



Appeal Decision

Site visit made on 15 April 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/M0655/D/24/3353372

Christmas House, The Avenue, Lymm, Warrington WA13 0SU

- 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 Terry Hall against the decision of Warrington Borough Council.
 - The application Ref is 2024/00610/FULH.
 - The development proposed is described as 'Proposed Single Storey Side and Rear Extension to create an attached garage including alterations for a home office, bedroom and leisure suite.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). Although section 13 relating to the protection of Green Belt land has undergone significant changes, the relevant tests which were applied during the planning application and against which I have assessed the appeal have not changed. As such, I have not invited further comments from the main parties.

Main Issues

3. The main issues are as follows:
 - Whether the proposal would constitute 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;
 - Whether any harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposed developments.

Reasons

Whether Inappropriate in the Green Belt

4. Paragraphs 154 and 155 of the Framework list exceptions to the presumption against development in the Green Belt. Of relevance to the proposal is the exception given in paragraph 154(c), which relates to 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. Policy GB1 of the Warrington Local Plan 2021/22 – 2038/39 (LP) (adopted December 2023) generally follows national policy as given in the Framework. I am also directed to the House Extensions Supplementary Planning Document (the SPD) (June 2021) which advises 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. (Original in this context is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally). This measurement will be based predominantly on floorspace and volume. Furthermore, any previous extensions and detached buildings that have been added to the original property will be counted towards the resulting size.
6. The size of the original dwelling is given as 369 square metres (m²). I note this is not disputed. There are a number of previous applications and certificates of lawfulness which have been approved at the appeal site dating from 2018 to 2024. The Design and Access Statement¹ (DAS) submitted with the planning application subject to this appeal details that a planning application for a first-floor storey rear extension to form ensuite bathroom to master bedroom² have been built. A further outbuilding subject to a certificate of lawful development³ has evidently also been built. These have resulted in a 31% increase over the original floor space, although volume is not taken into account in this calculation.
7. The appellant advises that the addition of the proposal would result in an increase of 76.1% floor space over the original building including the existing extensions, notwithstanding the lack of calculations of volumetric increase. As such, this would definitively exceed the limits advised by the SPD and would indeed be 'materially larger than the exception requirements for inappropriate development'. This would therefore constitute a disproportionate addition over and above the size of the original building.
8. As such, the proposal would not meet the exception given in paragraph 154(c) of the Framework and would therefore both constitute inappropriate development in the Green Belt. The proposal would also conflict with policy GB1 of the LP and advice in the SPD.

Openness

9. The extensions and garage would be attached to the western elevation of the host property. Although there is an existing outbuilding in this location it would be replaced with a larger structure, and it stands to reason that spatially there would be a loss of openness spatially. Furthermore, the site would be visible from The Avenue, albeit this would likely be fleeting, and from neighbouring properties. Therefore, visually there would also be a limited loss of openness.
10. Taken together, there would be a limited loss of openness of the Green Belt overall. Invariably this would result in harm to the Green Belt given its purposes, contrary to paragraph 142 of the Framework

¹ Document reference: 23022 DAS

² Planning application reference: 2018/031996

³ Reference: 2023/00860/CLDP

Other Considerations

11. I have found that the proposal would constitute inappropriate development in the Green Belt, while it would also not preserve its openness. Paragraph 153 of the Framework is clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In turn, 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.
12. I note that part of the proposal is to provide an attached bedroom at ground floor level for the appellant, who has had recent health issues. I have copies of medical records before me, and while I will not disclose their nature, I am mindful of these matters. While I sympathise, the house is already substantial, and it is unclear as to why further extensions would be required for a bedroom when other space exists at ground floor level. I note for example that the existing floor plans include a bedroom to one side at ground floor level and I see no reason why exercise equipment cannot be incorporated without further extending the building. As such, I give these private benefits moderate positive weight in favour of the scheme.
13. The need for a garage is evidently due to potential security concerns, and the appellant seeks somewhere to store their vehicles. However, I am not aware of any existing security matters in the area. In the absence of specific evidence to support this concern, this element of the scheme is therefore worthy of very limited weight.
14. I am also directed to a fallback position which involves an approved certificate of lawfulness⁴ confirming that a single storey side and rear extension and proposed outbuilding are indeed lawful. I have an existing and proposed drawing relating to that certificate, which shows the extensions alongside an outbuilding detached from the main house in the general area of the proposed side extension of the appeal proposal.
15. The appellant advises that the fallback position and the proposal before me are 'entirely the same'. However, this is somewhat confusing as from my interpretation of the plans before me, the garage would be attached rather than a detached outbuilding. I further note that in the DAS, the appellant makes the point in relation to openness that 'the proposed fall-back would have a greater impact in terms of size and sprawl across the site'. The differences in floor spaces and therefore percentage increases over the original building are minimal; but overall, they are not the same. While the proximity of each element may render part of the lawful development obsolete as the space would be taken up by the appeal proposal, the main difference would be that the lawful development scheme would not include an attached bedroom which is evidently a crucial aspect of the appeal proposal.
16. The Courts⁵ have held that the prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Although the possibility of the fallback position

⁴ Reference: 2024/00609/CLDP

⁵ Schneck v SSHCLG & West Berkshire DC [2022] EWHC 3335 (Admin)

happening may be very slight, this is sufficient to make the position a material consideration. I see reason to dispute that the fallback is a material consideration, although the amount of weight it should be given depends on the particular circumstances of the case and is at the discretion of the decision maker.

17. In this case, it would appear as though the fallback would not wholly meet the needs of the appellant given their health. This lessens the weight I attribute to the fallback position and as such is worthy of only limited weight as it would not seem likely to proceed should the appeal be dismissed.

Green Belt Balance and Conclusion

18. Taking the above under consideration, the benefits of the proposal are worthy of moderate weight and would not clearly outweigh the harm to the Green Belt, which is given substantial weight. Therefore, they do not represent the very special circumstances required.
19. The proposal therefore conflicts with the development plan as a whole, as well as the relevant provisions of the Framework and supplementary guidance.
Accordingly, for the reasons given above, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR