
Appeal Decisions

Site visit made on 26 November 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 09 December 2019

Appeal Ref: APP/W4325/W/19/3227600

Frankby Farm, The Nook, Frankby CH48 1PH

- 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 Jonathan Shudall against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/00985, dated 25 July 2018, was refused by notice dated 29 October 2018.
 - The development proposed is the provision of four additional stables at the premises together with a foaling stall and horse grooming area.
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Appeal Ref: APP/W4325/C/19/3227601

Frankby Farm, The Nook, Frankby CH48 1PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Jonathan Shudall against an enforcement notice issued by Wirral Metropolitan Borough Council.
 - The enforcement notice was issued on 2 April 2019.
 - The breach of planning control as alleged in the notice is unauthorised development consisting of the erection of additional stables, foaling stall and horse grooming area.
 - The requirements of the notice are (1) Permanently remove the additional stables, foaling stall and horse grooming area; and (2) Permanently remove the additional block of three stables, including the concrete base beneath the stables, sited adjacent to the eastern boundary of the site.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decisions

1. The appeals are allowed, the enforcement notice is quashed, and planning permission is granted for the erection of additional stables, foaling stall and horse grooming area at Frankby Farm, The Nook, Frankby.

Reasons

2. Frankby Farm is in the Green Belt. The Council has made no claim that the development that is the subject of the enforcement notice and the refused retrospective planning application is inappropriate development in the Green Belt.

3. The main issue in both appeals is the effect of the development on the rural character, appearance and openness of the Green Belt.

4. Frankby Farm is to the west of The Nook, a cul-de-sac country lane, and comprises a group of buildings used, principally, for the stabling of horses. Land associated with the farm extends westwards to Hillbark Road and southwards towards a public house and dwellings on Irbyside Road. The main building has been extended by the addition of three stables, a foaling stall and a grooming area, and is now U-shaped rather than L-shaped, and a small building to the east of the main building has been extended by the addition of a stable. To the south of the group of buildings is a floodlit manege.
5. Hillbark Road is at a lower level than the land to the east so the only public views of the unauthorised development at Frankby Farm are from the car park at the public house and from the dwellings on Irbyside Road. But these locations are about 400 metres away and the unauthorised extension to the main building, in particular, is seen against a backdrop of the original building. It is unlikely that, from these viewpoints, the extensions are noticeable in the landscape.
6. The extension to the small building is, given its limited size, inconsequential. The principal extension encloses a courtyard open on one side to the manege and is complimentary to the well maintained and attractive development. The use of the extensions complement the established use of the land that is appropriate in the Green Belt. The unauthorised development is not prominent or obtrusive and has not resulted in any visual loss of openness of the area. The development has not had any adverse effect on the rural character and appearance of the Green Belt and thus accords with policy GB2 of the Wirral Unitary Development Plan.
7. All matters mentioned by the Council against the appeal have been taken into account but do not, either individually or collectively, alter the conclusion on the main issue. The development has been completed and does not appreciably alter activities at Frankby Farm. Comments by the Wirral and Cheshire Badger Group also do not therefore alter the conclusion on the main issue.
8. The appeals succeed and planning permission has been granted, without conditions as none are necessary, for the erection of additional stables, foaling stall and horse grooming area at Frankby Farm, The Nook, Frankby.

John Braithwaite

Inspector