
Appeal Decision

Site visit made on 17 October 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/W4325/W/16/3152700

Higher Farm, Roman Road, Prenton, Wirral CH43 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dave Beecham against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/15/01496, dated 20 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is construction of granny annex, stables, manege and barn – re-submission of APP/15/00738.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for this appeal are:
 - the effect of the proposal on the openness of the Green Belt and whether or not the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The effect of the proposal on the openness of the Green Belt and whether or not it would be inappropriate development in the Green Belt

3. The appeal site and Higher Farm are in the Merseyside Green Belt. The appeal site adjoins the rear of houses, a public house on Prenton Dell Road and the rear garden of Higher Farm. There are some dwellings to the east along Roman Road, which is a bridleway, and stables and a manege adjoin the appeal site. There are recreational facilities to the south and west. The area behind the houses is generally open with the exception of lights and fencing at the golf course, and some temporary stables in the field beyond the appeal site.
 4. Policy GB2 of the Wirral Unitary Development Plan 2000 (the UDP) seeks to protect the Green Belt from inappropriate development. In this respect it broadly conforms to the principles of the Framework which seek to prevent urban sprawl by keeping land permanently open. The Framework regards the
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construction of new buildings as inappropriate in the Green Belt with some exceptions set out in Paragraph 89.

5. Residential annexes are not specified as exceptions for the purposes of Green Belt policy. The proposed granny annex would be beyond the curtilage of Higher Farm and I conclude that it would be inappropriate development in the Green Belt. Openness can be regarded as the absence of built development. The proposed building would have two bedrooms and a separate kitchen/lounge. It would be L shaped and the outside walls would be some 15.5m by 16.5m. Due to its size and position, even with a green flat roof, it would extend the built up area into a field adversely affecting the openness of the Green Belt. This would be the case even though it would be positioned close to a boundary fence with the neighbouring property.
6. There is evidence that tipping may have taken place on the appeal site and adjoining land in the past and that there may have been equestrian activity on the land prior to that. The land has been restored and is a now a rough grassed field. It would therefore not fall within the definition of previously developed land as defined in the Framework.
7. The exceptions set out in Paragraph 89 include facilities for outdoor recreation as long as the openness of the Green Belt is preserved and the proposals do not conflict with the purposes of including land within it. The proposed stables would provide shelter for the eight horses owned by the appellant and his family. They would be arranged in an L shape of blocks of eight and four. The longest block would be some 39m long and would be parallel to the northern boundary of the site and some 55m from it. The buildings would be of a traditional stable design but, due to their number, size and position they would extend the built up area into the field and would detract from the openness of the Green Belt.
8. The barn would be used for storage related to caring for the horses and for the land. It would be L shaped and sited some 10m from the northern boundary of the site. It would be some 40m long and about 5m high. Although sited less obtrusively than the stables, due to its size and height, it would extend built development into the field and detract from the openness of the Green Belt.
9. The proposed development would not be within an established residential curtilage but is described by the appellant as "required for a purpose incidental to the enjoyment of the dwelling house". Policy AG8 of the UDP provides for livery stables or commercial equestrian accommodation and has some relevance in that the proposed structures are similar to those which would be required for a commercial livery. Policy AG8(ii) requires that buildings should not be visually intrusive in terms of scale, siting and design. The stables and barn would be of a suitable design but due to the size, position and numbers of buildings they would be visually intrusive and would therefore not conform with Policy AG8(ii).
10. The proposed manege could constitute an appropriate facility for outdoor sport and recreation. The proposal would introduce additional fencing, but an appropriate design could minimise the effect on the openness of the Green Belt and the purposes of including land within it. I therefore conclude that this aspect of the proposal would not be inappropriate development in the Green Belt. However, I have seen no evidence to suggest that the appellant would wish to provide a manege in the proposed location separately from the other

parts of the proposal and accordingly I will consider the development as a whole for the purposes of this appeal.

11. The proposed buildings would extend the built up area and have an adverse impact on the openness of the countryside. For the above reasons I conclude that the proposed development would amount to inappropriate development in the Green Belt and would have an adverse impact on its openness. It would conflict with the purposes of including land within the Green Belt and with development plan and national policy as set out in the Framework. I give this great weight in my considerations.
12. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Other considerations

13. I acknowledge the personal circumstances of the appellant and his family. The proposed granny annex would enable the appellant's father to live semi-independently nearby and receive care and attention from the family which could lead to savings to the Council and the National Health Service. I also acknowledge that the appellant would accept a condition that would restrict its occupancy. However, there may be other ways in which suitable accommodation could be provided. Moreover, as set out in the Planning Policy Guidance a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building¹. Therefore I give these circumstances limited weight in favour of the proposal.
14. The appellant considers the most efficient and effective way to care for his horses would be on land he owns adjacent to his home reducing reliance on facilities elsewhere which may provide unsatisfactory care or that may become unavailable, such as land at Fender Farm, Moreton which is allocated for residential development under Policy AG9 of the UDP. This would also enable monitoring as envisaged by Policy AG8(i) of the UDP reducing the need to travel by vehicle to stables elsewhere. This weighs in favour of the proposals but there may be other ways in which these benefits could be achieved that would more closely accord with planning policy. The beneficial use of the land for grazing would also have some value to the rural area in character with other nearby equestrian activities. Together I give these matters some weight in favour of the proposals.
15. Whether or not equestrian activity took place in the past prior to some intervening use(s), no buildings from that time remain. I therefore give no weight to whether or not the current proposals have a greater or lesser impact on the openness of the Green Belt than structures that do not exist at present.
16. Trees and hedges would screen the proposed development from the nearest houses and from most public view points. Whilst this weighs in favour of the proposals openness does not equate to visibility and I give this limited weight.

¹ Paragraph: 015 Reference ID: 21a-015-20140306

Other Matters

17. There have been no objections raised by nearby residents. However, there are many reasons why comments are not made on planning applications and the lack of submitted objections in itself is not a material planning consideration for the purposes of this appeal. This therefore carries little weight in my considerations.
18. The appeal proposal is a re-submission in an attempt to overcome an earlier refusal of planning permission. The appellant has expressed dissatisfaction with the way in which the planning application was handled by the Council and a willingness to consider further revisions if necessary. However, I must consider the appeal on the basis of the evidence before me. The actions of the Council or whether the scheme is a redesign are not material considerations that lead me to any different conclusions.

Conclusion

19. I have concluded that the proposed development as a whole would be inappropriate development in the Green Belt for the purposes of national and development plan policy which, by definition, would be harmful and I have given this great weight. The scheme would also have an adverse impact on the openness and rural character of the area which would conflict with Policies GB2 and AG8(ii) of the UDP and the Framework and which counts significantly against the proposal.
20. As explained above I have given limited weight to the other considerations cited in support of the proposal. I conclude that, taken together, they do not clearly outweigh the harm that would be caused by reason of inappropriateness in the Green Belt or the effect on the character and appearance of the area. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
21. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should not succeed.

SDHarley

Inspector