



Appeal Decision

Site visit made on 14 December 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/W4325/W/22/3302620

Land at Garden Hey Road, Saughall Massie, Wirral, CH46 5NE

- 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 Andrew Patterson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/02344, dated 9 December 2021, was refused by notice dated 13 May 2022.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The refused scheme included a second floor sun-room, but as part of the appeal, revised drawings were submitted which excluded this feature (drawing refs 5561/1A and 5561/2A). The proposed amendment would alter the visual impact of the dwelling to some extent, but the overall footprint of the building would be unchanged, and the siting and layout would be the same.
3. The amendment did not form part of the original application so was not part of the original assessment or consultation, but it was included with the initial appeal documents. As such, the Council and other interested parties would have had the opportunity to see the revised plans, and to comment on them in their statements, had they wished to do so.
4. In light of the above, and taking account of the 'Wheatcroft' principles, I am satisfied that the proposed revisions to the scheme would not unfairly prejudice the case of the Council, which was primarily concerned with the principle of the development in the Green Belt. I have therefore determined the appeal in light of the revised drawings.

Main Issue

5. The site is within the Green Belt, so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework),
 - the effect of the proposal on the openness of the Green Belt, and

- if the proposal is inappropriate development, whether the resulting harm, 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 inappropriate development

6. The appeal site is a parcel of land which fronts onto Garden Hey Road, on the edge of Saughall Massie. The site forms part of a larger area of land which was formerly used horticulture, but which is now vacant. The wider site still contains a number of glasshouses, one of which occupies part of the appeal site. Other than that, the site is free of built development.
7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 149 indicates that the construction of new buildings should be regarded as inappropriate development, other than in a number of exceptional circumstances. Criterion e) allows for limited infilling in villages.
8. Policy GB2 of the Wirral Unitary Development Plan 2000 (UDP) is concerned with protecting the Green Belt, and sets out a similar approach to that contained in the Framework. Although adopted before the Framework was published, Policy GB2 is broadly consistent with national green belt policy, and I therefore give it substantial weight in this appeal.
9. To assess whether the scheme falls under the exception set out in Policy GB2 and Framework paragraph 149e), it is first necessary to consider whether the site forms part of a village. The Framework does not define what constitutes a village for the purposes of paragraph 149e), but information about how this matter will be considered locally is provided in the UDP. Together, Policies GB2 and GB6 allow for infill development within the villages listed in Policy GB7. The list contains larger villages, with good transport accessibility and some local shops, but does not include Saughall Massie.
10. Whilst noting the policy position in the UDP, I have also made my own assessment as to whether the site forms part of a village.
11. Garden Hey Road effectively forms the edge of the settlement of Saughall Massie, with the main built form on the eastern side of the road. Along the western side of the road there is sporadic built development, including the residential properties on either side of the appeal site, but agricultural and horticultural uses front onto much of the road. This side of the road is semi-rural in character, and is outside of the main built up area of the settlement.
12. Furthermore, when visiting the area, I saw that the main core of Saughall Massie is further to the south, with open agricultural land separating it from the area around the appeal site. Whilst this separation is limited in extent, the suburban style development on the eastern side of Garden Hey Road, across the lane from the appeal site, does not form part of a clearly defined or obvious village. Rather, it is contiguous with a much larger area of built development, which includes Moreton, Upton and Greasby.
13. I find that this part of Saughall Massie does not form part of a village, and even if it did, the appeal site would be outside of the main built-up area.

14. I have also considered whether the site constitutes limited infilling. Again, this is not defined in the Framework, but is described in Policy GB6 as development filling a small gap within the defined built-up envelope of the village. In this case, the appeal site forms a gap between a terrace of cottages and a short row of houses. However, with a frontage of some 60m, it is not a particularly small gap, and the proposed plot width would be considerably larger than that of nearby houses. In the context of the surrounding development, the appeal site does not form a small gap. As it is not within a defined village envelope either, the proposal does not comply with Policy GB6.
15. In light of the above considerations, I conclude that the site does not meet the definition of limited infilling in a village for the purposes of Policy GB2 or Framework paragraph 149e). As such, the proposal constitutes inappropriate development in the Green Belt, which should not be approved except in very special circumstances.

Effect on openness

16. Framework paragraph 137 indicates that openness is one of the essential characteristics of Green Belts.
17. In the vicinity of the appeal site, much of the western side of Garden Hey Road is lined with hedges, beyond which is open agricultural land. The appeal site itself has a very substantial hedge along the road frontage, which is both high and dense. This provides a significant degree of screening to the site, which was not readily visible from the road, even when I visited in winter. A tall hedge along the shared boundary with the adjacent bungalow, at 94 Garden Hey Road, provides screening from that neighbouring property too. From more distant viewpoints to the south west, views of the site are across fields, and are screened by the adjacent glasshouses on the former nursery site.
18. Owing to the presence of the tall hedges, the site does not appear 'open' from Garden Hey Road in the usual meaning of the word. Nonetheless, from the road and the surrounding area, the impression of the site is that of undeveloped land. Even though there are houses on either side, the appeal site reads as being part of the wider countryside which borders onto the west side of the road. The existing site therefore makes a modest, but positive, contribution to the openness of the Green Belt in this location.
19. The proposed two storey house would occupy around half of the plot, with the remaining portion being garden. The proposed dwelling would be set back from the road frontage by a similar distance to the houses on either side, and the flat roof would limit its overall height. Without the originally proposed sun-room, the submitted drawings show that, from the road, the house would be largely screened by the existing hedge. The main visible change would result from the creation of the proposed new access. This would involve removal of a section of hedge, and its replacement with 1.8m high timber gates.
20. Assuming that the hedge was maintained at a similar height, the visual impact of the development from Garden Hey Road and surrounding properties would be modest. However, there is no guarantee that future occupiers would retain the hedge at such a height. If the hedge were to be reduced at any point in the future, the visual impact of the proposed house would be much greater than suggested.

21. In distant views, the proposed house would be seen in the context of nearby development and screened by the existing glasshouses. As such, it would not form an obvious or prominent feature in the landscape. Nonetheless, the proposal would be visible from the immediately surrounding area, particularly so if the hedge were to be reduced in height.
22. Overall, the proposal would have a moderate visual effect on the openness of the Green Belt. The proposal would also have a spatial impact. The change to domestic use, from land which is largely free of built form, and was formerly used for horticultural purposes, would contribute to the urbanisation of the area, albeit by a small amount.
23. Given the scale of the proposal, there would be no significant conflict with the 5 purposes of including land within the Green Belt, listed in Framework paragraph 138. However, it would constitute inappropriate development, and would have a moderate impact on openness.

Other considerations

24. The proposal would provide an additional family sized home. This would be a benefit of the scheme, but the contribution of a single dwelling would make very little difference to the overall amount of housing in the area, even taking into account the government's objective of boosting the supply of homes.
25. Given the diversity of building designs in the area, the appearance of the proposed house would be acceptable, with appropriate arrangements for access and parking. These factors, which represent a lack of harm, are neutral in the planning balance.

Other Matters

26. As part of the original planning application, a Principle Ecological Appraisal was carried out. The consultation response from Merseyside Environmental Advisory Service (MEAS) identified that the report had limitations, and recommended additional surveys. Given the proximity to nearby ponds and age of the previous survey work, MEAS identified the need for a Great Crested Newt survey to be carried out. I have no reason to come to a different view.
27. If the proposal was otherwise acceptable, most of the additional ecological surveys could be secured by condition. However, Circular 06/2005: Biodiversity and Geological Conservation, requires that the presence or otherwise of protected species be established before planning permission is granted. On its own, the absence of an up-to-date Great Crested Newt survey would therefore be a reason to dismiss the appeal.

Green Belt balance and conclusion

28. The proposed development would constitute inappropriate development in the Green Belt and would cause moderate harm to openness. The Framework establishes that substantial weight should be given to such harm.

29. When taken together, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances to justify the proposal do not exist. The appeal is therefore dismissed.

R Morgan

INSPECTOR