



Appeal Decision

Site visit made on 8 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/W4325/W/22/3299658

Manor Farm House, 291 Frankby Road, Frankby CH48 1PE

- 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 John Lynch (Mosaic Town Planning) against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/02082, dated 25 October 2021, was refused by notice dated 17 January 2022.
 - The development proposed is planning application for the erection of a dwellinghouse, private garden and access on land at 291 Frankby Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been brought to my attention that a draft local plan is emerging. However, this has not yet been the subject of an examination in public and therefore currently attracts limited weight. I shall determine the appeal on this basis.
3. An amended landscape plan¹ indicating the removal of a rumble strip was submitted with the appeal. The Council has commented on this plan and confirmed the removal of the rumble strip would have been the subject of a condition had planning permission been granted. The appellant also submitted an Extended Phase 1 Habitat Survey² with the appeal. The Council has had the opportunity to comment on the report and has suggested compliance by way of a condition in event of the appeal being successful. I therefore reasonably assume that the Council has no objections to the contents of the report and the revised landscape plan, and I shall take them into account in reaching my decision.
4. I acknowledge the appellant's concerns over the Council's handling of the application and that responses from some consultees were not shared with the appellant at the time of the application. I have dismissed the appeal on the main issues which were not determinative on the contents of these responses. Furthermore, the conduct of the Council is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

¹ 29 1 Frankby Road Landscape Plan Sheet No L01 Rev A

² Extended Phase 1 Habitat Survey Land at 291 Frankby Road, Wirral – Rachel Hacking Ecology May 2022

Main Issues

5. The main issues are:

- Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any other relevant development plan policies;
- The effect of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the site and whether it would preserve or enhance the character or appearance of the Frankby Village Conservation Area; and
- If the development is inappropriate, would the harm of inappropriateness, and any other harm, be outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate Development

6. The appeal site is situated in the Green Belt. The Framework identifies that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate development in the Green Belt. It goes on to state that inappropriate development, is by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist. Those exceptions are set out in paragraph 149 of the Framework, respectively. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
7. Saved policy GB2 of the Wirral Unitary Development Plan (UDP) sets out a general presumption against inappropriate development in the Green Belt unless it is for the purposes listed within the policy. Although the policy pre-dates the Framework, this is not a reason in itself to consider it out-of-date and the approach within the policy is broadly consistent with that contained within paragraph 149 of the Framework.
8. However, criterion (iv) of UDP policy GB2 goes further than the Framework in requiring compliance with UDP policy GB6 and GB7. As Frankby is not a village listed in UDP policy GB7, it is a village where limited infill is not permitted. This approach is not consistent with the current approach to Green Belt set out in the Framework. Therefore, I consider UDP Policies GB6 and GB7 to be out-of-date and consequently I afford them limited weight.
9. There is no dispute between the parties that the site lies within the village of Frankby. I have no reason to disagree. However, no settlement boundary is defined for the village. The appellant suggests that the Conservation Area (CA) boundary should be used to define the village. However, as this boundary has been defined in relation to matters of historical and architectural interest and not necessarily the settlement as a whole, for the purposes of Green Belt development I give this little weight.
10. The appeal proposal would be located in a garden area to the side of Manor Farm House. The house itself forms the end of a continuous frontage of

development in the village before the garden and a field which provides a gap between Frankby and St John the Divine Church and Greasby beyond. Although buildings opposite extend further east towards Greasby on the other side of the road, there is nevertheless an appreciable gap between the two settlements.

11. Limited infilling in villages is not defined in the Framework. Whether the development constitutes limited infilling is, therefore, a question of fact and planning judgement having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development adjoining and adjacent to it.
12. A reasonable test of what might constitute limited infill is whether proposed development would occupy a gap in an otherwise developed frontage. Whilst the appeal proposal is confined to the garden of Manor Farm House it extends built development into an area which was previously open. It would not fill a gap in a developed frontage.
13. The appellant suggests that 'limited infilling' could entail the filling of a gap between the village boundary and existing built development. However, no village boundary has been defined to form a gap which could be infilled. Whilst I acknowledge that the boundary of the appeal site is clearly defined by a wall along the road frontage and fencing and hedging elsewhere, the site itself is open and free of development. Moreover, the proposal would not infill an existing break in built development. Therefore, in my view could not reasonably be regarded as 'limited infilling'.
14. For the reasons given therefore, the proposal would not accord with the exception to inappropriate development under paragraph 149e) of the Framework. As a consequence, it would constitute inappropriate development in the Green Belt. The development would also conflict with policy GB2 of the UDP, which sets out development which is not inappropriate in the Green Belt.

Openness of the Green Belt

15. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework is to prevent urban sprawl and keep land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
16. Openness has both a visual and spatial dimension. The garden area of the appeal site is generally open and free from buildings. Whilst the site sits behind a low sandstone wall, timber closed boarded fencing and substantial vegetation, the construction of a two-storey dwelling on the site would result in built development where there is presently none, inevitably leading to a loss of visual and spatial openness on a permanent basis. As such, by reason of its siting, volume and height, the erection of a dwelling would reduce both the visual and spatial openness of the site.
17. To the north of the appeal site is a farmyard where farm related material is stored. The majority of which could not be considered to be permanent development which contributes in any way to urban sprawl and does not outweigh the harm that would be caused to the openness of the Green Belt by the proposal before me.
18. Therefore, as the proposed development does not constitute limited infilling in a village, it would lead to encroachment into the countryside and result in a

significant loss of Green Belt openness which the Framework identifies as being an essential characteristic of the Green Belt.

Character and Appearance of the Area

19. The surrounding area is characterised by single and two-storey buildings which are predominantly residential or agricultural in use. The houses are mainly red sandstone and brick and traditional in appearance. The proposal has been designed to be deliberately different with a modern appearance. It would be finished in metal cladding at first floor and sandstone at the lower floors.
20. The Framework attaches great importance to the design of the built environment. As part of this innovation should not be stifled. However, the Framework also indicates that local distinctiveness should be promoted and reinforced. Although the proposal would utilise local red sandstone and has attempted to reflect agricultural vernacular in the use of cladding, the proposed dwelling would not be viewed within the context of other agricultural barns in the village. Furthermore, the proposed fenestration details would be in marked contrast to its surroundings, whilst the undercroft parking and formal landscaping of the site would further jar with the site's rural environs.
21. The site lies within Frankby Village Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
22. The significance of the CA is derived from its historical development connected with agricultural activity in the area. The village retains a rural character and appearance. The Frankby Village Conservation Area Character Appraisal and Management Plan 2008 indicates that the original Frankby Manor farmhouse was demolished and replaced with the current Manor Farm House at a date unknown, but given its appearance, likely to be sometime around the middle of the 20th Century.
23. The proposal is for a substantial two storey dwelling with basement parking and accommodation, albeit set at a lower level than the adjacent Manor Farm House. It would be of a contemporary design, which the appellant describes as replacing a 'lost gateway property'. However, whilst I recognise that Frankby Manor was a more substantial property than its replacement, it appears to have been roughly in the same position as its replacement. I therefore do not agree that it would be a replacement for that property. I have also not been provided with any substantive evidence that the former Frankby Manor formed any sort of 'gateway' to the village, nor of any need to replace it as such.
24. The proposed dwelling would, as a result of its form and siting parallel to the road, introduce an abrupt transition from the village to the open countryside and would be markedly different in design and appearance from other built development in the village, which has seen little change over the past century. This would be especially noticeable when approaching the appeal site from Greasby. Furthermore, due to its significant width and overall height it would not be subservient to Manor Farm House. In that respect, it would not be sympathetic to its surroundings. The proposal would therefore lead to less than

substantial harm to the character or appearance of the CA. This harm does however carry significant weight.

25. The proposed dwelling would be built of high-quality materials and would incorporate sustainable design elements including habitat enhancements and energy efficiency measures. However, I have not been presented any public benefits which would outweigh the significant harm that the proposal would caused the character and appearance of the CA.
26. For the above reasons, the proposal would cause harm to the character and appearance of the site and the surrounding area and would fail to preserve or enhance the character or appearance of the CA, As such it would be contrary to UDP policies CH2, CH12 and HS4 which seek to ensure that, amongst other things, the design of new development is of high quality and conserves or enhances heritage assets and specifically to the retention of the character and appearance of Frankby Village CA. It would also conflict with the design aims of the Framework.

Other Considerations

27. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. The proposal would make a limited contribution to housing land supply which is a matter that weighs in support of the proposal. However, the weight to attach to this is limited given that the proposal is only for a single house. Energy efficiency measures and habitat enhancements proposed also to a certain extent weigh in support of the proposal.
29. The Extended Phase 1 Habitat Survey submitted with the appeal demonstrates that no protected species would be affected by the proposal and recommends measure to ensure biodiversity net gain by the proposal. I attach moderate weight to this in favour of the proposal.
30. Representations have been made which contend that the proposal would not be more noticeable than the old farm machinery and other farm related items which are present in the adjoining field. The removal of these items or the tidying of this land is not dependent on the proposal before me. This benefit would therefore be neutral in the balance of considerations on the appeal before me.
31. The substantial weight to be given to the Green Belt harm combined with the other identified harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the grant of planning permission.

Green Belt Conclusion

32. Substantial weight must be given to the Green Belt harm. The combined weight of the other considerations, including the contribution to housing land supply and biodiversity net gain does not clearly outweigh the harm to the Green Belt. As such, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with saved Policy GB2 of the

UDP and Framework paragraphs 147, 148 and 149 which together seek to protect the Green Belt from inappropriate development which is, by definition, harmful to the Green Belt.

33. The proposal is also contrary to UDP policies CH2, CH12 and HS4 which seek to ensure that, amongst other things, the design of new development is of high quality and conserves or enhances heritage assets.

Conclusion

34. For the reasons set out and having had regard to the development plan as a whole and all other material considerations raised, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR