



Appeal Decision

Site visit made on 10 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/M4320/W/20/3257851

12 Kew Road, Formby, Liverpool L37 2HB

- 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 Roberts against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/02270, dated 03 December 2019, was refused by notice dated 04 May 2020.
 - The development proposed is modifications and extensions to existing dwelling and erection of new dwelling on land south of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 23 July 2020, after the application was determined, the Council granted permission (ref DC/2020/00847) for extensions to the existing dwelling, 12 Kew Road. The Council has confirmed that the appeal relates only to the new dwelling and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant local plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on designated heritage assets;
 - iv) The effect on the character and appearance of the area; and
 - v) If inappropriate development, whether the harm by virtue of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal is inappropriate development

4. The appeal site is part of the garden of No 12. It is in the Green Belt on the outskirts of Formby.

5. Policy MN7 of A Local Plan for Sefton Adopted April 2017 (the LP) sets out that the construction of new buildings is inappropriate development in the Green Belt subject to the exceptions set out in national planning policy. Paragraph 145 of the Framework states that new buildings should be regarded as inappropriate in the Green Belt subject to certain exceptions, including Paragraph 145 e) limited infilling in villages and Paragraph 145 g) limited infilling or the partial or complete redevelopment of previously developed land (PDL). I will deal with each of these in turn below.
 - i) Limited infilling in villages
6. Although the Framework does not define limited infilling in villages, infill development generally refers to the filling of a small gap in an otherwise built up frontage. The appeal site is large compared to other plots along Kew Road, but it is a relatively modest gap between dwellings and the proposal would be 1 dwelling. Therefore, the proposal would be limited infilling.
7. The appeal site is just outside the settlement boundary of Formby. However, a village boundary defined in a local plan, while a relevant consideration, may not be determinative for the purposes of Green Belt assessment. In this case, by virtue its relationship to No 12 and to the settlement, the appeal site is physically and functionally well-related to Formby and future occupiers would consider themselves to be residents of Formby.
8. Formby is a large settlement with a population in excess of 24,000. While population size is not determinative of its status, the Formby and Little Altcar Neighbourhood Development Plan 2012 to 2030 (the NP) identifies Formby as a town and a resilient and sustainable settlement. In this regard, although its centre still retains characteristics and references to its village origins, Formby has a wide range of services and facilities including high street chain and independent stores, supermarkets, public houses, cafes and restaurants, doctors surgeries, schools and industrial and business areas. On this basis, and even in the absence of a town hall, Formby functions as a town.
9. Consequently, as the appeal site is located in a town, the proposal would not be limited infilling in villages. It would not meet the exception set out in Paragraph 145 e) of the Framework.
10. I have been provided with appeal decisions relating to infilling in villages. The cases relating to long ribbons of residential development¹ differ from the appeal scheme which is not part of even a short ribbon of development in the Green Belt. In the cases in towns², one Inspector concluded that the scheme was in the spirit of limited infilling despite being in a town while the other noted that the Framework states villages and does not relate to schemes in towns when read in its proper context. These serve to illustrate that each scheme must be considered on its own merits and none of them appear directly comparable to or provide a justification for the appeal scheme.
 - ii) Infilling or redevelopment of PDL
11. The glossary to the Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although

¹ Refs APP/T2350/W/16/3164118 and APP/Q4625/W/17/3191758

² Refs APP/P0240/W/18/3196341 and APP/M4320/W/18/3200519

it should not be assumed that the whole of the curtilage should be developed). It specifically excluded land in built-up areas such as residential gardens.

12. The appeal site is part of the garden of No 12, which is in the built-up area of Formby. Nevertheless, in recognition of its location beyond the settlement boundary, it is appropriate to consider whether the proposal would meet the exception in Paragraph 145 g) of the Framework. This relates to PDL development which would not have a greater impact on the openness of the Green Belt than the existing development or, where it contributes to meeting an identified affordable housing need, would not cause substantial harm to the openness of the Green Belt.
13. The proposal would not be affordable housing. The appeal site is undeveloped garden land and there are no existing structures on the site. Notwithstanding permitted development rights, there are no details of outbuildings that would be constructed if the appeal should fail. The proposal would introduce a significant quantum of development. The footprint of the proposal would result in a large spatial loss of openness and the design and bulk of development would result in a significant visual impact. Taking into account the combined spatial and visual effects, there would be a moderate loss of openness of the Green Belt. Therefore, the proposal would have a greater impact on openness than the existing site and it would not meet the exception set out at paragraph 145 g) of the Framework.

iii) Findings

14. I have found that the proposal would be inappropriate development in the Green Belt. It would not be limited infilling in a village and, even if it is PDL, there would be a greater impact on the openness of the Green Belt. The proposal would conflict with Policy MN7 of the LP and the policies in the Framework that protect the Green Belt.

The setting of the listed building

15. Raven Meols Farmhouse Grade II listed building is on the opposite side of Kew Road from the appeal site. It is a modest 2 storey roughcast property with a stone slate roof and a single storey outshot to one side elevation. It has a central entrance, casement windows and a datestone inscribed 1733. Although the dwelling in its current form may not have existed at that time, the significance of the listed building derives in part from its historic vernacular form and its contribution to the narrative of the evolution of the area.
16. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced, the extent of which is not fixed and may change over time. It also sets out that the elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
17. In this case, the listed building is set in its own grounds. It is separated from the appeal site by the road, which is little more than a single width track at this point. Approaching from the direction of Formby, the listed building is largely screened from view by a tall coniferous hedge along the rear and the roadside boundaries. Looking back towards the settlement from beyond the listed building, the farmhouse is readily visible at the urban-rural interface.

18. The appeal site was formerly part of the orchard of the farm, but its principle significance in terms of the setting of the heritage asset results from its proximity and its visual relationship. In this regard, the vegetated undeveloped appeal site allows the historic asset to be experienced in a relatively traditional rural surrounding context. In contrast, the contemporary proposal would have an urbanising effect. It would be conspicuous and it would diminish the semi-rural setting and it would detract from the ability to appreciate the significance of the listed building.
19. Therefore, the proposal would fail to sustain or enhance the setting and hence the significance of the designated heritage asset. It would conflict with the policies in the Framework that seek to conserve and enhance heritage assets. Although the harm to the significance of the heritage asset would be less than substantial, nevertheless the proposal would conflict with Policy NH11 of the LP which seeks to avoid harm to listed buildings and their settings.
20. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposals. There would be limited economic benefits in the short-term during construction. There would be negligible economic and social benefits arising from the occupation of one new dwelling in this location.
21. Therefore, and taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm to the significance of the Grade II listed Raven Meols Farmhouse would outweigh the benefits of the scheme.

Character and appearance

22. Kew Road is an unadopted road with a rough and potholed surface, no footways and limited street lighting. Although properties vary in size and style, nevertheless Kew Road has a distinctive and different character to the more regular urban form of development along Barton Heyes Road. There is a further change in character towards the end of Kew Road where it narrows between the mature vegetated grounds of Raven Meols Farmhouse and the appeal site, before opening out onto the open rural landscape beyond the settlement.
23. The proposal would be a modern building with a modular appearance. It would be part single and part 2 storey finished in white render and with flat roofs. The split level design would be somewhat sympathetic to the neighbouring modest single storey dwelling. However, it would be conspicuously contemporary and with an uncharacteristically long frontage. It would dominate its plot. It would not relate well to the surrounding built environment and it would have an urbanising effect at the urban-rural interface. Even allowing for planting, it would be a prominent and discordant feature in the street scene. Irrespective of its high quality design, it would not make a positive contribution to local character and distinctiveness.
24. My attention has been drawn to permissions elsewhere for contemporary modernist dwellings. On the basis of the limited information before me, these appear to be in different surrounding contexts including in terms of the styles, siting, plot sizes and separation of surrounding buildings. None of them provide a visual context for the appeal scheme. They do not appear to be directly comparable to the appeal scheme and they do not provide a justification for it.

25. Therefore, the proposal would harm the character and appearance of the area. It would be in conflict with Policy EQ2 of LP and Policy ESD2 of the NP. These require, among other things, that development should make a positive contribution to local character and distinctiveness, responding and integrating well with the character and form of its surroundings including in terms of its scale, form, massing, style and frontages.

Other Considerations

26. The proposal would be a self-build property. In this regard, the Self-Build and Custom Housebuilding Act 2015 places duties on local authorities including in terms of maintaining a register of persons seeking to acquire self-build or custom-build plots, giving suitable development permission in respect of enough serviced plots of land to meet the demand on the register in each base period, and having regard to the demand when exercising its planning function.
27. The appellant has been registered on the Council's self-build housing register since 2016. While I acknowledge his frustration in this regard and his desire to build a property at this site, there is no duty on the Council to permission land that specifically meets the requirements expressed by those on the register. Moreover, it has 3 years from the end of each base period to grant an equivalent number of suitable permissions as there are entries on the register for that base period. On the basis of the evidence before me, I cannot be certain that at the time the appeal was made the Council had not granted sufficient permissions to meet the demand from the first base period.
28. In the appeal at Woodville³, the Inspector concluded that the 30 self-build plots would meet most of the unmet demand for serviced plots, a matter that weighed strongly in favour of the scheme. The scheme also resulted in substantial economic and social benefits. It is not directly comparable to the appeal scheme, which would be 1 self-build property with limited economic and social benefits. Even if the Council was failing to meet the demand for serviced plots, this is a matter that carries only limited weight in favour of the proposal.
29. Paragraph 131 of the Framework advises that great weight should be given to outstanding or innovative design. In this case, there is reference to an innovative and low-carbon approach including solar gain and shading, natural ventilation, low energy lighting, underfloor heating and a high efficiency boiler. While these measures would contribute towards sustainability objectives, they do not appear to be particularly new or innovative. Moreover, while this style of dwelling would be new to this area, as noted previously there are similar properties elsewhere. It has not therefore been demonstrated that the design of the proposal is a matter that should attract any more than limited weight.
30. Irrespective of any potential mapping errors or anomalies at the settlement boundary, Green Belt boundaries should only be altered through the preparation or updating of plans, where exceptional circumstances are fully evidenced and justified. This is therefore a neutral factor.
31. The appellant considers that the Council has been inconsistent in its application of Policy GP1 of the NP, which seeks to direct development towards the town. However, the permission (ref DC/2020/00222) at Warren Farm relates to the conversion of a stable block to an agricultural worker dwelling, which is a type

³ Ref APP/G2435/W/18/3214451

of dwelling that requires a countryside location. In contrast, the appeal scheme would be a market dwelling that does not require a countryside location. This is a matter that carries neutral weight.

32. There would be very limited benefits to the local economy in the short-term during construction. The occupation of 1 dwelling would make a negligible contribution to the local community or the local economy. Irrespective of the effects of the Covid-19 pandemic, these matters attract limited weight.

Green Belt Balance

33. I have concluded that the proposal would be inappropriate development in the Green Belt and there would be a moderate loss of openness. These matters attract substantial weight. There would be harm to the character and appearance of the area and less than substantial harm to the setting of the listed building. These weigh against the proposal to a moderate degree.
34. There are no other considerations before me that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harms. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

35. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR