

Appeal Decision

Site Visit made on 21 June 2021

by Mr Andrew McGlone BSc MCD MRPTI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/W4325/W/21/3269352

10 Castlefields Estate, Leasowe 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 Leonard Davies against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/01225, dated 28 August 2020, was refused by notice dated 21 October 2020.
 - The development proposed is described as "A previous planning with approval - ref : APP/97/05721 - for a two bedroom bungalow was made on 9th May 1997 for a bungalow. New application for a single 3 bedroom dwelling on empty site."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (b) the effect of the proposal on openness; and (c) 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. Saved Policy GB2 of the Wirral Unitary Development Plan (UDP) states that planning permission for development in the Green Belt will not be granted unless it is for the purposes of: the limited extension, alteration or replacement of existing dwellings, subject to Policy GB4. The replacement of existing dwellings in the Green Belt will be permitted through saved UDP Policy GB4 providing proposal's meet a series of criteria.
4. The Framework explains that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 145. Having regard to exceptions c) and d) of Framework paragraph 145, saved UDP Policies GB2 and GB4 are broadly consistent save for the reference to 'dwelling' instead of 'building'. UDP Policy GB4 outlines the Council's stance on what it considers to be an acceptable enlargement. However, these differences are not crucial, and the policies seeks to protect the Green Belt from inappropriate development.
5. The appeal site lies within the Green Belt on a residential street containing dwellings on long narrow plots. The location is not isolated, visually prominent in the countryside or inaccessible. The site is overgrown and there are burnt-

out caravans on the site and two small brick bunkers that served as air raid shelters. One of the caravans sits on top of a foundation slab.

6. Based on testimonies the foundation slab served a bungalow which was demolished after a tree fell on it in late 1995 that made it unsafe. Planning permission was later granted in 1997 and renewed in 2003 for a two-bedroom bungalow. However, this planning permission lapsed. So, despite the larger footprint of the approved bungalow, it is not the baseline from which to assess whether the proposal would be an extension, alteration or replacement as it is not an existing dwelling.
7. The foundation slab is not a dwelling house as it does not provide day-to-day functional facilities for this use. Nor is it a building. Hence, the proposal would not extend, alter or replace an existing dwelling. On this basis, the proposal would be inappropriate development as it would involve the construction of a new dwelling in the Green Belt. By definition this is harmful to the Green Belt and should not be approved except in very special circumstances.
8. Should I be wrong about the foundation slab, the new dwelling would be in the same use. I do not have details before me other than a footprint comparison of the demolished bungalow and the proposed dwelling, but based on this the proposal would be significantly larger than the 15% that UDP Policy GB4 permits and materially larger in the context of Framework paragraph 145 d).
9. As the proposal would be inappropriate development, I conclude that the appeal scheme would be contrary to saved UDP Policies GB2 and GB4 together with Framework paragraphs 143 and 145 c) and d).
10. Although not an argument advanced by either party, I am mindful of Framework paragraph g). However, the remains of the permanent structure or fixed surface structure seem to have blended into the landscape. As a result, the site would not be previously developed land, but I will address the proposal's effect on openness later in my decision in any event.

Purposes

11. I agree with the appellant based on the site's location and history that the proposal would assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposal would not conflict with any of the remaining purposes of including the land within the Green Belt.

Openness

12. The proposed dwelling would lie between existing residential dwellings and would be well contained not only by the plot itself but vegetation that lies on the site or in the vicinity of it. Spatially, the proposal would not cause a loss of openness given the former bungalow. From the wider area, there would also be a very limited visual impact. However, locally the dwelling and associated paraphernalia would result in a moderate visual loss to openness through the introduction of new and additional built form of a greater footprint, scale and massing and through the formalisation of the access and parking provision for example. These could be viewed from the road near to the site even through vegetation. The proposal would not accord with exception g) of Framework paragraph 145 even if the land was previously developed.

Other considerations

13. I note the comparisons to the lapsed planning permission, but it would be a

matter for the Council in the first instance to consider whether any new scheme based on the previous planning permission would be acceptable or not. As I explained earlier, the lapsed planning permission is not the baseline from which to assess this scheme or a fallback position that carries any weight, albeit I recognise a dwelling has once stood on the land and a larger dwelling was found to be acceptable.

14. The provision of a new dwelling would add to the supply and mix of houses on the Wirral on a site with a low probability of flooding and in an accessible location to a range of facilities and services. Among others it could provide suitable accommodation for a family. These would all be modest benefits due to the proposal's scale. The proposal would also recycle and reclaim land that is currently overgrown. This, and the retention or provision of further planting could have a modest benefit to the character and appearance of the area and on residents living nearby by removing a site with a potential negative effect.

Conclusion

15. The proposal would be inappropriate development in the Green Belt and result in a loss of openness. While I have attached a moderate degree of harm to the proposal's effect on openness, by definition these are harmful and I attach them substantial weight as required by Framework paragraph 144.
16. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. As a result, the very special circumstances necessary to justify the development do not exist.
17. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR