



Appeal Decision

Site visit made on 6 January 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/W4325/W/20/3254375

Irby Mill Farm, Wellington Barn, Mill Hill Road, Irby CH61 4XQ

- 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 and Mrs Gary Jones against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01591, dated 18 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is described as "Demolition of Existing Stable Buildings, Removal of Manège and Erection of a Single Storey Dwelling with Ancillary Basement and Sunken Garden".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal is inappropriate development in the Green Belt;
 - ii. the effect of the proposal on the character and appearance of the area; and
 - iii. 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 necessary to justify the development.

Preliminary Matters

3. Amended plans¹ have been submitted as part of the appellants case. I have no evidence to suggest that the Council have made any assessment on these proposed amended plans or whether the views of interested parties have been sought. I therefore attach no weight to the amended plans and have determined the appeal on the basis of those plans considered by the Council.

Reasons

Whether inappropriate development

4. Policy GB2 of the Wirral Unitary Development Plan 2000 (WUDP) refers to guidelines for development in the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) identifies that Council's should

¹ Drawing Nos: 18-102-210; 18-102-212; 18-102-213; 18-102-221; 18-102-222.

regard the construction of new buildings as inappropriate in Green Belt, unless the development falls within the exceptions list. One of the exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

5. Both parties have agreed that the appeal site is brownfield land therefore the proposal would be the redevelopment of previously developed land and would be in line with the first part of the exception described in paragraph 145 of the Framework. The development therefore requires to be assessed against the second part of the exception in terms of whether there would be a greater impact on the openness.
6. The Framework indicates that openness is an essential characteristic of the Green Belt. Whilst the proposal includes removing existing structures from the site, the new dwelling would be larger than the removed structures. According to the appellants figures, the existing structures to be removed have a cumulative floor area of approximately 199 square metres and a volume of 539 cubic metres, whilst the proposed development would have a floor area of around 408 square metres and a ground floor volume of 625 cubic metres with a volume of 738 cubic metres below ground. By all metrics the proposal would therefore have a greater impact on the openness of the Green Belt in spatial terms.
7. Visual impacts forms part of the concept of openness of the Green Belt, and whilst the site may not be highly visible from wider views, the proposal, even with the subterranean element, would be visible when viewed in closer proximity and from neighbouring properties. The existing buildings on the site are low in height and designed as stables and storage units, and along with the riding arena, it is clear that the site is in an equestrian use. A residential property would be lit at night, with light emitting from windows. Domestic items stored on the site would be visible, such as garden structures, clothes drying and play equipment. All these factors would have an inevitable visual impact on the Green Belt when compared to the existing circumstances. The nature of a residential property, in comparison with the existing use, would have a more intense visual impact on the openness of the area.
8. Whilst having regard to the Court Judgements² detailed in the appellants statement of case, I remain of the opinion that in spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore inappropriate development in the Green Belt, and as such conflicts with Policy GB2 of the WUDP, the Planning Practice Guidance and the Framework, which seeks to safeguard the Green Belt from inappropriate development and impacts on openness.

Character and appearance

9. The area surrounding the appeal site is primarily rural in character with fields surrounding the site. There are residential properties adjacent to the site however, the appeal site is clearly separate being in equestrian use.

² Turner v Secretary of State for Communities and Local Government (C1/2015/3507) & Euro Garages Limited v Secretary of State for Communities and Local Government (CO/145/2018)

10. As stated above, details such as the introduction of garden areas, formalisation of driveway and parking areas, and domestic paraphernalia associated with residential uses would have a detrimental effect on the character of the area and result in a domestication of the site.
11. The proposal is not of a grand or exceptional design and whilst materials can be used to match buildings nearby, given its siting, size and form, the property would be viewed as an encroachment into the countryside and not in keeping with the subtle equestrian style buildings that currently occupy the site.
12. The introduction of landscaping, including planting of trees, hedgerows and returning hard standing areas to grass may reduce visual effects from longer views. However, the proposed property would be prominent from closer proximity and the use of landscaping would not completely screen the incongruous development and the detrimental effects it would have on the surrounding area.
13. Accordingly, I find that the proposed development would have a harmful effect on the character and appearance of the area. The proposal would be contrary to Policy GB2 of the WUDP which seeks development not to damage the visual amenities of the Green Belt by virtue of its siting or design.

Other considerations

14. The proposal would create jobs for local construction workers and contractors whilst providing benefits for the Council, including Council Tax and business rates. I have also had regard to the Government's document 'Fixing the Foundations: Creating a More Prosperous Nation' and the contribution the proposal would make to this. These matters are benefits of the scheme however, given the scale of the proposal I attach only minimal weight to them.
15. The appellant has indicated that the proposal is required to accommodate the size of the family. No justification has been provided to indicate why a property of the size required to accommodate the appellants family is needed on the appeal site. On this basis, I attach minimal weight to this matter.
16. The appeal site is located within rural countryside and is detached from any main settlements which has services and facilities. The appellant indicates that the proposal would reduce traffic generation from the site, nevertheless an additional residential unit would be introduced into the area. I note the proximity to services such as Irby's Methodist Church, Primary School and Post Office, as well as The Shippons and The Anchor Inn public houses. The adopted highway to the site has narrow footpaths and no lighting, therefore accessing these services from the site is not desirable by walking or cycling. Whilst it has been indicated that there are bus stops close by, there is no evidence provided of the frequency of available buses. It is most likely that proposed property would be accessed primarily by the use of private motor vehicles. The proposal would not be in a suitable location with regards to services and facilities.
17. My attention has been brought to a planning approval³ which is a revised scheme of the proposal subject of this appeal. The appellant argues that this approved scheme could be extended substantially under permitted development rights without the need for further planning permission. A combination of rear, side and outbuilding extensions to the approved scheme

³ Local Planning Authority Reference: APP/20/00576

would increase the footprint and cubic volume of that scheme to an amount which is similar to the footprint and volume of the property subject of this appeal. However, there is nothing definite in the evidence before me to suggest that these permitted development extensions would subsequently be constructed and as such, they are no more than a theoretical possibility. Consequently, I attribute little weight to these matters.

18. I have had regard to the appellant's statement of case including reference to other schemes and appeal decisions⁴. However, I do not consider that these schemes are directly comparable to the appeal scheme, particularly with regards to the spatial and visual impacts on Green Belt openness. In any case, I have determined the appeal on its own basis.
19. Reference has been made to Policy GB4 of the WUDP which the Council indicates is not relevant as it refers to replacement dwellings in the Green Belt. A full copy of this Policy has not been submitted and therefore I cannot consider whether the proposal is in accordance with it. Nevertheless, this matter does not alter my findings above and the failure to comply with Policy GB2 of the WUDP as well as parts of the Framework.

Conclusions

20. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, the scheme would also have a harmful effect on the character and appearance of the area and would not be in a suitable location. Even when taken together, the other considerations reviewed above including the personal circumstances of the appellant to have a family size property, do not clearly outweigh the Green Belt harm and therefore no very special circumstances exist. The proposal would be inappropriate development in the Green Belt and would be contrary to Policy GB2 of the WUDP and the Framework.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

⁴ Schemes at Hanns Hall Livery, Cheshire; Decoy Farm, Chester; Four Winds, Kington Lane, Claverdon; and Folly Farm, Burtonhole Lane, Mill Hill