
Appeal Decision

Site visit made on 28 July 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/W4325/W/20/3249540

4 Ferry Road, Eastham CH62 0AJ

- 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 Alan Farley against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01650, dated 1 November 2019, was refused by notice dated 10 February 2020.
 - The development proposed is the erection of a detached dwelling with integral garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at 4 Ferry Road, Eastham CH62 0AJ, in accordance with the terms of the application, Ref APP/19/01650, dated 1 November 2019, subject to the conditions in the Schedule at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development in the banner heading above is taken from the planning application form. However, from the evidence before me it is clear that an amended plan was received during the course of the application which altered the design of the proposed dwelling and removed the integral garage. The Council determined the application based on the amended proposal and so shall I. The removal of the integral garage is reflected in the formal decision above.

Main Issue

4. The main issue in this case is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The appeal site is an area of land located on the south side of Ferry Road, within Eastham Village and the Eastham Village Conservation Area. The site is also located within the Green Belt, which washes over the village. Residential properties are located immediately to the west and south of the site, and

opposite on the northern side of Ferry Road. To the east, beyond an access road, is open countryside. The north and south boundaries of the site comprise a sandstone and brick wall. This proposal seeks permission for a detached dwelling.

Whether the proposal would be inappropriate development

6. Policy GB2 of the Wirral Unitary Development Plan (including Minerals and Waste Policies) Written Statement Adopted February 2000 (the UDP) sets out that within the Green Belt there is a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Exceptions include the limited infilling in existing villages, subject to Policy GB6, which defines infill sites as development filling a small gap within the defined built-up envelope of the village. Paragraph 145e of the National Planning Policy Framework (the Framework) sets out that new buildings are regarded as inappropriate except in certain circumstances including limited infilling in villages. In this regard, UDP policies GB2 and GB6 are consistent with the more recently published Framework.
7. The villages in which limited infilling can be considered not inappropriate are listed within Policy GB7. Eastham Village is included within the list, however this policy also restricts infill development within Eastham Village to sites that fall outside the Conservation Area. The Framework does not specify that limited infilling in villages cannot occur within Conservation Areas. As such, Policy GB7 is inconsistent with the Framework.
8. The proposal is for a single dwelling which would be of modest scale and massing. It would be positioned close to the existing built form to the west of the site, with a generous garden to the east close to the open countryside. The plot is well-defined, with a brick/stone wall to the front and overgrown hedge to the east boundary. It is restricted in size thus reflecting many of the adjacent residential plots to the west. I am therefore satisfied that the development would constitute limited development.
9. Eastham Village appears to be centred around a cluster of development on Eastham Village Road close to St Mary's Church, from which the built form extends out in linear stretches along the main highways through the village. Ferry Road extends the village to the north east, along which there are continuous ribbons of housing and built form on both sides of the highway towards the appeal site.
10. There are open fields immediately to the east of the appeal site beyond the adjacent access road. As such, the appeal site is located on the eastern limit of this stretch of the village along Ferry Road. However, there is a clear distinction between the built-up envelope of this part of Eastham Village and the adjacent fields. On the approach to the appeal site from the west, the road frontage is developed and has stone walls with driveway access points. This boundary treatment is reflected at the appeal site. Beyond the access road to the east of the appeal site, the boundary treatment changes to a stretch of mature hedgerow which bounds a large open field. The lack of built form and expanse of countryside gives this part of the street scene an open and spacious rural character. The park opposite the field further contributes to the open character of this part of the street scene. As such, there is a clear visual break beyond the appeal site which marks the point where the character of the area changes

drastically from built frontages within the village to a substantial stretch of hedgerow beyond which is open countryside.

11. The appeal site is clearly physically separated from the adjacent stretch of open countryside. Given its clear relationship with the built-up envelope of the village and the boundary characteristics of the appeal site, there is no doubt in my mind that the site both visually forms part of the village and is read within its envelope.
12. The site is surrounded by built form on three sides, with a bungalow to the west, large detached dwelling opposite and a property to the rear beyond the high southern boundary wall. Access to the property to the rear of the appeal site is from a road which immediately bounds the site to the east. The surrounding dwellings form part of the built-up frontage that extends from the village. On the basis that the proposal would fill a small gap I am satisfied that it constitutes infill development.
13. It is acknowledged that the introduction of a residential property in this location would result in associated domestic paraphernalia present on the site. Be that as it may, the appeal site would remain enclosed from the highway due to the retention of the existing boundary wall and a condition could be attached to ensure new boundary treatment is appropriate.
14. Having regard to the limited scale and village location of the proposal, I consider that it would not impinge into the open countryside to the east and would represent limited infilling in a village. On that basis the proposal would not conflict with policies GB2 and GB6 of the UDP and moreover, would fall within the exceptions set out in paragraph 145(e) of the Framework. Whilst there would be some conflict with Policy GB7, as set out above, the Framework is a material consideration which carries considerable weight. As such the proposal does not constitute inappropriate development within the Green Belt. On that basis there is no need for me to further consider the effect of the proposal on the openness of the Green Belt or whether there are very special circumstances necessary to justify the development.

Other Matters

15. The appeal site is located within the Eastham Village Conservation Area (the CA). Its significance is largely derived from the narrow roads, the generally simple cottage style properties and the use of sandstone. The Council has not objected to the design or scale of the proposal. On the basis of all I have seen and read I consider the amended proposal would preserve the character and appearance of the CA.

Conditions

16. The Council has suggested a number of conditions in the light of the appeal being allowed. The appellant has not objected to the suggested conditions, however I have altered the wording where necessary to better reflect the advice set out in the Planning Practice Guidance concerning the use of planning conditions, without changing their overall intention.
17. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plan. Conditions concerning external materials, landscaping and boundary treatments are necessary in the interest of the character and appearance of the area.

Conclusion and Recommendation

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed and planning permission is granted subject to the conditions in the attached Schedule.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the conditions in the attached Schedule.

Susan Ashworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No: 7092/3 Amendment A
- 3) Full details of the materials to be used in the construction of external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to any above ground construction works being carried out. Development shall be carried out in accordance with the approved details.
- 4) Full details of all landscaping, including boundary treatment, shall be submitted to and approved in writing by the local planning authority prior to any above ground construction works being carried out. Development shall be carried out in accordance with the approved details.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.