
Appeal Decision

Site visit made on 12 August 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/W4325/D/25/3361316

The Menage, Mill Hill Road CH61 4XQ

- 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 & Mrs G Jones against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/24/01152.
 - The development proposed is single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension at The Menage, Mill Hill Road CH61 4XQ in accordance with the terms of the application, Ref APPH/24/01152, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A101 Existing Plans and Elevations, A102 Rev A Proposed Site Plans, A103 Rev A Proposed Plans, and A104 Rev A Proposed Elevations 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have taken the description of development, as set out above, from the planning application and appeal forms but have omitted the text 'to original dwelling at the Menage' as it is not a description of development.
3. The Wirral Local Plan 2022-2040 (LP) was adopted on 31 March 2025 following the Council's decision on the proposal. The policies of the LP now carry full weight and have superseded those within the Wirral Unitary Development Plan (UDP) that were referred to in the Council's decision notice. Accordingly, I have considered the proposal against the relevant policies of the LP, which I am advised are Policy WS1 and WD5, on which both parties have had the opportunity to comment during the appeal process.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. For the avoidance of doubt, where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.

Main Issues

5. 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 character and appearance of the host property and the area; and
- 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 proposal.

Reasons

Whether inappropriate development

6. 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. Relevant to this appeal is exception 154(c), namely 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.
7. LP Policy WS 1 is consistent with the Framework as it states that national policy for the Green Belt will apply in the determination of relevant proposals.
8. Unlike policy GB5 of the superseded UDP, LP Policy WS 1 does not define what is meant by a disproportionate addition, and nor does the Framework. However, the House Extensions Supplementary Planning Guidance (SPG) states that within the Green Belt, extensions should not exceed 50% of the habitable floorspace of the original dwelling. Such guidance provides a reasonable basis upon which to assess whether an extension would be disproportionate.
9. The definition of 'original building' set out in the Glossary to the Framework, is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Notwithstanding that the existing dwelling, which was granted on appeal, is significantly larger than the dwelling initially permitted as a replacement of stable buildings within the site, the evidence before me indicates that it is as it was originally built and has not since been extended. Therefore, it is reasonable to conclude, in the absence of a development plan policy that has a different definition relating to replacement buildings, in this case that the 'original building's that which currently exists.
10. The main parties agree that the proposed extensions would result in a 50% increase in floorspace, and there is nothing before me that would lead me to disagree with such an assessment. It therefore accords with the SPG guidance. The Council, however, consider that as the extension would surround an internal courtyard, its appearance would be much larger than is suggested by the floorspace calculation. The Council also argue that the internal courtyard that would be created should be included in the calculation, and that the courtyard could be roofed later.
11. The 154(c) exception refers to 'size' and consequently whether an extension is disproportionate is a consideration of factors such as floorspace and volume. The

SPG guidance also considers size given its reference to the increase in 'habitable' floorspace. The internal courtyard that would be formed by the proposal would not, however, create floorspace, or volume. As such, there is no justification to include it in the calculation of the proposed floorspace increase. Furthermore, there is no compelling evidence before me to suggest that, without planning permission, the courtyard could be subsequently roofed, thereby increasing habitable floorspace later. For these reasons I am not persuaded that it should be counted as an addition to the original building. Any subsequent proposal to roof the courtyard would be assessed by the Council on its merits, considering the policies in place at that time.

12. My attention has been drawn to the imposition of a condition removing permitted development rights for extensions and outbuildings. There is, however, nothing before me to suggest that, in doing so, the Inspector was seeking to prevent the formation of a courtyard and that my finding, in this regard, is inconsistent with that decision.
13. I have not been provided with volume calculations for the existing dwelling or for the proposal. Nonetheless, in consideration of the plans, it is evident that the proposal would not represent a disproportionate increase in the volume of the original dwelling.
14. Accordingly, I find that it would not result in disproportionate additions over and above the size of the original building and would meet the exception at Framework paragraph 154(c).
15. In conclusion, the proposal would not be inappropriate development in the Green Belt and would accord with LP Policy WS 1, as well as the Framework and the SPG. Consequently, it should not be regarded as harmful to the openness of the Green Belt. Furthermore, the demonstration of very special circumstances is not required to make the proposed development acceptable.

Character and appearance

16. The appeal site contains a detached bungalow set back from Mill House Lane, which has a loose and sporadic form of development comprised of buildings of varied design and appearance, interspersed by undeveloped spaces.
17. The design and facing materials of the proposal would reflect the host property and would have a subservient appearance that would not aesthetically compete with it. Additionally, it would be located to the rear of the dwelling in an area where, due to the mature hedges and fences that enclose it, very little of the proposal would be visible from outside of the appeal site. Consequently, it would not be prominent or incongruous within the street scene and would not materially diminish the open character of this part of the Green Belt.
18. Accordingly, the proposal would not harm the character and appearance of the host property or the area. It would therefore accord with LP Policy WD 5 which seeks to ensure that residential extensions are appropriate in appearance.

Other Matters

19. I have not been directed to local or national policy which requires an appellant to justify the need for floorspace, and I am not aware of any such policy. Accordingly,

the absence of any case demonstrating that there is a need for the proposed additional accommodation does not weigh against it.

20. For the reasons set out above, I consider that the proposal is acceptable, and I can see no reason why it would set a precedent leading to harmful developments on other sites. Moreover, each case should be assessed on its own merits.

Conditions

21. I have, in the interests of certainty, attached conditions specifying the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR