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## Appeal Decision

Site visit made on 7 November 2016

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 30 November 2016**

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**Appeal Ref: APP/W4325/W/16/3157191**

**8A Deeside Caravan Park, Broad Lane, Heswall, Wirral CH60 9LE**

- 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 Hill Enterprises against the decision of Wirral Metropolitan Borough Council.
  - The application Ref APP/15/01660, dated 18 December 2015, was refused by notice dated 4 March 2016.
  - The development proposed is the creation of a warden's unit and access road to serve Deeside Caravan Park. The proposed unit would be a Pemberton Glenluce model, 13ft x 39ft.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposed development is inappropriate development in the Green Belt;
  - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
  - 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.

### Reasons

#### *Inappropriate development*

3. Paragraph 90 of the National Planning Policy Framework (the Framework) explains that engineering operations are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. It has been held in a previous appeal decision<sup>1</sup> relating to this site that the creation of the access road would constitute an engineering operation. I have no reason to disagree with the findings of this decision, subject to consideration of the effect

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<sup>1</sup> Appeal Decision Ref: APP/W4325/A/14/2214379

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of the access road on the openness and purposes of the Green Belt which shall determine whether or not the development is inappropriate.

4. Paragraph 89 of the Framework lists a number of exceptions to the construction of new buildings as being inappropriate in the Green Belt. With regard to the warden's unit, the appellant points to the last exception which is the *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
5. Evidence provided by the appellant indicates that the site contains structures and an access track leading from Banks Road. However the land within the appeal site was overgrown with scrub. It very much appears that any structures or other development had been cleared and I note the findings of the aforementioned appeal decision in 2014 that concludes the site is not previously developed land. I also note, as a result of enforcement appeal decisions<sup>2</sup>, the unauthorised development that took place in 2010 has been removed from site. Based on my observations on site, I do not disagree with those conclusions, nor do I consider circumstances have changed in the meantime. My findings do need to be based on the current situation rather than any historic development that populated the site.
6. Consequently, the proposed warden's cabin does not fall into any of the exceptions listed in paragraph 89 of the Framework. I therefore conclude that it is inappropriate development in the Green Belt and it is also contrary to Policy GB2 of the Wirral Unitary Development Plan (UDP) which covers similar matters. Given the proposal represents inappropriate development, it follows that the proposal conflicts with Policy GB10 of the UDP as this deals with what it terms "appropriate development" in the Green Belt. Paragraph 87 sets out that, by definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm, and 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.

#### *Openness and Purposes of the Green Belt*

7. The Framework also sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The site is enclosed on either side by close boarded fences. The Banks Road frontage was at one time enclosed by Heras style fencing, albeit this has now been pulled down. The adjacent residential property at Bren Aud, has a low sandstone wall and tall leylandii hedge abutting the site. The proposed low boundary wall would mimic the boundary of Bren Aud. It would usually be permitted development not requiring planning permission. The wall would not result in a material loss of openness in the Green Belt and it would not conflict with any of the purposes of including land in the Green Belt.

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<sup>2</sup> Appeal Decision Refs: APP/W4325/C/10/2141274, 2141275, 2141276 & 2141277

9. A roadway would lead from Banks Road through the site and into the land beyond. The roadway would be roughly 5 metres wide and extend alongside the rear gardens of properties on The Moorings. Whilst the roadway would abut the residential boundaries and the timber fence that encloses the land, the current vegetated land would be covered in an expanse of hardsurfacing that would extend roughly 140 metres across the full length of the site. The roadway would be used by vehicles to enter and leave the caravan park.
10. On this basis, even though the majority of the site would remain grassed, I conclude that the roadway would not preserve the openness of the Green Belt and it would not safeguard the countryside from encroachment. I concur with the 2014 appeal decision that the effects of this would be moderate given the fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. Nevertheless, this is a Green Belt harm that means the roadway would be inappropriate development in the Green Belt. As Policy GB2 of the UDP does not contain any reference to engineering operations, I have therefore used the Green Belt policies in the Framework.
11. The warden's unit would be sited at the north of the site near to the two storey dwellings on Mostyn Avenue. The unit would be sited on slightly elevated land that is overgrown by vegetation. Whilst it would not be widely visible, it would be clearly noticeable when viewed from the site frontage on Banks Road. Banks Road is used by a number of different receptors who would be able to see the reasonably large unit within the landscape. I recognise the unit would be set against the backdrop of the nearby dwellings, but I conclude that it would result in a significant loss of openness and encroachment into the countryside, leading to conflict with paragraph 79 of the Framework and UDP Policy GB2.

#### *Other Considerations*

12. Notwithstanding my findings regarding UDP Policy GB10, to promote sustainable development paragraph 55 of the Framework seeks to "*avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside.*"
13. The Framework does not provide any guidance on what constitutes an essential need, but both parties have referred to criteria<sup>3</sup> that no longer feature in the Framework. However, it appears to me that in order to determine whether a need is both essential and permanent it is necessary to establish whether there is a physical need for someone to be on the site most of the time and also whether the operation itself has reasonable long term prospects. I see no reason to discount these tests as useful aids in seeking to establish whether or not the warden's cabin can be justified.
14. The proposed cabin would be the residence of a warden employed at the caravan park to oversee the smooth running of the caravan park, to provide on-site security and to deal with customer's queries. The appellant recognises the caravan park has not been operating in recent years. Based on my observations on site, there is little reason to dispute this point.

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<sup>3</sup> PPS7: Sustainable Development in Rural Areas, Annex A – now superseded by the Framework and the Planning Practice Guidance

15. I accept there would be security benefits in having a continual presence on the site. However, I am not persuaded that a case has been sufficiently established to justify the need for the warden's unit in this regard, given the caravan park is not actively operating.
16. Of the remaining tasks, it is not clear that these require a day and night presence at the site. The vast majority of arrivals or departures and queries relating to the site's operation would be during daytime hours. There will be instances during evening hours when these occur and whilst it might be both desirable and more convenient for a warden to be on the site, whether this is in a permanent or temporary dwelling, I am not satisfied that it is essential.
17. Alternative accommodation in the local area has yielded results that suggest properties in the immediate area are either too large or too expensive. I have no reason to arrive at a different conclusion. Even so, the Council articulate that the warden's unit could be accommodated on the caravan park itself which is previously developed land. Although the appellant disputes this on the basis that it would reduce the economic contribution of visitors to the local economy, I am not persuaded that positioning the warden's unit on the adjacent land would result in the occupation of a pitch or that the loss to the local economy would be that significant.
18. It appears that the future of the caravan park is at a juncture, whereby the warden's unit is deemed necessary, but given that the caravan park is not operating, it is extremely difficult to prove that it is operating on any form of sound financial basis or what the situation may be like if it were. This is a point the appellant recognises. Although the unit would not be a typical dwelling, regardless of whether it is a permanent or temporary development, in light of no financial evidence, I conclude that the caravan park is not on a sound financial footing and that there is likelihood of it remaining so.
19. Overall, whilst I accept there would be some benefit to the caravan park in having a warden living on site, I consider that an essential and permanent need for it has not been established. Accordingly, the requirements of paragraph 55 of the Framework are not met. I therefore attach limited weight to the need claimed for the unit within my overall assessment of the proposal.
20. The existing access to the caravan park and the approach from Broad Lane does not meet modern day highway design standards. Broad Lane narrows away from its junction with Banks Road which leads to vehicles relying upon verges either side of the access. Visibility at the junction and along Broad Lane is restricted and given the width of the access, potential exists for conflict between vehicles and pedestrians.
21. Banks Road is wider than Broad Lane and it is used by residential dwellings and traffic accessing the car park, restaurant and boat yard. The number of vehicles using Banks Road is therefore likely to be higher. Banks Road is relatively straight and does offer good forward visibility of oncoming road users, although there are no footways. Although it would be more difficult for vehicles to pass one another when a bus or lorry mounted horse box uses the road, for the majority of the time most road users can safely pass. The proposed access would be close to The Moorings where the speed of traffic is not high and the site has an adequate visibility in either direction.

22. There are aspects of the Banks Road access that offer better highway safety conditions, notwithstanding residents' concerns. However, the appellant's analysis does not evaluate the number of movements undertaken by road users on either access. Therefore, I am unable to conclude that one is clearly safer over the other, as both accesses are used by a variety of road users. In light of this, I attach a moderate weight to the highway evidence.
23. Even though the appellant considers the Links View Caravan Park to be a comparable case, I do not share this view. The circumstances put forward in that case are not directly comparable to the appeal scheme and in any event the sites are located in geographically different parts of the peninsula.
24. Although a permanent permission has been applied for, the appellant refers to the benefits that a temporary permission would bring to allow the business to establish if it is viable or not. Given the extent of current operations on the caravan park, I am not persuaded that there is a reasonable likelihood that the appellant will be in a position to show it is viable in three years. In any event, I have not been provided with details that demonstrate what would happen to the roadway or the cabin at the end of the temporary period.

### **Conclusion**

25. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although the two aspects of the scheme have varying degrees of harm in respect of their effect on the openness of the Green Belt, the warden's unit would not safeguard the countryside from encroachment. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. My analysis leads me to attach a limited weight to any previous structures that existed on the land, a moderate weight to highway benefits and a limited weight to there being an essential need. The substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
27. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR