



Appeal Decision

Site visit made on 22 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/W4325/W/25/3371637

Eastham House, Eastham Village Road, Eastham, Wirral CH62 0AF

- 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 Derek Coathup against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/25/00505.
 - The development proposed is change of use from agricultural land to commercial satellite parking area (sui generis) for a period not exceeding two years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant explains that he entered into a 2 year long contract with BCH Civils (a Cadent Gas infrastructure contractor) to provide overnight parking facilities for vehicles and equipment in its work on behalf of a statutory undertaker. The contract terminates at 2400 on 31 January 2027. The use has commenced.
3. The appellant argues the semantics of the wording in the decision notice in that it refers to a change of use rather than a material change of use. The appellant suggests that a material change of use has not occurred in which case the need for planning permission is queried. However, the proposal before me is for a change of use as applied for. It is not within the scope of this Section 78 appeal to assess whether permission is required so I have assessed the appeal on the basis of the sought for change of use.
4. The appellant also suggests that the land is grey belt and that it is previously developed land. However, the definition of both terms are set out in the Glossary of the National Planning Policy Framework (the Framework). Grey Belt is described as previously developed land and/or land that does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143. Previously developed land excludes land that is, or was last, occupied by agricultural buildings. The proposal is for the change of use of agricultural land. Also, the appeal documents state that the existing hardstanding is permitted development under Class A(b) of Part 6 of the General Permitted Development Order (GDPO)¹. Part 6 relates to agricultural and forestry development. Such development can only benefit from agricultural permitted development (PD) if it is in agricultural use.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2. Part 6, Class A(b).

Given this contradiction - the land cannot be classed as previously developed land and benefit from agricultural PD, I have not considered this matter further.

Main Issues

5. The main issues are: -

- whether the proposal is inappropriate development in the Green Belt and its effect on openness;
- whether the proposal would preserve or enhance the character and appearance of the Eastham Village Conservation Area;
- the effect on the living conditions of the occupiers of neighbouring residential properties due to noise and disturbance; 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 in the Green Belt.

Reasons

Green Belt

6. 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) (v) allows the material change of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The five purposes of Green Belt are 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. Local Plan² Policy WS 1K states that national policy for the Green Belt will apply in the determination of relevant proposals.
8. The appeal site includes a large structure that is the remains of a former open sided barn. Little remains other than the remaining steel work and a dilapidated roof. The area comprises a muddy roughly surfaced area. At the time of my visit some materials were stored on the site together with a metal storage container and two cars. The proposal includes the overnight storage of vehicles. The amount of storage and vehicle parking will vary during the course of the day and night, but the proposal would allow for more than I observed. Whilst the area was largely open at the time of my visit, this would change when the land is used for parking commercial vehicles. I note the appellant refers to two cars, two HGV's and 2 flatbed trucks including trailers.

² Wirral Local Plan 2022 – 2040 Adopted 31 March 2025.

9. As the appellant points out, the Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects. It can also be affected by the duration of the development and its remediability, taking into account any provisions to return the land to its original state, or to an equivalent or improved, state of openness. The degree of activity likely to be generated, such as traffic generation, can also be taken into account when assessing the potential impact on openness³.
10. The appeal site is outside the built-up area and being on the edge of it, the storage of vehicles and equipment represents the sprawl of the built-up area. Given that this is a commercial development, unrelated to agriculture or a rural use, it also fails to safeguard the countryside from encroachment. The vehicular activity and the impacts of loading and unloading adversely impact on the openness of the appeal site. I have no substantive evidence as to how this area was used before, other than the references made to an agricultural use but from the information I do have, the appeal proposal is more intrusive. Whilst the benefits of the appeal site have been highlighted, no specific justification for a rural location has been advanced. It therefore fails to meet two of the five purposes of Green Belt. I shall address its role in preserving the setting and special character of a historic town separately below.
11. Consequently, the proposal would fail to preserve the openness of the Green Belt and it would conflict with the purposes of including land within it as set out above. It would therefore amount to inappropriate development in the Green Belt. This would conflict with the Framework and Local Plan Policy WS 1K.

