



Appeal Decision

Site visit made on 14 February 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/W4325/W/22/3306834

East Farm, 100 Column Road, Caldy CH48 1LQ

- 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 Clifford Ryan against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00369, dated 19 January 2021, was refused by notice dated 26 May 2022.
 - The development proposed is 'Tractor/Agricultural machinery storage barn. Greenhouse. Welfare unit'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description appearing in the banner heading above is taken from the planning application form. A different description appears on the Council's Decision Notice and includes reference to the formation of hardstandings and the erection of a water pump/irrigation unit building. For the avoidance of doubt, my determination of the appeal relates only to the development described on the planning application form and as referred to on the appellant's appeal form.
3. There is some dispute between the main parties as to the lawfulness of some development and uses taking place on the site. It is not for me, under a section 78 appeal, to determine whether or not an alleged development or use on the site is lawful. To that end it is open to the appellant to apply for a determination under section 191 or 192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
 - the effect of the character and appearance of the proposals on the Caldy Hill and Stapledon Wood Area of Special Landscape Value
 - whether or not the proposals would preserve or enhance the character and appearance of the Caldy Conservation Area
 - the effect on nearby protected habitat sites

- if found to be inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of buildings for agriculture and forestry.
6. Saved Policy GB2 of the Wirral Unitary Development Plan [2000] (the UDP) is consistent with the Framework insofar as it defines buildings for agricultural purposes as an exception to inappropriate development in the Green Belt.
7. Although not referenced in the description of the development, the appellant's statement confirms that the buildings are reasonably necessary for agricultural purposes on the unit. There is no needs test within the Framework for agricultural buildings. Although there is some contention over the use of the planning unit, there is little evidence before me to demonstrate that the proposed buildings would not be used for that purpose.
8. Accordingly, as development consistent with the exception stated in Paragraph 149 a) of the Framework, the proposals would not constitute an inappropriate form of development in the Green Belt. For the same reasons, the proposal would comply with Policy GB2 of the UDP and very special circumstances are not required to justify the development.

Special Landscape Value

9. The site lies within the Caldry Hill and Stapledon Wood Area of Special Landscape Value. The rural area consists of open fields interspersed by woodland areas and linear tree lines following natural and man-made features. These include the local road network and field pattern. In the immediate locality, rural buildings are predominantly small-scale, isolated and set close to field boundaries. In the wider area, larger clusters of agricultural buildings are generally tightly grouped in compact farmsteads or rural based centres.
10. The location of the site lies in a shallow dip in the landscape. It benefits from a belt of protected woodland south-west of Column Road. Apart from a gap provided to facilitate a wide vehicular access, the site is generally well screened from the busy roadway, even when the trees are dormant. Only glimpsed views of the existing building and outside storage are visible from this aspect.
11. However, the site is visible along parts of Caldry Road through breaks in the roadside hedge. It forms a prominent feature in views from recreational paths within, and along the edge of Stapledon Woods to the west. Despite green mesh screens about the group of existing buildings and plant storage areas, and the trees and hedging along the other site peripheries, the site is pronounced in its location.

12. The proposals would result in the introduction of a typical agricultural storage building. This would provide for the storage of machinery, implements, growing materials and a workshop area. However, the floor area would be considerable against the size of the holding. It would appear disproportionately large against the size of the site and the area of land given over to productive use. Whilst I note the appellant's reference to other land within 5 miles of the holding, which is used in conjunction with the site, there is limited detail of it. Furthermore, for the intended storage, the height would appear significant.
13. A welfare building would be similarly over-sized for the scale of the operation on the site. It would be of an unusual box design, also unduly high to increase its prominence, and include undefined storage facilities which would add significantly to its overall size. Whilst I acknowledge the need for on-site facilities, the building's scale and appearance would cause it to be conspicuous both within the mixed appearance of buildings on the site and as an uncharacteristic building in the rural landscape.
14. The appearance of the proposed greenhouse would also be unusual. A masonry construction may create a thermal mass to the building which could assist in heating economies. However, the use of a high proportion of over-clad masonry, double glazed window and door units, and an insulated polycarbonate roof, would cause the building to have an unusual appearance for the intended use. Although it would reflect that of an existing small structure on the site, it would contrast starkly with the typical construction of a commercial glasshouse.
15. The appellant advises that there are many greenhouses situated across the Wirral and beyond, however, examples of the format proposed are not provided. Moreover, there is little to demonstrate that adequate protection from the weather and the provision of suitable growing conditions could not be achieved through a building designed to reflect the character of rural buildings typical of the locality.
16. I also acknowledge the appellant's assertion that the design would provide the flexibility to consider a range of options for the economic use of their land and for the future. Although this might be the case, I am not persuaded that this provides adequate justification for a design that is unusual in a rural agricultural setting.
17. The glasshouse and welfare block would be grouped with the existing buildings. However, the storage barn would be sited beyond a hardstanding area with an intervening strip of vegetation to appear detached. This would result in a spread of the mixed character buildings. Although it would not be unusual to arrange rural buildings about a central surfaced yard, in the context of an agricultural site of limited area, the spread of development would serve to increase its effect across the site and in the landscape.
18. In conjunction with the scale of the store and welfare building, the atypical design of the greenhouse and welfare buildings, and the spread of mixed appearance buildings on the holding, the proposed development would contrast with the characteristic appearance and layout of rural buildings in the locality. Even accounting for boundary landscaping, which would achieve little screening in views from the higher woodland to the west, they would appear conspicuous in their setting and appear prominent in the landscape of recognised value.

19. For the above reasons, I find that the described effects of the siting, scale and uncharacteristic designs of the proposals would contrast with the character and appearance of local rural development. It would cause them to be unduly prominent and impose significantly on the landscape and visual amenity of the Caldý Hill and Stapleton Wood Area of Special Landscape Value. The cumulative effects of the scheme would conflict with saved Policy LA1 of the UDP as it seeks to protect the character and appearance of areas designated as Areas of Special Landscape Value, including those which, in terms of their siting, scale, form and external appearance, would detract from the appearance of the Area or intrude within important views into or out of it.

Conservation Area

20. The Caldý Conservation Area (the CA) is characterised by predominantly spacious residential development about a central historic core of red stone-built houses, converted historic agricultural structures and community buildings. In the locality, the CA includes the clustered buildings of the previous East Farm farmstead; most of which appear converted for residential purposes.
21. The outstretching eastern limit of the CA lies a short distance to the south of the appeal site. The proposed locations of the buildings are separated from the CA by areas of open rough grass, intervening trees and vegetation, and the garden areas associated with the converted barns of the former East Farm.
22. Notwithstanding that the development would be prominent in views from the west, the buildings would pertain more to the open rural landscape than the built development in the CA. This would be on account of the intervening distance and retention of a buffer of substantially open land between them. The proposals would not encroach towards the eastern extent of the CA, nor dilute the contrast between the CA and the more open rural character of the land immediately surrounding it.
23. As the CA is identified as being generally strongly enclosed in the Caldý Village Conservation Area Appraisal and Management Plan, I find the character and appearance of development within the CA, or the nature of views into or out of it, would not be materially affected.
24. For the above reasons, I find that the proposals would have a neutral effect on the character and appearance of the Caldý Conservation Area. It would thereby be consistent with saved Policy CH2 of the UDP as it requires the preservation of the distinctive characteristics of the CA, including views into and out of it. For similar reasons, it would comply with the requirements in the Framework relating to the conservation of the historic environment.

Habitats sites

25. The site is located near to the nationally and internationally designated sites of the Dee Estuary Special Protection Area (SPA); Dee Estuary Special Area of Conservation; the Dee Estuary Ramsar; the Dee Estuary Site of Special Scientific Interest; Mersey Narrows and North Wirral Foreshore SPA; Mersey Narrows and North Wirral Foreshore Ramsar site; Mersey Estuary SPA; Mersey Estuary Ramsar site; and, the Liverpool Bay SPA.
26. The Conservation of Species and Habitats Regulations 2017 require the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal that may affect the integrity of the

protected (habitat) sites, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.

27. Pursuant to advice provided by Natural England, the Council's ecological advisors accept that the site might be unsuitable as direct supporting habitat for the designated habitats sites. However, the construction and use of the proposed development on the site could result in disturbance and attendant displacement effects to reduce the effective area of nearby supporting habitat. To this end, an additional information requirement was identified to inform the Habitats Regulations Assessment as to whether an AA was required.
28. Although a survey of overwintering birds was submitted in support of the proposals, the detail of the timing and method of construction, and the activities anticipated in the buildings' uses have not been confirmed. Accordingly, the Council considered that there was insufficient information to establish whether or not an AA was required. It will be seen below that I have had regard to the Council's determination in reaching my own decision.

Other Matters

29. Third party concerns as to any potential future use of the site are speculation. They are not a matter for the appeal.

Planning Balance

30. The proposals could provide for internal storage and enhanced security of items stored on the site when staff are absent. It could support the expansion of an established rural enterprise popular in its locality and facilitate the employment of additional staff through the provision of a welfare unit. These would be benefits of the proposals.
31. On the other hand, the proposals would cause significant harm to the character and appearance of the locality and the protected landscape. In my view, the benefits arising from the scheme, or my findings in favour of the appellant in relation to the Green Belt and the CA, would not outweigh the identified environmental harm. The development would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
32. As I have found against the appellant on a main issue, and therefore planning permission is to be refused, the unresolved matter as to whether an AA is necessary need not be considered any further in this case.

Conclusion

33. For the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR