



Appeal Decision

Site visit made on 25 April 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/H4315/W/24/3356966

1 Maggots Nook Road, Rainford, St Helens WA11 8PJ

- 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 Mrs T Cornforth against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2023/0624/FUL.
 - The development proposed is application for the change of use of a small element of agricultural land to residential garden, a new vehicular access to the highway with associated boundary wall, installation of hardstanding and the construction of outbuildings comprising of a potting shed, garage and summerhouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have assessed the appeal scheme based on the plans before me, but I observed at the time of the site visit that the development was completed. Therefore, the development is retrospective. I have dealt with the appeal on that basis.
3. The Council refers to Policy LPD01 of the St Helens Borough Local Plan, adopted July 2022 (the LP) in their reason for refusal. However, the Council has advised that this is a typographical error and that the correct reference is Policy LPA01 of the LP. I do not consider that the appellant has been prejudiced by this typographical error, as they have not referred to either policy in their statement of case. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the appeal scheme 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 assessing the effect of the appeal scheme on the openness of the Green Belt; and
 - if the appeal scheme is found to be inappropriate development, whether any 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 scheme.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. Policy LPA01 of the LP, amongst other things, sets out that new development in the Green Belt shall be regarded as inappropriate unless it falls within one of the exceptions listed in the National Planning Policy Framework.
6. The Framework establishes that development in the Green Belt is inappropriate other than for specified exceptions that are set out in paragraph 154. Exceptions include, amongst other things, paragraph 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 and paragraph 154h) (ii), engineering operations and (v), material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), and the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. Policy LPD05 of the LP also lists a number of exceptions for the extension, alteration, reuse or replacement of buildings in the Green Belt. In particular, criterion 1 of the policy sets out that a proposal must not have a materially greater impact on the openness or purposes of the Green Belt than the existing building and as a general guideline, proposals should not extend an original building by more than 30% (by volume) either individually or cumulatively with other extension(s). Criterion 2 also sets out that garaging, storage or other ancillary structures will not be allowed unless, in conjunction with the remainder of the existing and any other proposed development, they fall within the requirements set out above. In addition, criterion 5 sets out that the curtilage of development should relate appropriately to the size and form of the existing building and landscape features and avoid causing unnecessary further impact on the openness and purposes of the Green Belt.
8. The extended garden comprises a significant area of land. Furthermore, the creation of a new vehicle access from the land onto the road, with walls and an area of hardstanding, as well as the construction of a detached garage, large summerhouse and shed, introduce a large amount of development on to the land. Indeed, while there is disagreement between the parties about the cumulative volume of the three outbuildings, the volume of the buildings result in a volume increase which is markedly above the 30% listed in Policy LPD05 of the LP. The buildings therefore amount to disproportionate additions over and above the size of the original dwelling.
9. The new access, walls and buildings are highly visible from the road and a number of other vantage points within the open, flat, agricultural landscape. While the recently planted trees and hedgerows would restrict views of the development once matured, the appeal scheme results in a loss of visual and spatial openness to the Green Belt which results in unavoidable impact. Therefore, the development does not preserve the openness of the Green Belt, which carries substantial weight.
10. Overall, the development does not meet any of the exceptions listed in paragraph 154 of the Framework, and it does not meet any of the specified criterion set out in Policy LPD05 of the LP.

11. One of the five purposes of the Green Belt identified by paragraph 143 of the Framework is relevant to the appeal scheme, which is to assist in safeguarding the countryside from encroachment. The extension of domestic garden, for residential use, that encroaches on to land, which was previously open, agricultural land, conflicts with this Green Belt purpose.
12. Reference has been made to other developments approved on Green Belt land nearby. In particular, an application for a Certificate of Lawful Development¹ for a proposed outbuilding for ancillary use to the existing dwelling and a prior notification application² for the erection of an agricultural building. However, those applications were not applications for full planning permission and therefore would have been subject to different considerations compared to the appeal scheme. Also, the Council identify that the scheme for the erection of 307 dwellings³, as highlighted by the appellant, was on land removed from the Green Belt as part of the Local Plan Review and subsequently allocated for residential development in the current Local Plan. Given this, these examples are not directly comparable to the appeal scheme and do not add weight in favour of the scheme. Therefore, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
13. For the reasons given above, I conclude that the appeal scheme is inappropriate development in the Green Belt and harms the openness of the Green Belt and the purposes it serves.

Other considerations

14. The extended land provides additional domestic garden for the property, while also providing space for a new vehicle access and garage. The garage would provide additional storage space for a tractor, ride on mower and other garden implements to maintain the land.
15. It has been brought to my attention that a member of the appellants' family (a child) has a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. Under the PSED, I must have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I am also mindful of the Human Rights Act 1998 and Article 3(1) of the United Nations Convention on the Rights of the Child, which provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
16. The extended garden provides a safe, outdoor space for the child to engage in physical and social activities and the small orchard enables fruits and berries to be grown. Likewise, the shed also provides an opportunity to grow vegetables and plants and make insect boxes. Furthermore, the summerhouse accommodates rehab equipment and provides additional opportunities for physical activity including recreational sports and nonstructured games.

¹ Reference: P/2024/0382/CLP – Certificate of Lawfulness for a proposed outbuilding for ancillary use to the existing dwelling.

² Reference: P/2024/0533/AGRPA – Prior Approval for the erection of an agricultural building.

³ Reference: P/2022/0461/FUL - The erection of 307 dwellings with associated access, public open space, sustainable urban drainage systems, and other infrastructure

17. Having regard to all of the above, it is clear that the appeal scheme provides a number of benefits which enhance the living conditions of the family member and that further change to the home environment, as a consequence of my decision, could have implications on the child. Therefore, weight is clearly attributed in favour of the development, and I am mindful of the implications of my decision and the best interests of the child are at the forefront of my mind in the determination of this appeal.
18. However, the weight I can attribute to the highlighted benefits is tempered as I have limited information which demonstrates why the extended garden area needs to be the size that it is and also why the summerhouse and shed need to be the size that they are. Indeed, although the back garden includes trees, heritage outbuildings, a gas tank and septic tank, I have limited information which demonstrates why an outbuilding cannot be sited within the original garden, thus still providing the accommodation to benefit the child. Therefore, I am not persuaded that the best interests of the child could not be achieved by a less harmful way of providing the accommodation and additional secure play space.
19. The new access provides a safe vehicle access for the property and gates would provide security benefits, and it is also not unreasonable for the occupants to want a garage for parking vehicles and for domestic storage purposes. Also, I acknowledge that the buildings are of an acceptable design and the development provides ecological improvements, and the garden offers zero chemical run off. Nevertheless, these factors are modest in the context of the scale of the appeal scheme.
20. In addition, there is no dispute between the parties that the Council has raised no concerns with regard to the effect on the living conditions of nearby residential properties. There are also no objections from neighbouring properties, from the Highways Department, the Conservation Officer, the Merseyside Environmental Advisory Service, Natural England, The Coal Authority, and the Fire and Rescue Response. Nonetheless, the lack of objections from statutory consultees and other interested parties is a neutral point that carries limited weight.

Green Belt Balance

21. The development is inappropriate development in the Green Belt which in line with Paragraph 153 of the Framework is harmful by definition. I therefore place substantial weight on the harm by inappropriateness and harm to openness and the purposes of the Green Belt that I have identified.
22. I have given some moderate weight to the other considerations in favour of the appeal scheme and the particular circumstances of the appellants' family member, as set out above. However, I am not satisfied that the appeal scheme represents the only or least harmful option to provide the benefits identified. Therefore, the other considerations do not clearly outweigh the substantial harm arising from the development.
23. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist, and the development would thus conflict with Policies LPA01 and LPD05 of the LP and the Green Belt protection aims of the Framework. Given such, dismissing the appeal for the reasons given would be a proportionate and justified outcome.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR