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# Appeal Decision

Inquiry held on 7 and 8 February 2013

Site visit made on 8 February 2013

**by Karen L Baker DipTP MA DipMP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2013**

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**Appeal Ref: APP/W4325/A/12/2184753**

**Land at Carr Lane, Hoylake CH47 4AX**

- 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 Kirby Park Limited against the decision of Wirral Metropolitan Borough Council.
  - The application Ref. APP/11/01348, dated 10 November 2011, was refused by notice dated 26 April 2012.
  - The development proposed is the erection of 62 affordable homes together with associated works.
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## Procedural Matters

1. It was confirmed at the Inquiry that the planning application was considered on the basis of the following plans: Location Plan (Scale 1:10000); Location Plan (Scale 1:1250); Location Plan (Drawing No. 1063:L01); Topographical Survey (Drawing No. 11D136/001); Proposed Layout (black and white) (Drawing No. 1063:L02); Proposed Layout (colour) (Drawing No. 1063:L02); Proposed Layout (Drawing No. 1063:L03); 5 Person 3 Bed 2 Storey Standard Frontage House (Drawing No. 1063:T01); 4 Person 2 Bed 2 Storey House (Drawing No. 1063:T02 Rev. A); 5 Person 3 Bed 2 Storey Wide Frontage House (Drawing No. 1063:T03); 5 Person 3 Bed 2 Storey Splayed Frontage House (Drawing No. 1063:T04); 2 Person 1 Bed Accessible Apartment (Drawing No. 1063:T05); 2 Person 1 Bed 8 No. 2 Storey Accessible Apartments (Drawing No. 1063:T06 Rev. A); 5 Person 3 Bed 2 Storey Splayed Frontage House (Drawing No. 1063:T07); Wall and Fence Details (Drawing No. 1063:D01); Typical Construction Details (Drawing No. 1063:D02); and, Typical Streetscenes (Drawing No. 1063:SS01). I have, therefore, considered the appeal on this basis.
2. The Council confirmed at the Inquiry that it has withdrawn its second reason for refusal, following the withdrawal, on 15 October 2012, of its Interim Planning Policy – New Housing Development, published in October 2005. The Council also confirmed that it followed, therefore, that the proposed development would not now conflict with the paragraphs in the National Planning Policy Framework (The Framework) and the policies within The North West of England Regional Spatial Strategy (RSS) to 2021, published in September 2008, and the Wirral Unitary Development Plan<sup>1</sup> (UDP), adopted in February 2000, referred to in this reason for refusal, in this regard.

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<sup>1</sup> The UDP policies to which I refer in this decision have been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 27 September 2007.

3. The appellants submitted a Unilateral Undertaking at the Inquiry, in which they covenant with the Council to pay a contribution of £3,000 towards the cost of improvement works to bus stops and pedestrian access at Carr Lane, Hoylake. From the evidence before me, I am content that, in this particular case, the financial contribution would meet the statutory tests set out in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. I have, therefore, had regard to this Unilateral Undertaking during my consideration of this proposal.
4. Part of the appeal site falls within the Wetlands Bird Survey (WeBS) Core Count Sector known as Gilroy Pond and Hoylake Langfields (Sector 46474), which provides supporting habitat for autumn and spring passage and over wintering birds from the nearby Natura 2000 sites (The Dee Estuary Special Protection Area (SPA) and Ramsar Wetland of International Importance; Mersey Narrows and North Wirral Foreshore possible SPA and possible Ramsar Wetland of International Importance). The appellants submitted a report<sup>2</sup> in response to this matter at the Inquiry. It concludes that the habitats within the appeal site do not contribute to the suitability of the WeBS Core Count Sector for wildfowl. However, it states that the proposed development may still impact on the WeBS Core Count Sector via disturbance, both during the construction process and following completion, due to increased recreational activities. The report puts forward a number of recommendations which would minimise and, where possible, avoid, the potential for disturbance to birds. Further, the report concludes that the site does not contribute to the Dee Estuary SPA and Ramsar Site or the Mersey Narrows and North Wirral Foreshore possible SPA and possible Ramsar Site, nor their supporting habitats.
5. Having regard to Regulation 61 of the Conservation and Habitat Regulations 2010 (as amended), I am satisfied, from the evidence before me, that there would be no material impact on the WeBS Core Count Sector as a consequence of the proposed development, provided that the recommendations in the report are implemented. Further, I am also satisfied that the proposed development of the appeal site would not have a material impact on the Dee Estuary SPA and Ramsar Site or the Mersey Narrows and North Wirral Foreshore possible SPA and possible Ramsar Site.

### **Decision**

6. The appeal is dismissed.

### **Main Issues**

7. It was confirmed at the start of the Inquiry that there is no dispute between the main parties that the proposal would represent inappropriate development in the Green Belt for the purposes of paragraph 89 of The Framework and development plan policy. From the evidence before me, I concur with this view. As such, the main issues in this appeal, which were agreed by the appellants and the Council at the Inquiry, are:
  - a) the effect of the proposed development upon the openness of the Green Belt and the purposes of including land in the Green Belt;
  - b) the effect of the proposed development upon the character and appearance of the area and the visual amenities of the Green Belt;

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<sup>2</sup> Response in Relation to the Site at Carr Lane, Hoylake with Regards WeBS Core Count Sector 'Gilroy Pond and Hoylake Langfields', February 2013, prepared by ERAP Limited (Consultant Ecologists)

- c) whether or not the proposal would represent a sustainable form of development, having regard to the guidance in The Framework and development plan policy;
- d) whether or not the proposal would provide adequate amenity space for future occupiers of the proposed dwellings;
- e) whether there are other considerations weighing in favour of the development; and,
- f) 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 the development.

## **Reasons**

### ***Openness of the Green Belt and purposes of including land in the Green Belt***

8. The appeal site is located at the south eastern end of Carr Lane. To the north west of the appeal site are residential properties, beyond which is the Carr Lane Industrial Estate. The appeal site, along with the land to the north east, south east and south west, is located within the Green Belt and is predominantly open countryside. Most of the land within this part of the Green Belt is used for agriculture, with some recreational uses, including a golf course, sports/recreational grounds and allotment gardens. Although the appeal site is currently unused and mostly overgrown, it was apparent at my site visit that an area of hardstanding exists close to the entrance at the western corner. I acknowledge that the appeal site was formerly the site of the Ellerman Lines Sports and Social Club and was used subsequently as a night club. However, all buildings associated with these former uses have been removed and the site is predominantly open in character.
9. Paragraph 79 of The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed, the essential characteristics of Green Belts are their openness and their permanence. The proposed development would include the construction of 62 affordable homes, along with the associated infrastructure. The appellants' consider that the impact on openness would be minimised by the clustering of development into compact parcels and by adopting the 2 storey development pattern of nearby housing. Although the built form of development would be focussed along the north eastern and north western parts of the appeal site, given its current appearance, along with the scale of the proposed development, I consider that the construction of 62 affordable homes and the associated infrastructure would lead to a significant encroachment of built development on to this predominantly open land. Indeed, I note that the appellants agreed with the Council, during cross examination at the Inquiry, that this would result in a significant impact on the openness of the Green Belt. I concur with this view. Accordingly, I conclude that the proposed development would cause significant harm to the openness of the Green Belt in this location.
10. Paragraph 80 of The Framework sets out the five purposes of including land in the Green Belt. These include to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Hoylake is mostly defined by the coastline to the north west and the railway line to the south east. The majority of built development being located

between these points. One exception to this is the existing industrial and residential development along Carr Lane, which is to the south east of the railway line.

11. The appellants consider that the proposed development would represent a limited and contained urban extension to Hoylake, which would remain within the established and clearly defined boundaries of the appeal site. It was apparent from my site visit that the boundaries of the appeal site are mostly delineated by fencing and tree/hedge planting. Nevertheless, the residential boundary treatment, along the rear gardens of the properties fronting onto George Road, clearly defines the extent of the settlement in this location, in my view. Although currently unused and overgrown, I consider that the appeal site is more akin to the open countryside and would be viewed in this context.
12. The proposed development would extend the built form of the settlement around 175m to the south east along the north eastern part of the appeal site. Although the south western part of the appeal site would remain predominantly open, the extent of the projection of built development would, in my opinion, lead to the unrestricted sprawl of the built up area of Hoylake, which would result in significant encroachment of development into the countryside. Accordingly, I conclude that the proposed development would cause significant harm to 2 of the defined purposes of including land within the Green Belt.

***Character and appearance of the area and the visual amenities of the Green Belt***

13. The appeal site is located in a slightly elevated position in relation to the countryside to the south east. A public right of way (Public Footpath No. 19) abuts the south western boundary of the appeal site. A line of mature Poplars exists along this boundary, adjacent to the public footpath. The public footpath leads from the adopted highway known as Carr Lane, close to the entrance to the appeal site, in a south easterly direction, beyond the south eastern extent of the appeal site, before turning to run along field boundaries in a north easterly direction. It then turns again, to run in a south easterly direction and joins Carr Lane (track), before reaching Saughall Massie Road. Substantial tree planting exists immediately to the south east of the appeal site, within and around the site of former allotment gardens.
14. I note that the appellants consider that the appeal site makes only a limited contribution to the character and appearance of the area, given its overgrown and degraded state, and that it has no beneficial use. I also acknowledge the appellants' reference to the existing vegetation in and around the appeal site and the scope for supplementary planting through a landscaping scheme which, along with the modest built form and areas of open space proposed, they consider would achieve a better urban edge than currently exists.
15. The existing planting to the south east of the appeal site would provide some screening of the proposed development in longer distance views from the public right of way to the south east, given that the dwellings would be mostly erected on the north eastern and north western parts of the appeal site. Nevertheless, despite the existing Poplars along the south western boundary of the appeal site and the set back of the proposed dwellings from the public right of way, given the substantial gaps in the existing planting along this boundary and the extent of the built development proposed, the properties would be clearly visible to users of this footpath.

16. The proposed development would include 8 two bed supported apartments, within one 2 storey building, together with 8 two bed semidetached/terraced dwellings and 46 three bed semidetached/terraced dwellings. All buildings would be 2 storeys in height and would be of a traditional style and design. The proposed dwellings would 'look outwards', with parking and amenity space enclosed to the rear, in 'courtyards'. The development would therefore result in clusters of dwellings. In my opinion, this form of built development, along with its scale and the extent of its projection from the existing built up area of the settlement, would appear prominent and visually obtrusive in views along the public footpath from the south west, despite the existing and proposed planting and proposed open space.
17. I conclude, therefore, that the proposed development would cause considerable harm to the character and appearance of the area and the visual amenities of the Green Belt.

***Whether or not the proposal would represent a sustainable form of development***

18. The appeal site is adjacent to the settlement of Hoylake, which benefits from a number of shops and other local services concentrated along, or close to, Market Street and is identified as a Key Town Centre in the UDP. Although I note that the Council did not refuse planning permission for the proposed development on the basis of accessibility, there is a dispute between it and the appellants with regards to the assessment of the distances between the appeal site and local services and facilities. At the Inquiry, the appellants conceded that the distances used in their evidence<sup>3</sup> related to straight line distances. However, I note the distances, by the available routes, given in the appellants' Traffic Statement<sup>4</sup>.
19. The Traffic Statement indicates that the centre of the appeal site is around 920m from the shops and other services in the town centre, via Carr Lane and Station Road, or around 820m along a pedestrian and cycle link via Proctor Street and Melrose Avenue. However, this latter route includes crossing the railway line at an unattended gated crossing point. Hoylake Railway Station is sited around 795m from the centre of the appeal site, along Carr Lane.
20. I acknowledge the statement by Mr Carr that only one bus service now operates along Carr Lane and the limited operation of this service. I also note the Council's statement that the link to the railway station and the town centre would involve residents of the proposed dwellings passing through an industrial estate, with associated HGV movements along Carr Lane. However, given the relatively close proximity of the railway station and local services and facilities within Hoylake, I am satisfied that the proposed development would be sited in a reasonably sustainable location. Further, the improvement works proposed to the bus stops and pedestrian access at Carr Lane provided for in the Unilateral Undertaking would benefit accessibility to public transport and local services and facilities.
21. I conclude, therefore, that the proposal would represent a sustainable form of development in terms of its accessibility to local services and facilities.

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<sup>3</sup> Table following paragraph 8.38 on page 57 of Mr Pemberton's Proof of Evidence

<sup>4</sup> Section 7 of the Traffic Statement, prepared by Landform Highway Planning Consultants, dated November 2011

***Provision of amenity open space for future occupiers***

22. The Council is concerned that the size and shape of some of the rear gardens associated with the proposed dwellings would not provide sufficient levels of privacy for future occupiers. Of particular concern are the rear gardens of the proposed dwellings on Plots 31, 50, 54 and 59. I note the internal layout changes made during the design process, to include first floor bathroom windows in the rear elevations of adjacent dwellings next to these plots and the appellants' statement that one of the consequences of the use of perimeter blocks, such as those proposed at the appeal site, is the triangular shape of the rear gardens of the corner units.
23. Although some overlooking of these gardens would occur from neighbouring dwellings, I consider that, given their internal design, such views would be oblique. As such, I am satisfied that the proposal would provide sufficient private amenity space for future occupiers of these plots.
24. I conclude, therefore, that the proposal would provide adequate amenity space for future occupiers of the proposed dwellings.

***Other considerations weighing in favour of the development***

25. The appellants have put forward a number of matters in favour of the proposed development. These are considered in turn below.

*The Framework and the presumption in favour of sustainable development*

26. The Framework states, at paragraph 14, that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Indeed, paragraph 6 of The Framework says that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. Although The Framework is a material consideration in determining applications, it does not change the statutory status of the development plan as the starting point for decision making. Indeed, paragraph 11 of The Framework makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
27. Paragraph 49 of The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Further, it goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. It is apparent, from the evidence before me, that the Council is unable to demonstrate a 5 year supply of deliverable housing sites and that there is a shortage of affordable housing in the local area. In these circumstances, it is evident that policies relevant to the supply of housing should not be considered up-to-date.
28. Paragraph 14 of The Framework sets out what is meant by the presumption in favour of sustainable development for decision-taking, unless material considerations indicate otherwise. This includes, where relevant policies in the development plan are out-of-date, granting permission unless specific policies

within The Framework indicate development should be restricted. The appellants consider that, in this case, given the housing land supply situation, having regard to paragraph 49 of The Framework, the relevant policies for the supply of housing should include both the permissive or promotional policies, as well as constraint policies, such as those relating to the Green Belt, which seek to determine where development cannot take place.

29. Although paragraph 49 of The Framework does not define what is meant by 'relevant policies', the footnote to the final part of paragraph 14 makes it clear that (again unless material considerations indicate otherwise) land designated as Green Belt is one of those specific policies which indicates that development should be restricted and where the presumption in favour of granting planning permission does not apply. That is the case here.

*The supply of housing (including affordable housing)*

30. The Supplementary Statement of Common Ground, submitted at the Inquiry, acknowledges that the Council is unable to demonstrate a 5 year supply of deliverable housing land when calculated against the target<sup>5</sup> set out in the RSS, as required by paragraph 47 of The Framework. Although there is a range of figures on housing land supply<sup>6</sup> before me, both parties agree that, irrespective of where the housing land supply position falls within this range, the contribution which the appeal site would make towards addressing the shortfall is a material consideration that weighs heavily in favour of the proposed development. I concur with this view.
31. The appellants also refer to the need for affordable housing in the Borough and the limited opportunities currently available for such provision within Hoylake in particular. Indeed, I note that the Council and the appellants agree<sup>7</sup> that there is a significant need for affordable housing in the Borough. I also acknowledge the Council's statement at the Inquiry that this matter should be afforded significant weight.
32. From the evidence before me, I consider, therefore, that these matters each add significant weight in favour of the proposed development.

*The emerging development plan and the Green Belt boundary*

33. At the time of the Inquiry, the Council was in the process of consulting on the Core Strategy for Wirral – Proposed Submission Draft (December 2012), with the consultation period due to end at 1700hrs on Monday 11 February 2013. The Council was unable to give any information to the Inquiry on the responses received up to that point. However, I note the appellants' reference to objections that they have made to this document, in particular relating to the lack of a review of the Green Belt boundary to accommodate the development needs of the Borough. I also acknowledge the appellants' view that an extensive delay is likely before the development needs of the Borough can be met via the plan-making process, which they consider would provide a clear justification for taking action now through the grant of planning permission on appropriate sites.

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<sup>5</sup> Policy L 4 and Table 7.1 of the RSS.

<sup>6</sup> The Council's best case is a figure of 4.2 years (including a 5% buffer), while the appellants consider that the highest figure that can be derived from the evidence is 3 years and that a 20% buffer is required.

<sup>7</sup> Bullet point 13 in paragraph 5.1 of the Statement of Common Ground

34. Paragraph 83 of The Framework says that local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. It goes on to say that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation of a review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
35. The West Cheshire Green Belt was first identified in 1961, with the boundaries of the Green Belt in Wirral adopted by Merseyside County Council in the Merseyside Structure Plan in December 1983. The boundaries of the Green Belt were last reviewed and extended in February 2000, with the existing boundaries shown on the UDP Proposals Map. The Core Strategy – Proposed Submission Draft has concluded, at paragraph 6.12, that it would not currently be appropriate to provide for any additional development within the Green Belt in the period to 2028, subject to Policy CS20, and that subject to further monitoring, any future review will be undertaken through a site-specific Local Plan, which will follow the adoption of the Core Strategy. Policy CS20 is a contingency policy, which allows for the release of land within the Green Belt as a last resort, when: alternative sources of supply within the existing urban areas have been exhausted; if new housing does not come forward at Wirral Waters within the first 5 years to 2018; and, alternative sites sufficient to provide an ongoing 5 year housing land supply between 2018 and 2023 have not obtained planning permission.
36. The Council acknowledges, however, in its Cabinet Report, dated 27 September 2012, prior to the publication of the Core Strategy – Proposed Submission Draft, that there is a need to ensure that an ongoing 5 year housing land supply is in place before the document is submitted to the Secretary of State or there is a significant risk that a Planning Inspector would recommend that it be withdrawn. Further, the Report also recognises that future housing land supply in Wirral is highly dependent on the delivery of the Wirral Waters development, which may be challenged through the plan preparation process, particularly if an alternative supply cannot be maintained from other sources. The Report also highlights the possibility that a Planning Inspector may conclude that a review of the Green Belt must be undertaken immediately, which again could involve withdrawing the Core Strategy to allow the broad locations for any future land release to be identified or involve a commitment to an early review as part of the site-specific Local Plan to follow the adoption of the Core Strategy.
37. It is not my role in this appeal to review the boundary of the Green Belt in this area. However, the uncertainty around the Council's housing land supply and the implications of this on the future of the Green Belt boundary in this location is a material consideration in this appeal. Given that the Core Strategy is at a relatively early stage in its preparation, having not yet been subject to examination by a Planning Inspector, along with the risks identified by the Council in relation to the strategy being pursued with regards to housing and Green Belt policy and the as yet unresolved objections submitted by the appellants, and possibly others, in this regard, I have afforded it limited weight, having regard to the advice in paragraph 216 of The Framework.



38. Having regard to the circumstances referred to above, namely the uncertainty surrounding the Council's ability to maintain a 5 year housing land supply, without the need to review the Green Belt boundary in the short term, I consider that this matter adds some weight in favour of the proposed development.

*The Framework and Green Belt exceptions*

39. The appellants refer to one of the exceptions set out within paragraph 89 of The Framework which relates to the 'limited affordable housing for local community needs under policies set out in the Local Plan'. They consider that The Framework provides an opportunity for the Council in the Local Plan to identify, by means of rural exceptions policies, scope for limited affordable housing to meet local community needs in the Green Belt, not just within existing villages. Given that such a policy is absent from the existing development plan for the area and, as such, the proposal would represent inappropriate development in the Green Belt, the appellants state that regard should be had to 2 factors. Firstly, paragraph 215 of Annex 1 to The Framework, which says that due weight should be given to relevant policies in existing plans according to their consistency with The Framework. And secondly, that the proposal should be regarded as being in a different category to other forms of inappropriate development because, unlike other forms of inappropriate development, such as a retail supermarket, it has the potential to be regarded as not inappropriate development, if there were an up-to-date development plan which addressed the needs of the Council's area. I also note the assessment of the proposed development carried out by the appellants relating to the scale of the affordable housing need and the settlement of Hoylake.
40. The Council considers that the wording of this exception within paragraph 89 of The Framework would only apply where there is a specific policy within a Local Plan. This is currently not the case. Indeed, I note that UDP Policy GB2 allows for limited infilling in existing villages, subject to UDP Policy GB6, including limited affordable housing subject to local community needs. The Core Strategy – Proposed Submission Draft includes Policy CS3, which sets out the Council's approach to inappropriate and not inappropriate development within the Green Belt. Paragraph 6.13 of the reasoned justification to this policy says that new buildings are inappropriate in the Green Belt unless they are for a number of defined purposes, including limited affordable housing for local community needs provided for in a Local Plan. It is likely, therefore, that the criteria to be used in the assessment of this exception would be included within any future Local Plan in the area. Nevertheless, I consider that the absence of such criteria within the UDP and emerging Core Strategy does not mean that this exception should not apply.
41. The Framework does not quantify what is meant by 'limited'. As such, in my opinion, a reasonable interpretation of the national guidance in paragraph 89 of The Framework would have to be taken. I acknowledge the appellants' reference to the size of the settlement, including its population<sup>8</sup>, and the scale of the need for affordable housing identified in an objective assessment<sup>9</sup>, along with the lack of provision to meet these needs. However, I also note the Market Balance Approach adopted by Fordham Research and the Council's

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<sup>8</sup> Population of 5,700 (2001)

<sup>9</sup> Table 6.14 of the Wirral Strategic Housing Market Assessment Update (2010)

stated approach to follow Scenario B, which sets a level of 37 affordable units per annum across the whole of the rural area.

42. The appeal site covers an area of around 3.25ha, which in my opinion, is a considerable size. Although a large area of formal and informal open space would be provided within the development, the housing element, along with its associated access road, driveways, gardens, parking and pedestrian accesses, would occupy a significant portion of the land, around 1.9ha, along the north western and north eastern parts of the appeal site. Moreover, as the built development would extend around 175m to the south east of the existing settlement, it would encroach a substantial distance into the Green Belt. Although there is a significant need for affordable housing in the Borough, and Hoylake in particular, given the size of the settlement, I do not consider that the scale of the proposed development, both in terms of the site area and the extent of the built form, could be deemed 'limited'. For these reasons, in my opinion, the scheme would not fall under the definition of limited affordable housing for local community needs.

*Reuse of previously developed land*

43. The appellants consider that the development of the appeal site would improve its appearance, which they say is derelict and damaged, and would provide the opportunity to resolve the remnant previously developed land on part of the site. Although an area of hardstanding exists on part of the appeal site, close to the site's entrance, I note the statements of local residents, at the Inquiry, that this area was uncovered relatively recently, having previously been overgrown. There is agreement between the appellants and the Council, however, that a small area of previously developed land exists in this location.
44. Although the site is currently unused and overgrown, I do not consider that the construction of 62 dwellings and associated works, which would introduce a built urban form into this part of the open countryside, would improve its appearance. However, the reuse of that part of the appeal site which is previously developed would add limited weight in favour of the proposed development, as it would make effective use of land by reusing land that has been previously developed.

*Very special circumstances*

45. Paragraph 87 of The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
46. It is agreed that the proposal would be inappropriate development and it would therefore, by definition, be harmful to the Green Belt. Paragraph 88 of The Framework states that substantial weight should be given to any harm to the Green Belt. I have concluded that the proposal would cause significant harm to the openness of the Green Belt and to 2 of the purposes of including land in the Green Belt and considerable harm to the character and appearance of the area and the visual amenities of the Green Belt.
47. On the other hand, I have concluded that significant weight should be afforded to the contribution which the appeal site would make towards addressing the

shortfall of housing within the Borough. In addition, I have concluded that significant weight should also be afforded to the contribution which the appeal site would make towards addressing the shortfall of affordable housing in the Borough. I have also concluded that some weight in favour of the proposed development should be attached to the uncertainty surrounding the Council's ability to maintain a 5 year housing land supply, without the need to review the Green Belt boundary in the short term, and that limited weight in favour of the proposal is afforded by the reuse of previously developed land on the appeal site.

48. Nevertheless, given that the essential characteristics of Green Belts are their openness and their permanence and that the Government attaches great importance to them, I do not consider that the matters put forward by the appellants, either separately or cumulatively, would be of sufficient weight to clearly outweigh the harm by reason of inappropriateness and the other harm identified. As such, the development cannot be justified on the basis of very special circumstances.

*Karen Baker*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Easton of Counsel	Instructed by Wirral Metropolitan Borough Council
He called:	
Mr Eddie Fleming	Principal Planning Officer
BA(Hons) DipEP MRTPI	
Ms Kate Ellison	Senior Urban Design/Conservation Officer
BA(Hons) MA(Civic Design)	
Mr Matthew Rushton	Principal Planning Officer
BSc MA	

### FOR THE APPELLANTS:

Mr Michael Bedford of Counsel	Instructed by Mr Simon Pemberton
He called:	
Mr Simon Pemberton	Director, JASP Planning Consultancy Limited
MA(Hons) MRTPI AIEMA	

### INTERESTED PERSONS:

Mr Anthony Carr	Local Resident
Mr Arthur Cheetham	Representing the Ramblers' Association (Wirral Group) and Wirral Footpaths and Open Spaces Preservation Society
Councillor Eddie Boulton	Ward Councillor
Mrs Elizabeth Brumfitt	Local Resident
Miss Stephenie Spence	Local Resident

## DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Notice of Appearances on behalf of Wirral Council, submitted by the Council
- 2 Council's letters giving notice of the Inquiry and a list of people notified, submitted by the Council
- 3 Press Notice, submitted by the Council
- 4 Opening Statement on behalf of the appellants, submitted by the appellants
- 5 Opening Points on behalf of Wirral Council, submitted by the Council
- 6 Statement of Common Ground, submitted by the Council (signed by both parties on Day 2 of the Inquiry)
- 7 Supplementary Statement of Common Ground, submitted by the Council (signed by both parties on Day 2 of the Inquiry)
- 8 Draft list of suggested conditions, submitted by the Council
- 9 Draft Unilateral Undertaking, submitted by the appellants
- 10 Response in relation to the site at Carr Lane, Hoylake with regards WeBS Core Count Sector 'Gilroy Pond and Hoylake Langfields', prepared by ERAP Limited (Consultant Ecologists), dated February 2013, submitted by the appellants
- 11 Local Planning Authority's Proof of Evidence – WBC 1: Planning Policy and Refusal Reason 1, prepared by Mr Eddie Fleming, submitted by the Council

- 12 Email from LNW Central Network Rail Operations, dated 5 February 2013, submitted by Councillor Eddie Boulton
- 13 Representation to the planning application from Miss Gray, 14 George Road, Hoylake, submitted by the Council
- 14 Comments on the planning application from the Housing Strategy Officer, submitted by the Council
- 15 Representation to the planning application from Jessica Hazlehurst, 5 Lapworth Close, Moreton, submitted by the Council
- 16 Extract from Appendix 1 to the Council's Cabinet Report 'Local Development Framework for Wirral – Core Strategy Development Plan Document – Reports of Consultation', dated 21 July 2011, (included within Appendix 10 of Mr Pemberton's Proof of Evidence), submitted by the appellants
- 17 Signed Unilateral Undertaking, submitted by the appellants
- 18 Closing Submissions on behalf of Wirral Council, submitted by the Council
- 19 Closing Submissions on behalf of the appellants, submitted by the appellants

#### **DOCUMENT SUBMITTED AFTER THE CLOSE OF THE INQUIRY**

- A1 Agreed list of suggested conditions, emailed to The Planning Inspectorate on 12 February 2013, submitted by the Council

#### **PLANS SUBMITTED DURING THE INQUIRY**

- A1/1 Proposed Layout (Drawing No. 1063:L03), submitted by the Council
- A1/2 4 Person 2 Bed 2 Storey House (Drawing No. 1063:T02 Rev. A), submitted by the Council
- A1/3 2 Person 1 Bed 8 No. 2 Storey Accessible Apartments (Drawing No. 1063:T06 Rev. A), submitted by the Council

#### **PHOTOGRAPHS SUBMITTED DURING THE INQUIRY**

- 1 Colour aerial photograph (replacement Appendix 3 to Mr Pemberton's Proof of Evidence), submitted by the appellants