Conservation Area

12. From Eastham Village Road, an access serves Eastham House and Eastham Mews along with the appeal site. The access to the main body of the appeal site is within the Eastham Village Conservation Area. The rest of the site adjoins it. Whilst I have been supplied with a copy of the Conservation Area plan an appraisal of the conservation area has not been submitted. I therefore have little information about the historic or architectural attributes of the Conservation Area. My assessment therefore is based on the limited information submitted and my own observations.
13. Eastham Village Road runs through the Conservation Area and a variety of architectural styles and sandstone walls help form the character of the area. The significance of the Conservation Area is defined by its medieval street pattern and areas of open space which separate the village from the wider conurbation to the north and west and the oil refinery/storage depot to the east and agricultural land to the south-east.
14. Eastham Mews is a newer development located toward the southern end of the Conservation Area. The appeal site's access runs close to Eastham Mews. The storage of commercial vehicles and equipment in this rural area adjoining the Conservation area has a negative impact on its context. Whilst vehicles would move along the access, their overnight storage within the main body of the appeal site would introduce an unsightly and visually intrusive use, that fails to preserve the setting of the Conservation Area.

³ Planning Practice Guidance (PPG) Paragraph 013 Reference ID: 64-013-20250225.

15. The long access is within the Eastham Village Conservation Area and the proposal involves the movement of large vehicles along this narrow track. The exact boundary of the Conservation Area is not clear but it would appear to cross the communal amenity garden space to Eastham Mews. There is also a band of trees and established vegetation along part of this boundary. Nevertheless, the storage area of the appeal site is close to this boundary and the difference in the character of the residential area and the rural one is clear. I consider that the proposal includes land that is sufficiently close to the Conservation Area as to have an adverse impact. In reaching my decision, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
16. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The site is required in association with the operations by Cadent Gas which, as a statutory undertaker, its operations include, maintaining, repairing and replacing gas pipes, managing the National Gas Emergency Service; and connecting new homes to the gas network. Whilst these works are undoubtedly a public benefit, I am not convinced that the appeal site is the only option available to provide secure daytime and overnight parking for vehicles and equipment. I shall address this further below. However, whilst the work carried out by Cadent Gas carries significant weight and the appeal site helps facilitate this work, the proposed parking and storage does not have to take place on this site. This lessens the weight afforded to this matter accordingly.
18. Consequently, notwithstanding the public benefits, the use of this site to achieve them does not carry sufficient weight to overcome the great weight afforded to the heritage asset. Therefore, the proposal would fail to preserve or enhance the character or appearance of the Eastham Village Conservation Area. This would conflict with Local Plan Policies WD 2, WP 8 and WS 6 which, amongst other things, seeks to protect heritage assets, including Eastham Village.

Living Conditions

19. There are residential properties within Eastham Mews very close to the access into the site. There is also large areas of open gardens which adjoin the access and the main body of the appeal site. Whilst there is a group of trees and landscaping screening part of the site from the residential properties, there is little screening and only low fencing along the boundary close to the access.
20. A Noise Impact Assessment has been submitted with the appeal documents and although this did not form part of the planning application, it is submitted in order to address the third reason for refusal which states that there is insufficient

information to determine the impact of the development on the neighbouring residential properties. However, it also states that due to the rural location, lack of background noise and proximity of the neighbouring properties, the proposal is likely to lead to unacceptable levels of noise and disturbance. On the one hand therefore, the Council indicate that there is insufficient information to determine harm to the living conditions of the occupiers of nearby properties but on the other indicate that there is likely to be harm. I do not therefore, find it unreasonable for the appellant to submit an acoustic survey to address this matter despite the Council's objection to this submission.

21. Commercial vehicles travelling along the appeal site access would be very close to residential properties. There is only a low fence and some planting along the access boundary but the view from the access is largely unobstructed. As some of the dwellings within Eastham Mews are very close to the access and the amenity space runs up to the access, the proximity of windows and patio doors together with the outdoor space, would mean that HGV's would cause noise and disturbance. Therefore, from my observations, there is little doubt that the living conditions of the occupiers of these properties would be adversely affected.
22. The Noise Impact Assessment indicates a small increase in noise above ambient noise levels from the appeal site. A 1dB increase is considered to have a low impact. As I have indicated above, I have limited information about what activity took place on this land previously. However, reference is made to agricultural vehicles and activity but given the condition of the steel framed structure of a former barn and other timber buildings close to the appeal site, farming activity may not have taken place for some time. However, I do not have the evidence to establish this either way.
23. Although the description of development is for the parking of vehicles, the appellant has stated that the contract, referred to above in my preliminary paragraph, refers to the storage of equipment also. Third parties indicate that the land is used for more than vehicle parking but also for storage which includes other vehicles calling to collect or deposit goods throughout the day. The Noise Impact Assessment also indicates this to be the case. I am mindful that the sound survey was taken on one day only (Friday 8 August 2025) between 06.30 and 15.00. It refers to ambient noise levels arising from road traffic from the M53 and A41 and birdsong and agricultural movements associated with the existing farm. The latter is not expanded on further. The Assessment includes car doors slamming and unloading activity from a flatbed truck into a skip. Utilising the appropriate computer software, the Assessment found that the worst case scenario was during the hours of activity between 0700 and 0800 with lesser noise levels arising throughout the day.
24. Notwithstanding the findings of the Noise Impact Assessment and that the access and land may be able to be used for other legitimate purposes, such as agriculture, I remain unconvinced that the appeal site is suitable for the use applied for.
25. Consequently, the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring residential properties due to noise and disturbance. This would conflict with Local Plan Policy WS 7.2, which seeks to ensure proposed uses will be harmonious with neighbouring uses and avoid unacceptable noise and disturbance, amongst other things, and Policy WD 22 which, requires overnight

parking to be located in urban commercial locations where they would not prejudice residential amenity, amongst other things.

Other Considerations

26. The development relates to BCH Civils infrastructure project on behalf of Cadent Gas. As a statutory undertaker to supply gas to homes and businesses in the UK, its operations include maintaining, repairing and replacing gas pipes, managing the National Gas Emergency Service; and connecting new homes to the gas network. The appeal site would provide a site to park vehicles and equipment to enable it to carry out its day to day work in the area. Although details of the geographical area to be serviced by this site has not been submitted, being able to carry out these statutory functions is clearly a benefit to residents and businesses in the area.
27. The appellant states that BCH Civils undertook a search of suitable sites prior to entering into the contract with the appellant. A list of alternative sites has been submitted along with an explanation as to their unsuitability. The appeal site was the only site that met the operational requirements of being in a strategic location; has environmental benefits arising from reducing HGV mileage and cutting emissions in line with Cadent/Ofgem targets; is of an adequate and safe configuration; free from overriding constraints such as contamination; and is deliverable.
28. The alternatives (seven listed) are discounted for operational reasons and I have no reason to dispute their unsuitability but I have no information about the wider search area. Therefore, this list and assessment is not sufficiently robust to convince me that a more suitable site is not available.
29. The proposal is for a temporary period only and given that the initial contract was for two years and the use has commenced, some of this time has elapsed already. However, given the harm I have identified, it is unreasonable to authorise the continued use of an activity that has already caused harms identified above.

Other Matters

30. The Council pose the question as to a possible condition to control the number of vehicles. The site is constrained by its size and so there is a natural limit on the number of HGV's that could be parked here, there is no formal arrangement so it is not possible to put an exact number on this. Also, it would not be possible to enforce a condition regulating the number of vehicles coming into and out of the site.
31. The appellant has suggested a condition limiting the start time to 0800 and the positioning of a banksman at the junction of Eastham Village Road. These may lessen the impact on the living conditions of neighbouring properties but I do not consider it likely to go far enough to minimise that harm to an acceptable level. Such conditions would not override the other harms I have identified.
32. Other Local Plan Policies have been referred to. In particular, WS 7 and WD 23 but these mainly relate to design and although overlap some of the matters I have examined above are not especially relevant. Also, Policy WD 14 relates to pollution and risk but refers to risks to public health and the environment, amongst

other things, and is not strictly relevant to the matter of noise and disturbance as I have identified as an issue in this case.

Planning Balance

33. 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.
34. The appeal site is required to enable a statutory undertaker to carry out its duties. However, the evidence submitted does not convince me that this site is the only option for the parking of vehicles and storage of equipment associated with those duties. I appreciate that alternative sites have been explored but the explanation for their unacceptability is not sufficiently robust nor am I convinced that other sites are not available. I have also considered the temporary nature of this proposal but given the harm to the living conditions of the occupiers of nearby residential properties, allowing a temporary permission only carries limited weight. Therefore, the very special circumstances required to overcome the harm caused by inappropriateness do not exist.
35. 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, and any other harm, in this case the significance of a heritage asset, Eastham Village Conservation Area, and the living conditions of the occupiers of neighbouring residential properties, do not exist. The proposal therefore would conflict with the Framework and Local Plan Policies WS 1K, WD 2, WP 8, WS 6, WS7.2 and WD 22.

Conclusion

36. 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, for the above reasons the appeal should be dismissed.

J D Clark

INSPECTOR