



Appeal Decision

Site visit made on 22 April 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/V4305/W/24/3358183

**Knowsley Village Stables, Knowsley Lane, Knowsley Village, Merseyside
L34 9BD**

- 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 ATE Farms against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref is 24/00155/FUL.
 - The development proposed is described on the application form as 'the erection of dwellinghouses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided a set of revised plans which address some of the Council's concerns, particularly in relation to the elevational treatment of the proposed houses¹. A Highway Technical Note, Water Vole Survey Report (September 2024) and Flood Risk Assessment have also been provided. The appellant has requested that the appeal be determined on the basis of the revised plans and additional reports.
3. These documents were not available to the Council when it made its decision, but were provided to officers as part of subsequent pre-application discussions. As part of that process, the Council had the opportunity to consider the documents, and to share them with internal and external consultees. In the Council's appeal statement, they have referred to the revised plans and additional reports, so their position in relation to those documents is clear. I am satisfied that the Council's case is not prejudiced by my consideration of the appeal on the basis of the revised information.
4. Interested parties did not have the opportunity to see the additional plans and documents before the appeal, but those who previously objected were notified of the appeal and had the chance to comment at that stage.
5. In light of the above considerations, and having regard to the Wheatcroft principles, I have taken the additional plans and reports into account in determining this appeal.
6. The Environment Agency has reviewed the Flood Risk Assessment (FRA) which was submitted as part of the appeal. The Environment Agency has confirmed that

¹ Drawing refs A502-A, A501-A, A505-A, A-D E 201 A and A-D E 202-A

the FRA addresses their previous concerns, and are satisfied that, subject to the mitigation measures proposed, the development would be safe from flooding and would not exacerbate flood risk elsewhere. The Environment Agency has withdrawn its objection, and the Council has confirmed that it no longer has concerns about flood risk. I have no reason to take a different view, so have not included flood risk as a main issue in this appeal.

7. The appeal site is immediately adjacent to the Knowsley Village Conservation Area (CA), and forms part of its setting. In considering this appeal, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

8. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt,
- the effect on the character and appearance of the area, including the setting of the Knowsley Village Conservation Area,
- whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to garden space,
- the effect on protected species, and
- whether a safe and suitable access would be achieved.

Reasons

Whether inappropriate development

9. The site is within the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the National Planning Policy Framework (the Framework) says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS5 of the Knowsley Local Plan 2016 sets out a similar approach.
10. Framework paragraph 154 identifies types of development which are not inappropriate in the Green Belt. The list includes 154e) - limited infilling in villages. The appeal site is on the northern edge of Knowsley Village, which is a settlement of a reasonable size with a range of local facilities. There is no dispute that this is a village for the purposes of paragraph 154e), and I agree.
11. The built up area of Knowsley Village is largely contained on three sides by Knowsley Lane (B5202), Mill Lane and Ormskirk Road. The appeal site is just outside of this wedge of development, adjacent to a cluster of built form which extends along School Lane and the western side of Knowsley Lane. This area includes the recent development at Maypole Court, immediately adjacent to the appeal site.
12. The appeal site is on the northern edge of the village, but on this side of the road there is continuous built form between the appeal site and the village core, just a short distance away. The village has a spacious character with some of the

buildings set in large plots, but there is no clear gap in built form between the appeal site and the main part of the village. I am satisfied that the appeal site is within the village for the purposes of paragraph 154e).

13. As noted by both parties, there is no formal definition of 'limited infilling' in either the Framework or the development plan. However, the concept of 'infill' implies development within a gap between existing built form, and 'limited' indicates the need to consider scale. Various interpretations could be used and I note the various appeal decisions referred to by the parties, but essentially it comes down to a matter of planning judgement, taking account of the characteristics of the site and the surrounding area.
14. The appeal site, which fronts onto Knowsley Lane, is currently used for grazing horses. The site forms part of a larger paddock and is used in connection with a large barn, which is used as stables. The existing access to the stables building and paddock runs along the southern edge of the site, with Knowsley Brook forming the northern boundary.
15. The appeal site forms a gap between built form at Maypole Court and a pair of large semi-detached houses beyond. The gap along the frontage is sizeable, but not excessively so, given the large plots which characterise this part of the village. It is proposed to build two pairs of semis along the frontage, which is not an excessive number, and the houses would not be particularly large.
16. The proposed development would not fill the whole of the gap along the frontage, which also includes the access road and Brook, with an 8m offset from the watercourse. However, there is nothing to suggest that limited infilling must occupy the entire space, and many of the developments in the vicinity do not occupy their full plot widths. Furthermore, unlike in the Maghull example referred to by the Council², the proposal would occupy the full extent of the developable area, within a site which does form a gap in the built form.
17. A further four houses are proposed at the rear of the site. As they would be behind the front row, the proposed houses on plots 6-10 on the submitted site plan would not occupy a gap in the frontage. However, that is not a requirement of paragraph 154e), and it is necessary to consider the specific circumstances of the case.
18. The proposed two pairs of semis at the rear of the site would occupy space between Knowsley Brook and the existing stables building, which partially encloses the site and has extant permission for redevelopment for five houses³. The proposed houses would extend no further into the site than the existing stables building (or the houses which would replace it), or the rear building line of the larger of the semis to the north.
19. The proposal is for eight dwellings, which is a fairly large number for a development involving limited infilling, and higher than in the Preston case referred to by the Council⁴. However, the quantum of development is not the only matter to be considered. The Preston case involved six substantial dwellings with private accesses, whereas the appeal before me would be quite a dense form of development. Indeed, the form and layout of the appeal proposal raises concerns

² Appeal ref APP/M4320/W/18/3200519

³ Application ref 19/00469/FUL.

⁴ Appeal ref APP/F2360/W/21/3282566

about the effect on the character and appearance of the area, as discussed below. A lower number of houses could have been proposed here.

20. Taking account of the specific characteristics of the site, including the extent of enclosure, I am satisfied that development here could reasonably be described as limited infilling for the purposes of Framework paragraph 154e). Compliance with this exception means that no further consideration of openness is required. It is not necessary to consider any of the other exceptions listed in paragraph 154 either.
21. I conclude that the proposal would not be inappropriate in development in the Green Belt. There would be no conflict with Local Plan Policy CS5.

Character and appearance, including the Knowsley Village Conservation Area

22. The appeal site lies just outside the boundary of the CA. Framework paragraph 207 requires applicants to describe the significance of any heritage assets affected by a proposed development, including any contribution made by their setting. In this case, limited heritage information has been provided as part of the appeal, so I have relied on the Conservation Area Appraisal supplied by the Council, in addition to my own observations on site.
23. At the heart of the CA is the historic village core, with historic buildings set around Maypole Green (also known as Knowsley Triangle). There are a variety of building types and styles within the CA, but the buildings in and around the core of the village, including the parish church and village hall, are generally formed of red brick and sandstone with slate roofs. There are a number of grander houses with large, ornate chimneys, prominent gables and deep eaves with decorative surrounds. The appearance and quality of the buildings reflects the influence of the Earls of Derby, whose estate was nearby.
24. The buildings around the village core and wider CA are generally well spaced and set back from the main road. Wide verges, mature trees and hedgerows give a verdant and spacious quality to the area.
25. The CA extends along Knowsley Lane, wrapping around the western and northern sides of the village, beyond which the land use is predominately agricultural. Whether or not the CA has a rural or semi-rural character may be a matter of opinion, but the spacious form of development, set amongst abundant trees and vegetation within a wider agricultural setting, means that the CA retains the feel of a traditional country village. This is despite the busy roads which pass through it, and the presence of the large industrial estate nearby.
26. The significance of the CA is derived from the traditional village form, which has been relatively unchanged over time, which retains the appearance of a country village. The architectural and aesthetic quality of the historic buildings help us to understand the origins and development of the village, further contributing to significance.
27. The appeal site, just outside the northern boundary of the CA, comprises of grazing land. The wider paddock area is framed by mature boundary trees, and a thick hedge along the roadside. Despite the presence of the large, functional stable building which is visible through the access, the appeal site has a rural, undeveloped character. The appeal site forms part of the setting of the CA, and makes a small but positive contribution to its significance.

28. The appeal site is well contained, with existing development limiting further expansion to the north. The site would provide for infill development, rather than unrestrained urban sprawl. Nonetheless, the introduction of built form as proposed would fundamentally and harmfully alter the character of the site, replacing its existing rural character with a suburban style housing development.
29. The effect on the setting of the CA would be reduced by positioning the houses away from the road frontage. The retention and reinforcement of the existing boundary hedge would also help to limit the visual impact from Knowsley Lane. Even so, the development would be readily visible from within the CA, both from the main road and from properties on Maypole Court, which directly overlook the site. The change from an undeveloped site to a small housing development would be clearly apparent and would detract from the green setting of this part of the CA.
30. The harm would be exacerbated by the dense and regimented form of development proposed, with the pairs of semis positioned very close together. The layout proposed would fail to respect the looser character of the surrounding built form, which is generally characterised by properties in larger plots.
31. I acknowledge that the new houses at Maypole Court are set within modest plots, as are the consented homes on the site of the stables building. However, the courtyard style layout of the development at Maypole Court, and the style and quality of the built form, better reflects the traditional rural character of the village than the dense and car dominated development proposed.
32. Most of the properties in the surrounding area face the road, rather than turn their backs to it, as is proposed here. The internal access road would provide for a degree of natural surveillance, but orientating the backs of the houses to the main road risks further eroding the character of the area. Pressure from future residents to add extensions in the future could well result in an ad-hoc appearance to the development, which may not be entirely screened from the road by hedging.
33. In order to provide sufficient space for parking for the eight houses, the internal access road would be dominated by hardstanding. There would be very little opportunity for soft landscaping. The proposed development would conflict with residential design guidance in the New Residential Development Supplementary Planning Document 2108 (SPD), which seeks to avoid car dominated layouts with large expanses of tarmac. The proposed layout would fail to reflect the rural character of the wider area, and would detract from the setting of the CA.
34. In response to comments from the Council about the elevational treatments of the proposed dwellings, the appellant has submitted revised drawings, in which the originally proposed front dormers, door overhangs and brick banding have been removed. The resultant buildings would have a simpler, less fussy appearance, but I agree with the Council that the modern shape and style of the proposed windows and patio doors would fail to reflect the prevailing character of the area, in which tall narrow windows with deeper cills are prevalent.
35. A similar style of housing to that proposed has been approved on the immediately adjacent site, but that does not provide a reason to accept uncharacteristic detailing here, on a larger site which has a more prominent road frontage. A more sensitive form of development, which picks up on characteristic local detailing is evident at Maypole Court. Whilst that site is within the CA, the appeal site is

immediately adjacent, and forms part of the setting of the designated heritage asset.

36. In light of all the above considerations, I conclude that the proposed development would cause harm to the character and appearance of the area. The form, layout and appearance of the development would erode the countryside setting of the CA, diminishing the significance of the designated heritage asset.
37. The scheme would conflict with the requirements for new development within or close to a conservation area contained in UPD Policy DQ5. As it would not preserve the local distinctiveness and character of historic assets through sensitive design, the proposal would conflict with Core Strategy Policy CS20.
38. There would be further conflict with Core Strategy Policy CS19, which requires that new development responds to and integrates positive characteristics of immediate surroundings.

Heritage balance

39. In relation to Framework paragraph 212, the harm to the setting of the CA would be less than substantial. Nonetheless, paragraph 215 requires that the harm must be weighed against the public benefits of the proposal.
40. The scheme would provide eight additional dwellings which would contribute towards meeting housing need in the area, on a small site that could be built out quickly. The site is reasonably accessible to a range of local services, and there would be benefits to the local economy through construction work, and spending by future occupiers.
41. These would be benefits of the scheme, but Framework paragraph 202 notes that heritage assets are an irreplaceable resource, that should be conserved in a manner appropriate to their significance. In this case, the layout and appearance of the proposal would cause harm to the setting of the CA. No clear reasons have been provided as to why the site should be developed as proposed. It may well be possible to achieve a similar (or slightly reduced) level of public benefit through a different scheme, with a layout and development form which was more sensitive to its surroundings.
42. On this basis, the public benefits do not justify the harm to the setting of the CA as a designated heritage asset.

Living conditions

43. Each of the proposed houses would provide sufficient space for parking at the front, and private garden space to the rear. The gardens would be fairly small, particularly those on plots 10-13 at the front of the site, and not all would meet the 10m depth referred to in Appendix 4 of the SPD. However, from reading the SPD it seems that the 10m figure derives from the need to maintain adequate interface distances between properties. Such concerns, relating to ensuring privacy, are not an issue here.
44. Quality considerations for private amenity space are set out in paragraph 3.45 of the SPD, which advises that gardens should be appropriate for the size of the dwelling, having regard to the character of the area. In this case, the plot sizes are small compared with much of the development in the surrounding area. That said,

the proposal would provide modest but useable and accessible areas of private amenity space for future residents, with adequate sunlight and daylight.

45. Taking these considerations into account, I am satisfied that, with regard to amenity space, the proposal would provide acceptable living conditions for future residents. In this regard, it would be consistent with the requirements of Core Strategy Policy CS19 and the SPD.

Protected species

46. The submitted Preliminary Ecological Appraisal (PEA) (Ascerta 2023) sets out a number of recommendations, including the need for a survey to assess the presence/absence of water vole, if works are to occur within 5m of Knowsley Brook (referred to in the PEA as ditch D1). The appellant has confirmed that the only works within 5m of the Brook which may be needed would be the installation of an outfall to discharge surface water. Discharge to the Brook may form part of the drainage strategy for the site, but would only be needed if the preferred option of infiltration was found to be unsuitable as a full or partial solution for managing surface water.
47. An initial water vole survey was undertaken by Ascerta in September 2023, which found no evidence of water vole. However, the Council's ecological consultants, Merseyside Environmental Advisory Service (MEAS) found the water vole survey to be unsatisfactory. In part, this was because only one survey had been undertaken, rather than the recommended two, at the beginning and end of the breeding season. The consultation response provided by MEAS refers to best practice guidance, with the specific reference given in a footnote in their letter⁵.
48. In light of uncertainties about the final drainage strategy for the site, a second water vole survey was undertaken by Ascerta in September 2024. Like the first survey, the 2024 survey was undertaken by a qualified ecologist, and is stated to have been completed in accordance with best practice guidance. Again, no evidence of water vole was found, and the report noted that the two ditches surveyed provide very limited habitats for water vole. However, the two surveys were undertaken at the same time of year, so the concerns expressed by MEAS and the Council had not been overcome.
49. I note the appellant's intention to carry out another water vole survey in the Spring of 2025. This would settle the matter, and enable any mitigation measures to be identified if appropriate. However, that survey information is not before me, so I must determine the appeal on the basis of the submissions to date.
50. The PEA identified a record for water vole close to the site. This was from some years ago, and no evidence has been found on subsequent surveys. Nonetheless, it is possible that these animals are present, and Circular 06/2005 says that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.
51. If the development were otherwise acceptable, a detailed drainage strategy would be needed, which could be secured by a condition. The appellant has suggested that discharge to the public sewer, rather than the Brook, could be considered as

⁵ *The Water Vole Mitigation Handbook 2016*, (Dean, Strachan, Gow and Andrews)

part of the final drainage strategy for the site. Such a drainage strategy may have been acceptable at the adjacent site, but I have no information about the acceptability or otherwise of discharging to the public sewer for this specific proposal.

52. The lack of an early breeding season survey, undertaken in accordance with best practice guidance, means that the absence of water voles has not been demonstrated. Uncertainties about the drainage strategy, and the possible need to discharge to the Brook, could affect animals using that habitat. This issue may well be capable of being satisfactorily resolved, but on the basis of the information provided, harm to protected species has not been ruled out.
53. The submitted PEA contains other recommendations to mitigate impacts on biodiversity, which could be secured by condition. An appropriate landscaping scheme could also be secured in this way.
54. Notwithstanding that, the tree lined Brook forms part of Knowsley's Green Infrastructure, which Core Strategy Policy CS8 seeks to maintain and enhance. The aim of the policy is to sustain and promote biodiversity in these areas, including protected species. As there remains uncertainty as to whether the proposal could affect a protected species which may use an area of Green Infrastructure, the proposal conflicts with the policy.

Whether a safe and suitable access

55. In their consultation response, the Council's highways officer expressed concerns about the ability of larger sized delivery vehicles to access, turn around and exit the site in a forward gear. Further information on this, and an updated plan showing that adequate visibility splays could be achieved, were identified as being needed. In response to these concerns and to address the highways reason for refusal, a Technical Note on highways matters was submitted as part of the appeal (SCP, October 2024). The site access arrangement plan, (contained in Appendix B of the Technical Note), shows that appropriate visibility splays could be achieved.
56. Appendix C of the Technical Note contains swept path analysis drawings. These show that 7m length vehicles could turn within the site, to enable them to exit in a forward gear. However, this manoeuvre would require incursion onto an area which is outside of the red line boundary of the appeal site. The Council has not clearly identified the area it is referring to, but I assume that it forms part of the stables site, which has extant permission for five new dwellings.
57. The appellant has confirmed that the adjacent site, including the area proposed for manoeuvring, is within their ownership and control. As such, it is within the appellant's gift to ensure that vehicles have sufficient space to safely access, turn around and exit the site. To achieve this, it would be necessary to implement the extant permission prior to development of the appeal proposal. Specifically, the access would need to be made, to the appropriate standard. I am satisfied that, if the development was otherwise acceptable, this could be secured through an appropriate condition or obligation.
58. In considering this issue, I am mindful of the appellant's stated intention to implement the permission prior to its expiry, with reference made to ongoing applications to discharge conditions. I have no reason to doubt that the permission will be implemented as indicated.

59. Taking account of the above considerations, I am satisfied that the proposal is capable of providing a safe and suitable access. I have identified no conflict with Core Strategy Policy CS7, which sets out requirements for the location, design and management of new development in relation to transport networks.

Planning Balance and Conclusion

60. I have found that the scheme would not be inappropriate development in the Green Belt. It would provide acceptable living conditions for future occupiers, and a safe and suitable access could be achieved. However, these matters, which represent a lack of harm, do not outweigh the harm to the character and appearance of the area and the setting of the Knowsley Village Conservation Area which would arise from the proposed layout and form of the proposed development. There is also insufficient information to conclude that harm to protected species would be avoided.
61. The scheme would conflict with the development plan, the Framework and the Act. The appeal is therefore dismissed.

R. Morgan

INSPECTOR