

Appeals Received and Decisions Made

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Appeals received and decisions made between 11 June 2022 and 10 July 2022

Appeal Decisions

[Rear Of 54 Sefton Road Litherland Liverpool L21 7PQ](#)

Reference: DC/2019/00464 (APP/M4320/W/21/3283298)

Erection of a 2 unit mews development following demolition of existing three storey building.

Procedure: Written Representations

Start Date: 08/02/2022

Decision: Dismissed

Decision Date: 04/07/2022

[Land At Strawberry Hall 293 Southport Road Lydiate Liverpool L31 4EB](#)

Reference: DC/2021/01679 (APP/M4320/W/21/3289226)

Permission in principle for a development of 4 dwellings.

Procedure: Written Representations

Start Date: 08/02/2022

Decision: Dismissed

Decision Date: 04/07/2022

New Appeals

[Orrell Hill Farm House Orrell Hill Lane Ince Blundell Liverpool L38 5DA](#)

Reference: EN/2021/00648 (APP/M4320/C/22/3301292)

Appeal against Without planning permission and within the last ten years, the unauthorised change of use of the land from agricultural to storage of buses, caravans and other non-agricultural vehicles.

Procedure: Written Representations

Start Date: 29/06/2022

Decision:

Decision Date:

[47 Ovington Drive Southport PR8 6JW](#)

Reference: DC/2021/02299 (APP/M4320/W/22/3290446)

Proposed outdoor seating area (retrospective).

Procedure: Written Representations

Start Date: 07/07/2022

Decision:

Decision Date:

[9 Winstanley Road Waterloo Liverpool L22 4QN](#)

Reference: DC/2022/00223 (APP/M4320/X/22/3300633)

Certificate of lawfulness for the proposed change of use from a dwellinghouse (Class C3) to a childrens home (Class C2)

Procedure: Written Representations

Start Date: 21/06/2022

Decision:

Decision Date:

[19 Winstanley Road Waterloo Liverpool L22 4QN](#)

Appeals received and decisions made between [11 June 2022](#) and [10 July 2022](#)

Reference: DC/2022/00224 (APP/M4320/X/22/3300634)

Certificate of lawfulness for the proposed change of use from a dwellinghouse (C3) to a children's home (C2).

Procedure: Written Representations

Start Date: 21/06/2022

Decision:

Decision Date:

[144 Deyes Lane Maghull Liverpool L31 6DW](#)

Reference: DC/2022/00969 (APP/M4320/X/22/3301638)

Certificate of Lawfulness for the proposed change of use from dwellinghouse (C3) to a residential children's care home (C2)

Procedure:

Start Date: 05/07/2022

Decision:

Decision Date:



Appeal Decision

Site visit made on 14 June 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: **APP/M4320/W/21/3283298** **Rear of 54 Sefton Road, Litherland L21 7PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Maclaren against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00464, dated 20 February 2019, was refused by notice dated 22 March 2021.
 - The development proposed is the erection of a 2 unit mews development following demolition of existing three storey building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme before me was amended during the planning application to reduce it from three dwellings to two. The description was also changed to reflect this by agreement of the main parties. I have used this description in the header above and have consider the scheme as amended.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The appeal site is accessed off Sefton Road, which is characterised primarily by traditional residential dwellings with pitched roofs. The site itself is an area of land surrounded by residential properties on three sides and contains a rectangular two-storey building with a pitched roof. Immediately adjacent to the site is a Masonic Hall which has a more commercial appearance and does not reflect the wider character of the area. Nevertheless, I do not find the effect of the Masonic Hall to be so significant as to change the character of the area as a whole. Notwithstanding its location behind buildings, the appeal site is still readily visible from Sefton Road across the car park serving the Masonic Hall.

5. The proposed replacement building would have a similar footprint to the existing and would retain a significant area of open space around the building, which would maintain the spaciousness of the site and to this extent the plot would not appear cramped as a result. However, the proposed building would provide three floors served by a flat roof. Therefore, whilst also of similar height to the existing building, the additional floor, by way of replacing the pitched roof, would result in the building appearing taller and bulkier than the existing. Moreover, the form and appearance of the building, including the flat roof, appears akin to buildings more typically associated with former warehouse or dockyard areas rather than a traditional residential area. Whilst I note the level of detailing proposed, it does not result in building that is sympathetic to the traditional dwellings nearby.
6. Therefore, overall, the character of the building is of a stylised utilitarian design and consequently would be out of keeping with the traditional residential character of the surrounding area. As a result of this harm, the proposal would not be an efficient use of the site.
7. The existing use on site is for the storage, maintenance and repair of commercial passenger vehicles, such as minibuses and coaches. I understand that this use has not been carried out for some time, but it has not been demonstrated that the use is no longer extant. Given the scale of the existing use in relation to the proposal, I find that the residential use would not result in an over intensification on-site and would be more appropriate to the residential character of the area than the use it replaces.
8. Nevertheless, the proposed development would, by way of its form, appearance and scale, be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy EQ2 of A Local Plan for Sefton (the LPS, April 2017) which requires that developments respond positively to the character, distinctiveness, and form of its surroundings. The proposal would also conflict with the design guidance contained within the New Housing Supplementary Planning Document (the SPD, June 2018).

Living Conditions

9. There is a dwelling either side of the driveway serving the appeal site, and both have windows which face out on to it. I find it highly likely, should the existing use restart, that both dwellings would experience disturbance from the noise and vibrations of vehicular movements along this driveway, this would be more acute due to above mentioned windows. While I understand the existing use is not being carried out at present and neighbouring occupiers may be used to the current situation, I find no reason to believe the use could not easily be restarted.
10. The pair of proposed dwellings would also result in a number of vehicular movements each day, and these would again affect the living conditions of the neighbouring occupiers. However, domestic vehicles are typically much smaller and lighter than those associated with the existing use. As such any associated noise and vibrations would also be more limited in comparison. Moreover, I find it unlikely that the comings and goings associated with the dwellings would be so much greater that there would be an unacceptable increase in noise and disturbance to the neighbouring occupiers to the detriment of their living conditions.

11. Therefore, the proposal would not harm the living conditions of neighbouring occupiers as a result of an unacceptable increase in noise stemming from any potential vehicular movements. The proposal would therefore comply with LPS Policy EQ2 which requires, amongst other matters, that proposals protect the amenity of those adjacent to the site. In this way it would also comply with the aims of the SPD guidance relating to properties next to access roads.

Other Matters

12. Although the Council may have made supportive comments, including encouraging a bold design, during pre-application discussions, such discussions cannot bind a planning authority's determination of any planning application they may subsequently consider. Furthermore, I must consider the scheme against an impartial assessment of the planning merits.

Planning Balance

13. The government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings with a good level of access to public transport links. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract modest weight.
14. Whilst the proposal may not result in any harm to the living conditions of neighbouring occupiers or to highway safety, these matters are a lack of harm rather than a benefit. I therefore attach them only neutral weight.
15. Conversely, the proposal would harm the character and appearance of the surrounding area and would thus conflict with the development plan taken as a whole. This matter attracts significant weight and outweighs the benefits associated with the proposed development.

Conclusion

16. The proposal would conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict. Therefore, and for the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



Appeal Decision

Site visit made on 14 June 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/M4320/W/21/3289226

Land at Strawberry Hall, 293 Southport Road, Lydiate, L31 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by HGG Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01679, dated 24 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is for permission in principle for a development of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Following the submission of further information by the appellant, the Council have withdrawn their second reason for refusal regarding the effect of the development on the Ribble and Alt Estuaries Special Protection Area and Ramsar site, and the Martin Mere Special Protection Area and Ramsar Site. I have therefore not considered this matter further.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances 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.
7. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy MN7 of A Local Plan for Sefton (the LPS, April 2017) specifically relies on the exceptions as set out within the Framework and is therefore, to this extent, compliant with the Framework.
8. The site is a parcel of land that, although recently cut back at the time of my site visit, showed signs of otherwise having been left to grow naturally. It is bounded on all sides by mature trees, hedgerows and other mature vegetation. The site adjoins the large garden serving Strawberry Hall as well as fields which form part of the open countryside, the site is further separated from nearby buildings by Southport Road and the Leads-Liverpool canal. Beyond the canal is the settlement of Maghull, a large built-up area while, on the appeal site side of the canal are a number of residential buildings which I understand form part of Lydiate.
9. The Framework does not specify that a village must have a settlement boundary, or that only those parts of the village within the boundary are deemed to be a village for the purposes of the exception under Paragraph 149. Therefore, whilst I understand that the appeal site is outside of the settlement boundary for Lydiate this does not necessarily preclude it from being within the village for the purposes of this appeal.
10. I understand Lydiate to be a large built-up area which has formed a contiguous block with Maghull. Whilst this may be the case, I have not been provided with any substantive evidence that the Lydiate is no longer a village in its own right. I have therefore considered it as such. The above mentioned canal forms a defined feature that divides Lydiate from the more sporadic development and predominantly open countryside on the opposite side of the canal. Nevertheless, the development immediately surrounding the appeal site forms an incursion on this side of the canal that, by way of its visual and physical connection, is read as a continuation of Lydiate. Therefore, for the purposes of Framework Paragraph 149, I find that the appeal site is within a village.

11. However, although within a village, the appeal site is an open and undeveloped plot which is visually separated from nearby buildings by open garden land, roads and the canal. The resulting separation is further compounded by the mature trees bounding the site that screen it from being viewed in connection with the built-up area. Consequently, the site reads as a part of the wider, open countryside rather than a gap within the built environment. Therefore, I do not find that the proposal would be infilling for the purposes of Framework Paragraph 149.
12. The appellant has also submitted that the appeal site forms part of the gardens associated with Strawberry Hall and that as such it is previously developed land (PDL). The Framework sets out within its glossary that PDL includes the curtilage of developed land excluding land in built-up areas such as residential gardens. However, I have not been provided with any substantive evidence to demonstrate that the appeal site is within the curtilage of the appeal site. In particular, during my site visit I noted no means of access between the appeal site and Strawberry Hall. Given this, and the degree of visual separation between the appeal site and Strawberry Hall, I find that lacking any evidence to the contrary the site cannot be described as within curtilage of Strawberry Hall for the purposes of this appeal and consequently is not PDL.
13. Even if I were to have found that the site was part of Strawberry Hall's curtilage and PDL, the Framework requires that I consider the effect of the development on the openness of the Green Belt. In this case, the erection of up to four dwellings would, by way of the innate scale of the development, have a greater impact on the openness of the Green Belt than, as it currently stands, an area of open land. Whilst this loss of openness would be limited in regard to the Green Belt as a whole, harm to the Green Belt would nevertheless occur.
14. The proposal would amount to inappropriate development in the Green Belt, this matter carry substantial weight. No other considerations have been submitted in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the location, use and scale of the proposal would be unacceptable and would conflict with LPS Policy MN7 as outlined above. The proposal would also conflict with the Green Belt aims of Section 13 of the Framework, and in particular Paragraphs 147 to 151. In reaching this decision I have been mindful of the judgement referred to by the appellant² as well as the two appeal decisions³.

Other Matters

15. I do not have the full details of the pre-application enquiry, DC/2015/01471, before me, so I do not know the full context. However, it is clear that it was for a significantly different proposal as it would have provided 19 affordable homes. Moreover, pre-application advice cannot bind a decision maker in their assessment of a planning application. As a result, I do not find that this enquiry is particularly relevant to the proposal before me, and it has not been determinative in my consideration. I have been mindful of the more recent advice sought under pre-application enquiry DC/2021/00541, where I note that the Council concluded in a similar manner to their decision for the appeal scheme.

² Wood v SOSCLG and Gravesham [2015] EWCA civ 195

³ APP/R0660/W/17/3170279 and APP/N5090/W/16/3151579

Conclusion

16. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR