



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

Appeal Ref: APP/M0655/W/25/3374731

Finger Post Farm, Burtonwood Road, Warrington WA5 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by S Artess against the decision of Warrington Borough Council.
 - The application Ref is 2025/00647/VARC.
 - The application sought planning permission for change of use of barn to office without complying with a condition attached to planning permission Ref 2022/42493, dated 1 September 2023.
 - The condition in dispute is No 8 which states that:
The development hereby approved shall be solely occupied by the business/businesses of the named applicant S Artess and shall be restricted to office uses falling within (g) i of Use Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument, amendment or re-enacting of that Order, without the prior approval of the Council.
 - The reason given for the condition is:
For the avoidance of doubt and to prevent a departure from the specific office use hereby permitted and which could affect the Green Belt and countryside setting or the residential amenity of neighbouring occupiers and in the interests of controlling office floorspace within the Borough in accordance with Policy CS5, PV5 and QE6 of the Warrington Core Strategy and National Planning Policy Framework.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of barn to office at Finger Post Farm, Burtonwood Road, Warrington WA5 4DG in accordance with the application Ref 2025/00647/VARC, without compliance with condition number 8 previously imposed on planning permission Ref 2022/42493 dated 1 September 2023 and subject to the conditions identified in the attached Schedule.

Preliminary Matters, Background and Main Issue

2. I am aware that the Warrington Core Strategy, the relevant policies of which were referenced within the Council's decision notice, has now been superseded and no longer forms part of the development plan. I have not therefore relied upon those policies in my decision.
3. When granting the original permission, the Council imposed Condition 8 as it considered that the use, if operated otherwise than specified, would be harmful to the Green Belt, countryside setting, and the residential amenity of neighbouring occupiers, and to control office floorspace. However, the reason that the Council has given for its decision to refuse the application to vary that condition, which is now the subject of this appeal, makes no reference to the Green Belt, the

countryside or to residential amenity. Accordingly, based on the evidence before me, the main issue is whether the condition is necessary and reasonable having regard to the location of the site outside of an existing Employment Area and the Town Centre.

Reasons

4. The appeal site comprises a two-storey barn and associated land, on a plot that adjoins Finger Post Farmhouse. It is situated in the Green Belt close to a large employment site, Omega, that is positioned either side of the M62 motorway.
5. Policy DEV4 of the Warrington Local Plan (LP), adopted December 2023, seeks to direct employment development to the Town Centre and existing/allocated Employment Areas, which includes Omega. To achieve this, the policy requires that all proposals for E class (office) development that are outside of existing identified employment office areas will need to be justified, by reference to sequential testing and market appraisal, to determine that the development could not be appropriately located on a more accessible central site within or close to the Town Centre.
6. The appeal site is outside of the Town Centre and is not in an identified employment area. However, the findings of a sequential assessment supporting the original application was accepted by the Council at that time. In doing so, it concluded that there were no other more sequentially preferable locations that would meet the specific business needs of the appellant.
7. The application to vary the condition, which is the subject of this appeal, was not supported by a new sequential assessment. The appellant, however, maintains that it remains the intention to use the office space in connection with his business, and I have seen no evidence that suggests otherwise. As such it is reasonable to consider that the conclusions of the sequential assessment remain valid and that a further one is not required in support of the appeal proposal. I note that the Council does not suggest otherwise.
8. The requirements of LP Policy DEV4, that the proposed use is justified by reference to sequential testing, has therefore been met. The policy does not go on to require that a restriction, such as that set out in Condition 8, must then be imposed to ensure the use is only operated in connection with the business upon which the supporting sequential assessment was based. As such, it is my judgement that LP Policy DEV4 does not provide a clear reason for imposing such a restriction. Moreover, the imposition of such a condition is contrary to Planning Practice Guidance (PPG) which indicates that planning permission usually runs with the land, and it is rarely appropriate to provide otherwise.
9. Even if the office was not used by the appellant, it could be occupied by another business that would provide employment in this rural location. It would, therefore, support the rural economy and, thus, be broadly consistent with the aims of the National Planning Policy Framework (the Framework). I also note that the appeal site is close to bus stops that serve Omega Employment Area, and that Burtonwood village can be accessed using a dedicated separate foot and bicycle lane, providing viable options to access more sustainable modes of transport from the site. I therefore consider that the site is in a reasonably accessible location and that an unrestricted office use at the appeal site gains support from paragraphs 88 and 89 of the Framework.

10. For such reasons, and based on the evidence before me, I am satisfied that the proposed office use in this location is not justified on planning grounds solely because of who benefits from the permission.
11. Accordingly, I conclude that the restriction to the business/businesses of the named applicant is not necessary and reasonable due to the location of the appeal site outside of an existing Employment Area and the Town Centre, and its removal would not result in conflict with LP Policy DEV4. As such, I will vary the condition as proposed by omitting that restriction.

Conditions

12. Considering my findings, I have varied the wording of condition 8 by omitting the words 'shall be solely occupied by the business/businesses of the named applicant S Artess and'.
13. The PPG advises that where an application under section 73 of the Act is granted, the planning permission should also repeat the relevant conditions from the original planning permission unless they have already been discharged. I have not been presented with the Council's confirmation that conditions of the planning permission have been discharged. I have therefore imposed all of the conditions from the original planning permission as I consider that they remain relevant. If some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal is allowed, and a new planning permission is granted.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in accordance with the following documents:
(a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 17/10/2022 and the 30/08/2023. (b) Submitted drawing No's; 1938 PL 001 Location Plan, 1938 PL 002C Existing Site Plan Rev C, 1938 PL 003C Proposed Site Plan Rev C, 1938 PL 004 Rev B Proposed Barn Plans, 1938 PL 005 Proposed Barn Roof Plan, 1938 PL006 Rev B Proposed Barn Elevations sheet 1. Supporting Information 1938 BA001 Design & Access Statement inc Green Belt Impact Assessment, Previously Approved Plans 2018 32455 Proposed Site Layout, Previously Approved Plans 2018 32455 Proposed Site Entrance Gates, Previously Approved Plans 2018 32455 Proposed Detached Garage, Previously Approved Plans 2018 32455 Proposed Barn Conversion plans, elevations and sections, Previously Approved Plans 2018 32455 Existing Barn Arrangement, 1938 BA003 Sequential Assessment.

- 2) All materials to be used in the approved scheme shall be as stated on the application form and materials schedule included on approved drawing Proposed Barn Elevations Rev B Sheet 1 and shall not be varied without the prior written approval of the local planning authority. Openings will be of timber double glazed construction and finished in grey colour, as will fascia and rainwater goods.
- 3) Prior to the first occupation of the offices hereby approved: the approved access to/ from Joy Lane shall be laid out in accordance with the approved plans, and the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details shown on the approved drawings, the parking and servicing areas shall be retained as such for the lifetime of the development.
- 4) Cycle Parking Prior to first occupation full details for the proposed cycle storage should be submitted for approval by the local planning authority and the agreed provision made available. The approved cycle parking should be retained as such thereafter.
- 5) Prior to first occupation full details of the proposed scheme for the provision of electric vehicle charging points, shall be submitted to and agreed in writing with the Local Planning Authority and provided on site. The approved provisions should be retained as such thereafter.
- 6) Apart from the development hereby approved no internal alterations shall be carried out to the building to increase the gross internal floor area of the development, including the introduction of mezzanine floors.
- 7) The development hereby approved shall be restricted to office uses falling within (g) i of Use Class E of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument, amendment or re-enacting of that Order, without the prior approval of the Council.
- 8) The approved landscaping scheme as shown on the approved plan 1 938 PL 003C Proposed Site Plan Rev C shall be implemented during the first planting season following the first occupation of development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.