



Appeal Decision

Site visit made on 20 August 2025

by **Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th September 2025

Appeal Ref: APP/M0655/W/25/3367010

**Land at Warrington Sports Club, Walton Lea Road, Higher Walton,
WARRINGTON, WA4 6SJ**

- 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 Pure Padel Clubs Ltd against the decision of Warrington Borough Council.
 - The application Ref is 2024/01100/FUL.
 - The development proposed is full planning application for the development of x5 padel tennis courts and canopies, associated customer kiosk, outdoor social area, groundsman store, and car and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application by the Council, a revised National Planning Policy Framework (the Framework) has been published. This provides a significant change to Green Belt policy and introduces the concept of Grey Belt. As the Council was relying on their Officer report and had not submitted a separate appeal statement, I invited them to comment on the implications of this policy change for their case. I have taken these comments into account. The appellant addressed this policy change in their submitted statement.

Main Issues

3. The main issues in this case are:
 - Whether the proposal forms inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.
 - The effect of the proposal on the character and appearance of the area
 - Whether sufficient biodiversity net gain has been demonstrated.
 - The effect of lighting on sensitive habitats and protected species.
 - The effect of the proposal on highway safety.

Reasons

4. The appeal site forms part of Warrington Sports Club located to the west of Walton Lea Road, Warrington. The site is roughly rectangular in shape and was last used

as outdoor tennis courts but is now overgrown and disused. North of the site lies bungalows on Old Hall Close and open fields lie to the south, east and west.

5. The site lies within the Green Belt and the former tennis courts are classed as Open Space under Policy DC5 of the Warrington Local Plan.
6. The appeal proposal includes five padel courts, one outdoor court and four courts under two large canopies, together with a customer kiosk and an outdoor social area. The proposed canopies would consist of a lightweight steel frame in dark grey with a translucent canopy cover stretching across four courts with barrel vaults and gables leading to lightweight mesh at the sides. The structure would have a height of approximately 10.4 metres. The entrance to the facility would also be covered by a louvred roof with a section of aluminium veranda. A groundsman's store is also proposed at the far northern edge of the site reached by a new access road with 24 additional parking spaces and cycle parking.

Policy Context

7. The Government attaches great importance to Green Belts. The Framework sets out in paragraphs 154 and 155, a number of exceptions where, if met, a development would not be considered to be inappropriate.
8. Relevant to the appeal case are parts b) and g) of paragraph 154. Part b) includes the provision of appropriate facilities including buildings for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Part g) refers to the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
9. Paragraph 155 states that homes, commercial and other developments in the Green Belt should also not be considered to be inappropriate if four stated criteria, a-d, apply. Paragraph 155 a) introduces the concept of Grey Belt, defined as land in the Green Belt comprising previously developed and or any other land that in either case does not strongly contribute to any of the Green Belt purposes a ,b, and d, set out in paragraph 144 of the Framework.
10. There is disagreement between the parties as to which exception the scheme would meet and whether the proposal forms inappropriate development in the Green Belt. I address this below.

Inappropriate development

11. The Council maintain the proposal forms inappropriate development in the Green Belt in conflict with paragraph 154b) and g) of the Framework. Turning first to paragraph 154b), it is clear that the proposal provides appropriate facilities for outdoor sport. Therefore, the effect on openness must be assessed. The appeal site is defined as open space in the Local Plan, and the site is in existing sport and recreation use with the proposed padel facility replacing existing derelict tennis courts. The proposed canopy with a height of around 10.4 metres, would be a significant structure. I accept that the previous tennis courts would have had fencing around them. However, the proposed canopy would enclose the courts and negatively impact on both the spatial and visual aspects of openness.
12. I acknowledge the findings of the appellant's Landscape and Visual Impact Assessment, that found the effects to be slight overall with moderate impacts from

limited viewpoints. However, whilst this is helpful to assess visual impact, it does not address the spatial impact on openness. Given the above, I find the scheme gains no support from paragraph 154b).

