



Appeal Decision

Site visit made on 02 June 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th June 2020

Appeal Ref: APP/W4325/W/20/3244940

15 Castlefields, Leasowe, Wirral CH46 3RL

- 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 Robert Evans against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01091, dated 16 July 2019, was refused by notice dated 09 September 2019.
 - The development proposed is replacement dwelling single storey bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form accepted by the Council is not dated and the application form submitted with the appeal is dated 06 January 2020, which is subsequent to the determination of the application. Therefore, I have taken the date of the application from the appeal form and the decision notice in the banner heading above.

Main Issues

3. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the proposal is inappropriate development, 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

4. The appeal building is a linked collection of single storey structures, including a static caravan, in residential use. It is set in a triangular plot of land at the edge of a residential area adjacent to Leasowe Golf Course. It is in the Green Belt.

5. Paragraph 143 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.
6. Policy GB4 of the Wirral Unitary Development Plan (including Minerals and Waste Policies) Written Statement Adopted February 2000 (the UDP) sets out that proposals for the replacement of existing dwellings in the Green Belt will be permitted subject to meeting a number of specific criteria. It is of relevance to the appeal that the replacement dwelling should not be more than 15% larger than the dwelling it replaces or larger than the existing dwelling plus any remaining permitted development allowance for extensions. This is reasonably consistent with paragraph 145 of the Framework which states that the construction of new buildings is inappropriate in the Green Belt subject to certain exceptions including paragraph 145 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. In this case, the evidence indicates that the existing dwelling is a collection of flat-roofed structures with a maximum height of 2.5m and a footprint of approximately 56 square metres. The replacement dwelling would have a dual pitch roof with a maximum height of 5.5m and a footprint of approximately 81 square metres. Therefore, the proposal would have an approximately 30% larger footprint and it would be more than double the volume of the existing dwelling.
8. Consequently, the proposal would be materially larger than the existing dwelling. It would not meet the exception of paragraph 145 d) of the Framework. It would conflict with the requirements of Policy GB4 of the UDP and the policies in the Framework that protect the Green Belt.

Effects on openness of the Green Belt

9. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
10. In this case, the proposed dwelling would have a larger permanent footprint than the existing dwelling. Consequently, there would be a small spatial loss of openness.
11. The appeal site is in a prominent location adjacent to the golf course and its access road. The proposed dwelling would be conspicuously taller than the existing buildings and it would not be screened by the boundary fence or garden planting. It would be visible from locations in and around the golf course, including the coastal footpath. Notwithstanding that it would be seen in the context of neighbouring dwellings, there would nevertheless be a visual impact as a result of the increased bulk of built development.
12. Consequently, there would be both a spatial and visual impact resulting in a small loss of openness of the Green Belt in this locality. The proposal would conflict with Policy GB4 of the UDP in relation to visually prominent locations in the countryside.

Other Considerations

13. Although my attention has been drawn to residential development elsewhere on the Castlefield Estate in the Green Belt, it is not clear whether those schemes benefit from planning permission or were considered in the current policy context. I cannot therefore be certain that any of them is directly comparable to the appeal proposal or that they provide a justification for it. Moreover, the presence of large and prominent dwellings at the edge of the settlement boundary does not justify development in the green belt. Therefore, schemes elsewhere do not carry weight in favour of the scheme.
14. I understand that the appeal property sustained significant storm damage at some point in the 1990s and that the static caravan has formed part of the residential dwelling since that time. However, there is nothing before me in relation to the extent of the original dwelling that existed prior to the storm and there is limited information in relation to the planning history at the site. Therefore, while I sympathize with the appellant's desire to rebuild the property and I appreciate his frustration in this respect, I have assessed the proposal on the basis of the evidence before me and what is currently on the site. Consequently, the historic damage is a matter that can carry only limited weight in my assessment.
15. The appeal proposal is an amended scheme following the refusal of an earlier planning application (ref APP/19/00389) for a detached dormer dwelling at the site. I acknowledge that the appellant engaged with the Council and that he has sought to address its concerns, including by removing dormer elements and reducing the maximum height of the dwelling. In this regard, the decision of the Council will undoubtedly have been a disappointment. Nevertheless, the revisions to the scheme were not sufficient to overcome the conflict with the development plan and the Framework. This is not therefore a matter that weighs in favour of the appeal scheme.

Green Belt Balance

16. I have concluded that the proposed replacement dwelling would be inappropriate development in the Green Belt which is, by definition, harmful. It would result in a small loss of openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt.
17. The Framework states that inappropriate development should not be approved except in very special circumstances. In this case, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

18. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR