



Appeal Decision

Site visit made on 10 December 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/V4305/W/24/3351579

Coach Road Farm, Cut Lane, Kirkby, Knowsley L33 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Groves against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref is 24/00342/FUL.
 - The development proposed is change of use and extension of former Dutch hay barn to 1 no. dwelling, conversion of former piggery to ancillary home office, means of access and external landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issues

3. The main issues are: -
 - whether the proposal is inappropriate development in the Green Belt and its effect on openness;
 - the effect on the character and appearance of the surrounding area;
 - the effect on the living conditions of the future occupiers of the proposed converted barn and those of the adjacent dwelling;
 - the ecological effects of the proposal; and
 - whether any 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 the development.

Reasons

Green Belt

4. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 and 155. Paragraph 154, sub-section h) (iv) allows the re-use of buildings provided that the buildings are of permanent and substantial construction. Such development must also preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Collectively Core Strategy¹ Policy CS5 and Unitary Development Plan² Policy G6 largely reflect the Framework in this regard.
5. The Dutch barn comprises a steel structure, timber roof trusses and purlins overlaid with asbestos/cement corrugated cladding, a concrete floor, blockwork and timber cladding. It was constructed around the mid-20th Century. A structural survey has been submitted which found the steel structure to be of permanent and substantial construction capable of carrying the loads required for conversion. The survey also includes calculations that indicate that a new lightweight roof could be supported off the existing structure.
6. However, to convert the existing barn to a dwelling would involve substantial works. Whilst the blockwork to the lower level of the building could be insulated and overclad, the upper level cladding is in poor condition and this would require replacing with new walls with door and window openings. With regard to the roof, the cladding at the very least would require replacing with new roofing materials and insulation.
7. Whilst there is no clarification in the Council's policies or the Framework as to where the line between conversion and re-build or major reconstruction is crossed, the barn in this case comprises little more than the remnants of a steel framed building. In itself the structure may be structurally sound and due to its size, the barn is substantial. It has existed for about 70 years and this longevity inevitably gives it a level of permanence. However, this does not mean that the work involved in creating a dwelling from the remaining structure would amount to anything other than a rebuild. The integrity of the steel framework, as indicated in the structural survey, would indicate that the substructure could remain standing for many more years. However, the proposed change of use would go beyond what could reasonably be considered a conversion but would amount to a substantial re-build.
8. The scale of the existing building and its dilapidated appearance currently means that the appeal site is not open. The use of the area around it for any agricultural use would also lessen openness depending on the intensity of use. Although the poor condition of some of the timber cladding to the building and its open sides allow views through it, this does not visually create an open aspect to the barn and its immediate surroundings. I do not therefore consider that the proposed change of use would have an adverse effect on openness,

¹ Knowsley Council – Knowsley Local Plan Core Strategy January 2016.

² Knowsley Council – Knowsley Replacement Unitary Development Plan, Adopted June 2006.

even taking into account areas of proposed gravel, harsurfacing and car parking space that would be associated with a dwelling.

9. Green Belt serves five purposes as set out in paragraph 143 of the Framework. These include, a) to check the unrestricted sprawl of large built-up areas; b) to prevent towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and, e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Given the location of the appeal site, I am satisfied that the proposal would not conflict with these purposes.
10. The revised Framework introduced further developments that should not be regarded as inappropriate. Paragraph 155 states that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; the development would be in a sustainable location; and where applicable, the development would meet the Golden Rules requirements set out in the Framework. The last of these criteria is not applicable in this case.
11. The Framework defines grey belt as being previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. There has been no evidence that the Dutch barn has lawfully been used for any other use than agriculture and therefore it would not be classed as previously developed land. However, grey belt includes other land as long as it does not conflict with the stated purposes of Green Belt. I have already determined that the proposal would not conflict with the purposes of Green Belt and so the site could fall under the definition of grey belt. However, for the proposed development not to be inappropriate in Green Belt terms, paragraph 155 also requires a demonstrable unmet need for the type of development proposed and for the site to be in a sustainable location, as referred to in paragraphs 110 and 115 of the Framework.
12. The appellant questions whether or not the Council can demonstrate a five year supply of housing land and rather than the 7.20 years supply quoted by the Council, there would be 4.93 years supply. I do not have the evidence to determine what figure may be correct but taking this lower figure, any shortfall is small. Furthermore, footnote 56 of the Framework takes into account the Housing Delivery Test³ threshold of 75% over the past three years. Knowsley Council is well above this. Therefore, I am not convinced that there is a demonstrable need for this development and therefore afford this only limited weight.
13. The appellant also refers to the proposal being a custom/self-build housing development and based on Knowsley's Strategic most recent (December 2024) Housing Land Availability Assessment (SHLAA) and its earlier Housing Needs Assessment (2021), completions have amounted to about 1.2% of those required. I have not seen these documents and the Council is silent on this matter. Therefore, given the limited information regarding need for custom/self-building housing, I am unable to determine with any certainty that

³ Housing Delivery Test : 2023 Measurement.

the proposal would make a meaningful contribution to a demonstrable need in this regard. In any event, there is no mechanism in place to secure that the proposed dwelling would meet the requirements for such a dwelling. I am not satisfied therefore that need has been demonstrated.

14. The site is located within a rural area and although the appellant states that Kirkby Town Centre is 3 miles away and can be reached by bicycle, the site is accessed via a narrow country lane. There are no public transport links and future occupiers would be dependent on the use of a car. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. However, the location of the appeal site is not a sustainable one and future sustainable transport solutions are not easy to envisage given the location of the site and the surrounding road network.
15. Despite my conclusion on openness and the purposes of the Green Belt, the change of use of the former Dutch barn to a dwelling would amount to inappropriate development. It would not fall within the exceptions cited in paragraphs 154 or 155 of the Framework and would conflict with Core Strategy Policy CS5 and UDP Policy G6. As stated by the Framework, inappropriate development is, by definition, harmful to the Green Belt. Such harm carries substantial weight.
16. The piggery is a smaller brick built building that was most likely built around the time of the original farmhouse. The structural survey describes its brickwork as being in good condition. It has a slate roof which may require support from new rafters between the existing purlins to support any new insulation proposed. The proposal to convert this is described on the application form and decision notice as an ancillary home office and on the plans as a garden room. In either case, its conversion is not disputed by the parties and I see no reason to reach a different conclusion.

Character and Appearance

17. The surrounding area is relatively flat open countryside with clusters of buildings and the barn and piggery sit amongst a small grouping of buildings. As described above, these include the farmhouse and a recently converted barn. The latter is stone faced and part rendered with a slate roof.
18. The proposed conversion of the Dutch Barn would include part brickwork and part metal sheeting with PVC or aluminium windows and doors and profiled sheeting to the roof. Although the existing barn lacks architectural interest the proposed conversion would appear utilitarian with window and door openings inconsistent with those of a traditional agricultural building and at odds with the character and appearance of the adjacent stone barn. Whilst the design is intended to contrast with the stone barn and brick farmhouse, it would appear incongruous. The fenestration design on both main elevations lack interest or any attempt to reflect the rural location.
19. The design would be uninspiring and fail to reflect its setting. Although the existing barn is unsightly due to its dilapidated appearance, it still appears as an agricultural building within the landscape. The proposed conversion would, however, be of a poor design incongruous in the landscape and therefore, harmful to the character and appearance of the surrounding area. This would

conflict with Core Strategy policies CS17 and CS19 which together require new development to respond to and integrate the positive characteristics of the immediate surroundings.

20. As with my first issue above, there is no dispute between the parties about the detailed conversion of the piggery and I too find no harm in this regard.

Living Conditions

21. The submitted plans have been incorrectly notated in terms of the east and west elevations of the Dutch Barn. The appellant has explained the error. The east elevation (shown as the west elevation) comprises the main windows to the proposed dwelling. These would overlook the fields to the east and therefore future occupiers of this dwelling or those nearby would not be adversely affected through overlooking or loss of privacy. The west elevation (shown as the east elevation) would incorporate high level windows which would face the front elevation of the converted stone barn. This was unoccupied at the time of my site visit. It would be possible to ensure that these were at an appropriate height above internal floor levels so that any overlooking or loss of privacy between the dwellings would not occur.
22. Future occupiers of the proposed dwelling and the existing converted stone barn would not therefore be harmed through a loss of privacy. The proposal would not therefore conflict with the requirement of Core Strategy Policy CS19 to maintain a good standard of amenity for future occupiers of either building. Given that the perceived harm was based on an error with the plans notation only, this matter has a neutral impact on my overall assessment.

Ecology

23. The appellant states that a Biodiversity Enhancement Plan was submitted with an earlier planning application to convert the adjacent stone barn to a dwelling. Evidence at that time resulted in agreed mitigation measures. This included mitigation in relation to barn owls, swallows and bats and covered the whole site including the current appeal site. The appellant has expressed a willingness to liaise with the Council's environmental consultants (Merseyside Environmental Advisory Service – MEAS) in producing an up to date assessment and mitigation measures.
24. The appropriate surveys for bats are still valid and suitably worded conditions would be reasonable in order to provide bat boxes and control lighting that may affect the roosting, foraging and commuting habitat for bats. Likewise, conditions would be reasonable to address any matters relating to amphibians and terrestrial mammals, such as hedgehog and brown hare.
25. However, an up to date assessment would be required in relation to barn owls, swallows and other breeding birds prior to granting planning permission. I appreciate that the appellant was not asked for this as part of this application and whilst this is frustrating, given that there is an overlap between what was required for the previous development of the stone barn and the effect of this proposal on those mitigation measures, this is not a matter that can be left for determination through a planning condition but needs to be clear beforehand.
26. Therefore, due to the lack of up to date evidence, the proposal would have a harmful ecological effect contrary to Core Strategy Policy CS8 which, amongst other things, seeks to sustain and promote biodiversity.

Other Considerations

27. The appellant refers to another appeal decision in the Borough at Tanpit Farm⁴ which included an assessment as to whether the buildings on site were of a permanent and substantial construction. However, from the evidence submitted, that site included a number of buildings which overall appear more substantial than the appeal site and therefore the circumstances at that site are not directly comparable with the appeal site. The decision to allow development of the Tanpit Farm site does not therefore justify allowing the development proposed in this case.
28. Matters of need including housing land supply and the provision of custom/self-build are addressed above and I afford them only limited weight.

Planning Balance

29. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
30. Although I have found that the openness of the Green Belt would not be harmed, the proposal would be inappropriate development. Harm caused by inappropriateness carries substantial weight. I have also found harm in relation to ecological matters which also weighs against the proposal. Whilst I have not found harm in terms of the effect of the proposal on the living conditions of future occupiers of the converted Dutch barn and the adjacent stone barn, this has a neutral effect on my overall assessment.
31. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness do not exist. The scheme would conflict with the Framework and for the reasons stated, it would also conflict with The Core Strategy and UDP policies referred to above.
32. I have not found any harm with regard to the conversion of the piggery. However, as the conversion of this building would be to create ancillary facilities for the converted barn, I do not consider that allowing this part of the development only would be acceptable and therefore a split decision would not be appropriate in this case.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

⁴ APP/P2365/W/19/3226493.