13. Paragraph 154g) refers to previously developed land (pdl). The appeal site was occupied by tennis courts and parking and therefore can be considered to form pdl. In terms of the impact on openness, given the above, I conclude that the proposals would cause substantial harm and therefore it fails to comply with paragraph 154g).
14. It is necessary to also consider whether the proposal complies with paragraph 155 and whether it can be defined as Grey Belt. The Council undertook a Green Belt Assessment in 2016 as part of the evidence base to the Local Plan. The appeal site was assessed as part of a larger site. This determined that the site made a moderate contribution to checking the unrestricted sprawl of large built-up areas, made a weak contribution to preventing towns merging and no contribution to preserving the setting and special character of historic towns. As the site makes no strong contribution to Green Belt purposes a, b or d, it can be considered to form Grey Belt.
15. Paragraph 155a) of the Framework then requires consideration of whether the site would undermine the purposes taken together of the remaining Green Belt across the area of the plan. Green Belt purpose c) seeks to safeguard the countryside from encroachment. Bearing in mind the past use of the appeal site and its location in an existing sport and recreation site, the proposal would not result in encroachment into the countryside. Green Belt purpose e) seeks to assist urban regeneration by encouraging the recycling of derelict and other urban land. If the proposal did not proceed, the site would continue to be part of the Sports and Social Club, and no undeveloped land would be lost. Having regard to the site's characteristics and context, it would not contribute to urban regeneration or the recycling of derelict and other urban land.
16. Given the above, I am satisfied that the proposal would not undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan. The scheme would therefore comply with criterion (a) of paragraph 155.
17. Turning to Paragraph 155b), this requires that there be a demonstrable unmet need for the type of development proposed. I understand that the Council's most recent borough wide Playing Pitch and Outdoor Sports Strategy Assessment Report September 2022, does not assess padel tennis. This is not surprising given that it is an emerging sport. I am advised that the report also refers to the need to protect and enhance the facilities at Warrington Sports Club and recognises the decline of the tennis courts at the Club and recommends investment in alternative provision. Furthermore, the response from Sport England confirms the unsuitability of restoring the tennis courts and supports the proposal.
18. Correspondence from the Lawn Tennis Association sets out their view that there is an unmet need for padel tennis in Warrington. They state that there are currently only two uncovered floodlit courts serving Warrington in Grappenhall. Using their calculation methodology, they estimate a need for 16 courts to serve South Warrington. The appeal scheme would provide 5 new courts, assisting to meet this unmet need. I am therefore satisfied that the proposal meets paragraph 155b).

19. Paragraph 155c) requires the development to be in a sustainable location. There are pedestrian, cycle and public transport routes in close vicinity to the appeal site, thus the site can be considered to be in a sustainable location meeting this requirement. Criterion (d) is not relevant to the appeal proposal as it relates to proposals for housing development in the Green Belt.
20. In summary, the site meets all the criteria in paragraph 155 of the Framework. It therefore forms a Grey Belt site, and the development would not be inappropriate in the Green Belt. The proposal also complies with Local Plan Policy GB1 which reflects national Green Belt policy.

Character and appearance

21. The appeal site forms part of an established sports facility located in a semi-rural area just outside the built-up area of Higher Walton. Walton Lea Road has mature trees and hedgerows along its length giving it a verdant and attractive character. Bearing in mind that there was fencing around the former tennis courts, new fencing around the padel courts would form an expected part of the development, causing limited harm to the character and appearance of the area. The proposed canopies on the other hand would form significant new structures to this part of the site.
22. The submitted Landscape and Visual Impact Assessment concludes that views of the proposal from the wider landscape would be insignificant. The visual impact of the development would therefore be localised. I concur with this overall assessment.
23. The site is well screened when looking from the south due to the presence of the club building itself and by vegetation. When viewed from the west, the existing bank approximately 1.5 metres high, which runs parallel to the appeal site together with existing woodland, would effectively screen the proposal. I accept that the development may be glimpsed in partial views from the Greenway Network and public right of way to the west, but these would be heavily filtered through existing vegetation.
24. To the north of the appeal site lies residential properties on Old Hall Close. Existing fencing and tree cover on this boundary adequately screens the development from this direction.
25. The site has the benefit of a mature hedgerow and tree planting on the eastern boundary along Walton Lea Road. In the main, this provides a good level of screening, but I noted on my site visit that there are gaps between the trees affording views into the site. In the winter months when the leaves have fallen from the trees, a clearer view of the site would be possible. The submitted Landscape Masterplan proposes infilling the gaps in the boundary hedgerow so that an improved level of screening to the proposed facility would be achieved when viewed from the adjacent highway. Additional hedge planting is proposed along the eastern boundary of the courts which would complement the existing screening on the site boundary. Whilst the proposed courts would be partially obscured and views filtered by the boundary vegetation, given the height and overall extent of the proposed canopies, extending approximately 44 metres parallel to the road, the proposal would have an adverse impact on the character and appearance of this rural area.

26. The section of Walton Lea Road adjacent to the appeal site is unlit at night. There is one streetlight immediately north of the site at the edge of the built-up area of Higher Walton. I note that the submitted Lighting Impact Assessment confirms that in terms of the baseline conditions, the site should be considered to fall within a rural area. The definition of this includes a relatively dark outer suburban area, as in this case.
27. The existing trees and vegetation along the eastern site boundary would be unable to adequately screen a facility of the scale and illumination proposed. During the evening when the courts would be lit, the facility would be visually prominent to motorists and pedestrians using the road. I understand that the former tennis courts on the site location were not illuminated.
28. I acknowledge that there is lighting to the Sports Club building and the existing car parking area, however this would be of a lower level of illumination than that required for playing padel tennis. I have also had regard to the fact that the canopy structures would help to reduce light spillage thereby minimising off site illumination. However, having regard to the relatively dark nature of the location, I find that the proposal would, particularly in the evening, form a visually intrusive development in a predominantly countryside area, causing significant harm to its character and appearance.
29. The proposal would therefore conflict with Policy DC6 of Warrington Local Plan which seeks to achieve good design, respecting, sustaining and making a positive contribution to local character and distinctiveness

Biodiversity Net Gain (BNG)

30. At the time of the original planning application, the Council were concerned that the mandatory 10% BNG may not be achieved as the submitted assessment was based on an earlier version of the landscaping plan. An updated BNG report and metric accompanies the appeal submission aligned with the final Landscape Masterplan.
31. This demonstrates that on site gain of more than 33% in habitat units and a 100% gain in hedgerow units can be achieved.
32. Given the above, I am satisfied that the scheme would provide more than adequate BNG in compliance with legislation and Policy DC4 of the Local Plan, which amongst other things seeks to secure a measurable net gain in biodiversity.

Lighting

33. The proposed lighting to the padel courts has the potential to cause harm through light spillage to woodland habitats on the eastern boundary of the appeal site. The originally submitted lighting assessment showed the area of trees subject to a light level of 10 lux. This could cause disturbance to nocturnal mammals such as bats roosting or foraging in the woodland.
34. I understand that a revised planning application has been submitted to the Council excluding the proposed canopies. This is accompanied by a revised lighting strategy incorporating a range of mitigation measures in line with the recommendations of the originally submitted Preliminary Ecological Appraisal.

35. The mitigation measures include the provision of back shields and cowls to the lighting columns, the provision of a 5-metre-high barrier between the padel courts and adjacent trees as well as court lighting being designed to 300 lux with a uniformity level of 0.7. The accompanying light spill assessment demonstrates that with the above measures, there would be no light spillage to the existing tree cover on the eastern boundary.
36. Accordingly, I find that the appeal scheme would not cause harm to sensitive habitats or protected species. The proposal would comply with Policy DC4 of the Warrington Local Plan which aims to protect, conserve, and restore biodiversity.

Highway safety

37. Access to the proposed development would be through the existing site access off Walton Lea Road. The scheme includes the provision of 24 new parking spaces including two disabled spaces. Minor modifications are proposed at the site access to reduce vegetation and relocate signs to meet visibility requirements. Cycle parking stands would also be provided.
38. The Transport Statement accompanying the appeal submission indicates that at a maximum, the proposal would generate an additional 20 vehicles on a weekend morning. In terms of overall parking demand at the Sports Club, the Statement estimates a peak maximum demand of 59 parking spaces. The proposed additional 24 spaces would adequately provide for increased demand as a result of the development and compensate for informal spaces to be lost.
39. A number of residents have raised concern about the increase in traffic on Whitefield and Walton Lea Road as well as the speed of vehicles. Taking account of the likely increase in traffic from the appeal scheme, which is relatively low, I am satisfied that the proposal would not cause highway safety or capacity issues. In terms of vehicle speeds, Walton Lea Road has a 30mph speed limit. The appellant's Transport Statement found that average speeds north and southbound were below 30 mph. Whilst of course some vehicles may travel at a speed greater than the average, I am not persuaded that there are any significant adverse highway issues resulting from the development.
40. In summary, the proposal would not have an unacceptable impact on the highway network and cause no harm to highway safety. The scheme therefore complies with Policy INF1 of the Warrington Local Plan which, amongst other things, seeks to improve the safety and efficiency of the transport network and tackle congestion.

Conclusion

41. I have found that the appeal proposal would not be inappropriate development in the Green Belt, that the proposal provides adequate BNG, the proposed lighting scheme is acceptable to protect sensitive habitats and protected species, and no highways safety issues arise. However, I have found that the appeal proposal would cause significant harm to the character and appearance of the area. This harm is not outweighed by the positive aspects of the scheme.
42. The proposal would therefore conflict with the development plan, and the material considerations in this case do not indicate that a decision should be made other than in accordance with it.

43. For the reasons given and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR