 1-4 would have two storey side extensions if the appeal proposal was built, this is a consideration which carries no more than moderate weight in favour of the proposed development.
16. I have also been referred to an appeal decision in Staines-Upon-Thames¹ where the appointed Inspector permitted an extension that represented a volume increase of around 111% and which was considered to be disproportionate. However, whilst the matter of consistency was raised in that case and comparison made to other dwellings in the area which had been extended, the Inspector also refers to the demolition of a wide side extension which would create a gap to its side which would increase the sense of openness from the public realm. As a result, it would seem that that proposal was therefore not directly comparable to

¹ APP/T0355/D/22/3300670

the one subject to this appeal, where there would be no increase in openness and indeed a reduction.

17. Reference is also made by the appellant to the fallback that exists for a rear extension for which a lawful development certificate has been granted². A further appeal³ is highlighted in terms of this fallback being a material consideration. However, the appellant does not seek to suggest that the fallback would not be constructed if the appeal proposal was successful or, even if the rear extension is intended to be a trade off against the two storey side extension, how the exercise of permitted development rights would be prevented before the appeal proposal was commenced.
18. There would be some benefits arising from extending an existing dwelling, and the proposal would make a more efficient use of the land in the context of what the appellant refers to as a housing crisis. In that regard there has been a relaxing of householder permitted development rights in recent years with more freedom to carry out extensions as permitted development. Although the appellant refers to it being possible that significant extensions could be added to the appeal dwelling under permitted development rights, with the exception of the aforementioned rear extension, they do not set out what those might be or the likelihood of such being constructed. Collectively, these are considerations which carry moderate weight in favour of the appeal proposal.

Planning Balance & Conclusion

19. The Framework at paragraph 153 establishes that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
20. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. The other considerations put forward in this case which I have afforded moderate weight to do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons given above, I conclude that the proposal conflicts with Policy GB1 of the LP and with the objectives of the Framework where they seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR

²2024/01115/CLDP

³ APP/V3120/A/10/2125140