
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: 5 December 2016

Appeal Ref: APP/W4325/W/16/3151915

Barnstondale Cottage, 111 Barnston Road, Barnston, Wirral CH61 1BR

- 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 Mrs Robyn Roberts against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00325, dated 29 February 2016, was refused by notice dated 2 June 2016.
 - The development proposed is we wish to obtain planning permission and a residential status on our stable block. We would like to use the full footprint of the current building to create a 2 storey 3 bedroom property no bigger than the current site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the appellant is willing to amend the design of the proposal, I have confined my considerations to the development proposed which involves the demolition of the existing stable building and the erection of a new dwelling.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - its effect on the openness of the Green Belt;
 - the effect of the proposed development on the character of the area; 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 required to justify the proposal.

Reasons

The approach to the decision

4. The appellant contends that the Council is currently unable to demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the
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Framework. The Council does not dispute this. In these circumstances paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date. However, it is a matter of judgement for the decision maker as to the amount of weight to be attached to policies rather than for them to simply carry no weight or be disregarded. Accordingly, I consider Policy GB2 of the Wirral Unitary Development Plan (UDP) has a reduced weight. In any event the appeal must be considered in the context of the Framework as a whole, which includes Green Belt policies that are a material consideration in planning decisions.

Inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 89. Such exceptions include the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. The appeal proposal involves a different use and the new building would be materially larger than the existing one, and as such fails to accord with both criteria.
6. It is therefore inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would also be contrary to Policy GB2 of the UDP which broadly reflects the provisions of paragraph 89 of the Framework.

Openness

7. The Framework 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 dwelling would be sited in the same general area as the stables adjacent to the landscaped boundary of Tree Tops. This would, in addition to the steep drop in levels and screening along the western boundary of the site, lessen the effect the proposal would have on the openness of the Green Belt. However, the proposal's footprint and volume would be larger than the stables and would therefore result in a material loss of openness of the Green Belt.
9. Whilst I understand the appellant and her family would occupy the new dwelling, the upshot of the proposal is that the associated curtilage would be severed from No 111. Thus two distinct and separate curtilages would be formed. The proposal would result in additional domestic paraphernalia in the Green Belt and further reduce openness.
10. The proposal would therefore materially detract from the openness of the Green Belt in conflict with paragraph 79 of the Framework.

Character of the area

11. The site sits on an elevated area of sandstone that at its highest point sits level with the guttering of No 111. A fence follows the line of the sandstone cliff. The form, design and style of the proposed dwelling would be very similar to the stable building. The proposal would be a solid structure that would be a

- permanent fixture. Notable changes would be the inclusion of glazing to the elevations, which would represent a marked difference to the stable building.
12. The dwelling would be set into the existing topography of the site and behind fencing, trees and shrubs facing Barnston Road. These would limit the visual impact of the dwelling on the surrounding area. Whilst the proposal would not reflect nearby buildings, in terms of design, character and the use of materials it would not appear distinctly different to the stables. It is an approach that simply reflects the diverse nature of built development in the area.
13. I therefore consider the proposed dwelling would not harm the character of the area, and thus accords with Policy GB2 of the UDP which seeks to ensure development does not damage the visual amenities of the Green Belt through its siting, materials or design.

Other Considerations

14. Paragraph 14 of the Framework indicates that where the development plan is absent, silent or relevant policies are out-of-date (as in this case), permission should be granted unless, amongst other things, specific policies in the Framework indicate development should be restricted. Footnote 9 indicates that they include policies relating to land in the Green Belt. In any case, the proposal's contribution to the shortfall of housing sites in the Borough would be very modest, and accordingly I only give this factor minimal weight in favour of the appeal.
15. I note the appellant's intentions to undertake an eco-friendly build using sustainable materials and technologies, including water recycling and an air recycling system. Even though the appellant aspires to achieve *passivhaus* standards, such measures are increasingly commonplace in many new builds and therefore attract very limited weight in favour of the proposal.

Other Matters

16. The appellant asserts that no badgers or bats have been seen on the site. However the Council's ecological adviser suggests that due to the site's location in a Site of Biological Importance it offers a potential habitat for badgers, bats, Swallows and House Martins. As an ecological survey has not been provided, I cannot be sure of the effect of the proposal on protected species. Thus a precautionary approach is warranted and a survey is necessary.
17. It appears to me that the proposed dwelling would sit just outside the Barnston Conservation Area (BCA). The proposed dwelling would be different to nearby buildings. However, the form, design and style of the proposal leads me to consider that it would have a neutral effect on the character and appearance of the BCA. Accordingly, it would preserve the BCA.
18. A number of nearby examples of other development are cited, but they do not set a precedent for the appeal scheme as they appear to relate to sites in established residential areas or the conversion of existing buildings. In terms of development¹ on the site referred to by the appellant, they are not matters subject of this appeal.

¹ Council Application Refs: LDP/15/00660 and APP/15/01319

19. Concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on the planning merits of the case.

Conclusion

20. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is therefore given to this harm and the harm that would arise in respect of the loss of openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, is clearly outweighed by other considerations.
21. I conclude that the other considerations promoted by the appellant, taken together, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR