



Appeal Decision

Site visit made on 12 June 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2023

Appeal Ref: APP/W4325/D/22/3312211

Thors Hill, Telegraph Road, Thurstaston CH61 0HJ

- 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 Paul Lea against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/02361, dated 14 December 2021, was refused by notice dated 12 September 2022.
 - The development proposed is new access from existing private drive.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; and b) if it is inappropriate development, 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 necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

4. Given the length of the proposed driveway and the work required to reduce the gradient of the slope, including that shown on drawing number 866.P22, the driveway would constitute an engineering operation. The National Planning Policy Framework 2021 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including paragraph 149g which involves the partial or complete redevelopment of previously developed land. Other forms of development, such as engineering operations (paragraph 150b) are also not inappropriate. However, both exceptions are subject to the proposal not having a greater impact on the openness of the Green Belt than the existing development (149g) or preserving the openness of the Green Belt (150b).
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5. Policy GB2 of the Wirral Unitary Development Plan 2000 (UDP) is consistent with the Framework in that it seeks to protect the Green Belt and that inappropriate development should only be approved in very special circumstances. The Framework however, being more up to date, includes a greater number of exceptions than GB2, including the partial redevelopment of previously developed land and engineering operations.
6. The definition of previously developed land is set out in the glossary of the Framework and includes both the curtilage of developed land and residential gardens outside of built-up areas. The appeal property is a large detached dwelling set in a substantial plot. However, the proposed driveway and access point would be located within a wooded area which is a significant distance from both the dwellinghouse and the garden areas adjacent. Given this, and despite the presence of an area of grass and a bench in the wooded area, I am not persuaded that it falls within the curtilage of the dwellinghouse or that it constitutes a residential garden. Consequently, the proposed gate and gate posts would not fall under paragraph 149g of the Framework.
7. Furthermore, the combination of the replacement of part of this wooded area with hardstanding, the ability for vehicles to drive in an area where they have previously been unable to, the removal of part of the boundary hedge, and the erection of a gate and gate posts would result in an urbanising effect. This would unacceptably reduce the spatial and visible openness of the Green Belt and as such, even if the gate and gateposts were acceptable under paragraph 149g, the additional requirements of both 149g and 150b would not be met. In that, for the above reasons, they would both have a greater impact on the openness of the Green Belt than the existing development and they would not preserve the openness of the Green Belt. The proposal would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

Other Considerations

8. The appeal site is situated within the northern part of Thurstaston Conservation Area (CA). The historic buildings and the woodland, which provide considerable screening of the properties in this part of the CA, contribute positively to its significance. The Council has not raised any objection in this regard and there is no assessment of this issue in the officer's report. Given the very restricted views of the site from public vantage points, the effect of the proposal on the significance of the CA would be minimal. Accordingly, it would preserve both its character and appearance. This would be a neutral matter.
9. Any highway safety improvements at the existing access would be negated by the increase in vehicle movements where the private driveway meets the roundabout, as there is a pavement across the access point. As such this matter would carry only very limited weight.

Conclusion and Recommendation

10. The proposal would cause harm to the Green Belt by way of it being inappropriate, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above are insufficient to clearly outweigh the

totality of the harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

11. Accordingly, the proposed new access would conflict with UDP Policy GB5 and with the Framework, the aims of which are set out above. There are no material considerations presented, including the approach of the Framework and worthy of sufficient weight, which indicate that a decision should be made other than in accordance therewith. The appeal should therefore be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis I dismiss the appeal.

John Morrison

INSPECTOR