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## Appeal Decision

Site visit made on 3 February 2026

**by Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 March 2026**

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**Appeal Ref: APP/M0655/W/25/3376044**

**217 Knutsford Road, Grappenhall and Thelwall, Warrington WA4 2TX**

- 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 and Mrs Burhani against the decision of Warrington Borough Council.
  - The application Ref is 2025/00666/FUL.
  - The development proposed is erection of 1no. new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on highway safety;
  - Whether appropriate living conditions would be provided for the future occupiers of the proposed development, with particular regard to noise and disturbance;
  - Whether the requirements of Biodiversity Net Gain (BNG) are relevant to the proposed development and, if so, whether such requirements are met; and
  - The effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Highway safety*

3. The proposed development would share an existing gated access with 217 Knutsford Road (No 217). The access is off the A50, which the Council states is subject to high vehicular movements, as was reflected by my observations on site and is not disputed by the appellant. Two parking spaces are proposed for the new dwelling, and two spaces would be retained for the existing. The main parties agree that this accords with adopted parking standards.
4. It is common ground that the standard width for a shared driveway is 4.5 metres (m) for up to 5 dwellings. At approximately 4m wide, the existing access does not accord with that standard.
5. The swept path analysis provided in support of the appeal shows that manoeuvring into and out of the parking spaces for No 217 would require vehicles

to cross onto the line taken by those moving in the opposing direction. I accept that it would be unlikely that this would be a frequent occurrence, even during peak periods. Nonetheless, should a vehicle have to stop on the public highway to enable another to exit the site, it would disrupt the free flow of traffic on the A50. Such a conflict would be prejudicial to highway safety. For such reasons I am not persuaded that the shared access would be acceptable and the use of the parking spaces for No 217 would be safe.

6. The position of the access gate directly adjacent to the pavement results in any vehicle entering the site having to wait in the carriageway whilst the gates are opened. I acknowledge that this already takes place in connection with the occupation of No 217, however the introduction of a second dwelling served by the same access would double the number of such occurrences. Accordingly, the position of the gate would also likely result in conflict with other users of the A50 for the same reasons outlined above.
7. Whilst, due to the limited scale of the proposed development, its residual cumulative impacts on the road network would not be severe, I find that it would, for the foregoing reasons, have an unacceptable impact on highway safety. It would therefore conflict with paragraph 116 of the National Planning Policy Framework (the Framework).
8. A planning condition could be imposed that would require the gates to be moved to a position where a vehicle could pull clear of the highway whilst the gates are closed. However, this would result in a significant proportion of the internal turning space being lost and rendered unusable. This is likely to result in reversing manoeuvres onto the A50 which would be unsafe for the reasons I have already identified. Furthermore, should the occupants of the proposed or existing dwelling own more than two cars, or have visitors, the accommodation of such additional vehicles on site would restrict manoeuvring space leading to the same highway safety concerns.
9. There is nothing before me to suggest that the required visibility splays could not be secured through the imposition of an appropriately worded planning condition. This does not, however, alter my findings above.
10. Consequently, I conclude that the development would have an unacceptable effect on highway safety and would conflict with Policy ENV8 of the Warrington Local Plan (LP), adopted December 2023, which, amongst other things, seeks to avoid adverse impacts on highway safety.
11. The House Extensions Supplementary Planning Document, June 2021, has also been referenced in the second reason for refusal relating to highway safety. However, as the proposed development is not an extension, the SPD is not relevant to this main issue.

### *Living conditions*

12. The evidence before me is that the appeal site is located within a noise mapped area where noise levels are indicated as being up to 70dB in the daytime and 65dB at nighttime. The appeal site is also adjacent to a Noise Important Area for Planning, declared based on it being in the top 1% of the noisiest residential locations in England. As highlighted by the Council's Environmental Protection Officer (EPO) this creates a challenging acoustic environment. Consequently,

significant mitigation would be necessary to ensure that the future occupants of the proposed development are not adversely affected by noise and disturbance from traffic movements.

13. There is agreement between the main parties that internally the proposed development could be acoustically attenuated to acceptable levels. There is nothing before me that would lead me to conclude differently. I am satisfied, therefore, that subject to the imposition of a suitably worded condition to secure appropriate mitigation measures within the fabric of the building, noise would not have an adverse impact on the living conditions experienced within the dwellings.
14. The EPO, however, advises that it is expected that noise levels in the private garden area of the proposed dwelling would be at least 10dB above the minimum upper noise level limit, and that this would suggest that acoustic fencing would be required. In the absence of technical evidence that demonstrates otherwise, I consider that there is a reasonable possibility that any acoustic boundary treatment around the private garden area would need to be higher than the typical height of 2 metres (m) if the noise level experienced within it is to be reduced to an acceptable level.
15. Whilst, by my judgement, a suitable acoustic boundary treatment could be secured through the imposition of a planning condition, it could well be of a height that would have a significant enclosing and dominating effect. As such, without evidence to the contrary, I am not satisfied that the enjoyment of the proposed garden would not be adversely and unacceptably affected by traffic noise, or by the necessary mitigation measures.
16. I find, therefore, that it has not been demonstrated that satisfactory living conditions would be achieved for the future occupiers of the proposed development, due to noise and disturbance that would be experienced in the private garden area. It would conflict with LP Policy ENV8 which, amongst other things, requires noise sensitive end user developments that are near to busy roads to demonstrate that appropriate mitigation can be employed.

### **BNG**

17. It is common ground that a self-build dwelling is exempt from mandatory BNG requirements. However, to qualify for such an exemption, the relevant legislation<sup>1</sup> requires that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. To satisfy the legislation, this is a matter that reasonably needs to be controlled.
18. The appellant has provided, with the appeal, a signed Unilateral Undertaking, made pursuant to section 106 of the Town and Country Planning Act 1990 (the UU). The Council points out that not all parties that have a legal interest in the appeal site are signatories to the executed UU. This could lead to the planning permission being implemented by a successor in title that is not bound by the planning obligation and would not, therefore, fully secure the development as a self-build project. Consequently, I attach no weight to the UU in my determination of the appeal.

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<sup>1</sup> The Self-Build and Custom Housebuilding Act 2015

19. The Council has stated that to address the identified issue it could forward a template obligation for the appellant to complete. However, as set out above, I have other significant concerns in respect of the proposed development and do not consider that it is necessary to allow time for a revised UU to be executed.
20. I have considered the imposition of a condition to secure that the proposed development as a self-build dwelling. Nevertheless, no such condition has been put before me, and I can think of no wording which would satisfactorily secure a self-build dwelling and would meet the tests for the imposition of a condition set out within the Framework.
21. For the foregoing reasons, I am not satisfied that a self-build dwelling would be secured. Consequently, I cannot conclude that the proposed development is exempt from the mandatory BNG. It is therefore necessary to demonstrate that the development would deliver a BNG of at least 10%<sup>2</sup>.
22. Developments subject to the mandatory BNG are required to meet the minimum information set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes information demonstrating the pre-development biodiversity value of the site and a completed metric calculation. Such information is not before me.
23. Therefore, from the evidence before me, it is not clear that an adequate baseline has been set out to establish the pre-development onsite habitat and what constitutes a 10% increase in biodiversity value cannot be determined. Given these uncertainties around the baseline, this is not a matter that can be resolved through the standard biodiversity gain condition as there is no indication that it is capable of being successfully discharged. In addition to ambiguity in relation to whether the biodiversity gain objectives would be achievable, it is also not obvious whether the scheme would deliver a net gain in biodiversity as required by the development plan.
24. In conclusion, the current baseline biodiversity value of the site is not clear and so I have taken a precautionary approach. The requirements of BNG are relevant to the proposed development, as there is no mechanism before me to secure a self-build dwelling, and it has not been demonstrated they could be met, nor has it been determined that a net gain in biodiversity would be delivered.

### *Character and appearance*

25. The appeal site forms part of the garden to an existing dwelling located on the edge of an urban area where development is low density. The dwellings near to the site are of varied size, design and appearance, and are largely set back from the road.
26. No 217 is part of a pair of two storey, pitched roofed, semi-detached dwellings which, in part, extend to the back of the pavement. The front elevation of the proposed dwelling would be broadly in line with the rear elevation of the pair and, as such, would not be consistent with their position relative to the road. Nonetheless, it would reflect the irregular pattern of development along this part of the A50. Furthermore, its scale and massing, and use of render, would be in keeping with the adjoining semi-detached dwellings and its surroundings.

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<sup>2</sup> Scheduled 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

27. The proposed dwelling would have a varied roof form, incorporating several different roof types. In addition, the elevation facing towards the A50 would contain few openings. However, there is articulation and decorative features ensuring that it would not appear as a blank elevation, and it would be set back from the highway, in a position where it would not be prominent in the street scene. In the context of a varied streetscape, and in the absence of any other identified concerns regarding character and appearance, the proposed development would not appear discordant or harmful to the local character.
28. For the above reasons, the proposed development would not harm the character and appearance of the area. Consequently, it would comply with LP Policy DC6 which seeks development that is of good design. It would also accord with the similar aims of the Warrington Design Guide SPD, July 2024.

### **Other Matters**

29. I note the concerns expressed about the Council's handling of the planning application. However, such matters are not relevant to my findings on the planning merits of the scheme and, therefore, fall outside of the remit of this decision.

### **Conclusion**

30. Whilst I have found that the proposed development would not harm the character and appearance of the area, this would not outweigh the unacceptable effect it would have on highway safety, and the inadequate living conditions for its occupants, that I have identified. In addition, it would not justify a development that does not meet the requirements of BNG. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the harm that I have identified and associated development plan conflict.
31. I conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR