



Appeal Decision

Site visit made on 7 June 2023

by J Hobbs MRTPI MCD BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/W4325/W/22/3311323

Land south of Burnbrae, Lever Causeway, Storeton CH63 6HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by John and Ann Cascone against the decision of Wirral Metropolitan Borough Council.
 - The application Ref OUT/22/00107, dated 18 January 2022, was refused by notice dated 24 May 2022.
 - The development proposed is outline planning application with all matters reserved for the erection of a single new detached home and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single new detached home and associated works at land south of Burnbrae, Lever Causeway, Storeton CH63 6HT in accordance with the terms of the application, Ref OUT/22/00107, dated 18 January 2022 subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, hereinafter called "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 2020298-01.

Applications for Costs

2. An application for costs was made by Mr and Mrs Cascone against Wirral Metropolitan Borough Council. This cost application is the subject of a separate decision.

Preliminary Matters

3. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

Main Issue

4. Whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 goes on to indicate that the construction of any buildings is inappropriate in the Green Belt, subject to a closed list of exceptions. One being limited infilling in villages.
6. Policy GB2 of the Wirral Unitary Development Plan (including minerals and waste policies) Written Statement (2000) (UDP), indicates that there is a general presumption against inappropriate development in the Green Belt. UDP Policy GB2 identifies a number of exceptions where planning permission will be granted including limited infilling in existing villages, subject to Policy GB6. UDP Policy GB6 says that within the villages listed in Proposal GB7, new development will be permitted on infill sites, defined as development filling a small gap within the defined built-up envelope of the village. Proposal GB7 identifies Storeton Village as a village with an infill boundary on the proposals map.
7. Paragraph 149 e) of the Framework does not specify that a proposal would need to be limited infilling within a defined village. As confirmed by the *Julian Wood v SSCLG and Gravesham Borough Council*¹ case (Wood judgement), the boundary of a village defined in a local plan may not be determinative for these purposes. Therefore, when considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies. As a result, UDP Policy GB6 and Proposal GB7, and consequently UDP Policy GB2 are not consistent with the Framework.
8. The appeal site is located away from what could be considered the village centre around the junction between Red Hill Road and Rest Hill Road, and outside the infill village boundary. However, the Storeton Hall development extends from the village centre along Lever Causeway toward the appeal site and further residential development on Little Storeton Way. Although the design of properties in Storeton varies and there is not a consistent pattern of development throughout the village, this section of Lever Causeway benefits from a relatively consistent pattern of development, which the appeal proposal would conform with.
9. A previous appeal, APP/W4325/A/13/2202929, on the same site was dismissed. It should be noted that this appeal decision was issued prior to the Wood judgement. Nevertheless, the Inspector noted that the appeal site was separated from the boundary by undeveloped land on both sides of the road. A significant amount of time has passed since the appeal decision was issued, and it appears as though the Storeton Hall development has subsequently been constructed, as works were still ongoing during my site visit. I did not observe a break in development, caused by undeveloped land on either side of the road, between the appeal site and the village centre. As no sufficiently compelling evidence to the contrary has been provided, I cannot conclude that

¹ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

the on the ground circumstances have not changed since the previous appeal was determined.

10. Having regard to UDP policies GB2 and GB6 as well as the infill village boundaries set out in UDP Proposal GB7 and the on the ground circumstances, I consider that the appeal site is located within the village of Storeton. The proposed development would be for one dwelling in a small gap in the developed frontage of Lever Causeway and there is residential development opposite. The proposed development would therefore constitute limited infilling.
11. The Lee Valley v Epping Forest District Council² judgement explains where the development is not inappropriate in the Green Belt, applying the exceptions identified in the Framework, it should not be regarded harmful to the openness of the Green Belt. As the proposed development is not inappropriate development, as per paragraph 149 e) of the Framework, an assessment on the effect of the proposed development on the openness is not therefore required. Likewise, very special circumstances do not need to be demonstrated in order for the proposal to be considered acceptable.
12. Although the proposed development would not accord with UDP Policy GB2 as it is located outside of the village infill boundary identified on the proposals map and UDP Proposal GB7, it would be consistent with the Framework. Therefore, the proposal would not be inappropriate development in the Green Belt.

Conditions

13. In the interest of certainty, I have attached conditions specifying that details of the reserved matters shall be submitted to and approved by the local planning authority; an application for the approval of the reserved matters to be submitted within three years and the development shall begin no later than two years after the approval; and, requiring development to be carried out in accordance with the approved plan.
14. A condition requiring the appellant to confirm whether work to the public highway, to form an access, would lead to the loss of trees and any replacement planting, is not necessary as it would be covered in the application for approval of reserved matters.

Conclusion

15. The proposed development would not comply with UDP Policies GB2 and GB6 nor UDP Proposal GB7 and therefore conflicts with the development plan when considered as a whole. However, these policies and proposal are not consistent with the Framework which is a material consideration.
16. The proposed development is consistent with paragraph 149 of the Framework, and there are no other material considerations which would lead me to an alternative conclusion.

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

17. Therefore, for the reasons above I conclude that the appeal should be allowed, and planning permission is granted, subject to the conditions set out above.

J Hobbs

INSPECTOR