

## Appeals Received and Decisions Made

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Appeals received and decisions made between [24 October 2024](#) and [21 November 2024](#)

## Appeal Decisions

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### [41 Durham Road Seaforth L21 1EF](#)

**Reference:** DC/2024/00442 (APP/M4320/W/24/3345419)  
Change of use from retail unit and maisonette to 2 flats

**Procedure:** Written Representations  
**Start Date:** 18/07/2024  
**Decision:** Dismissed  
**Decision Date:** 12/11/2024

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### [90 Gores Lane Formby Liverpool L37 7DF](#)

**Reference:** DC/2021/01383 (APP/M4320/W/23/3332119)  
Erection of one padel court with floodlights (Alternative to DC/2021/00304 withdrawn 27/04/21).

**Procedure:** Written Representations  
**Start Date:** 13/03/2024  
**Decision:** Allowed  
**Decision Date:** 06/11/2024

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### [End Cottage 4 Mount Cottages Prescott Road Melling L31 1AR](#)

**Reference:** EN/2023/00495 (APP/M4320/C/23/3333707)  
Appeal against without planning permission, a raised timber deck including an outbuilding has been erected, in the approximate position shown coloured blue on the attached Plan 2.

**Procedure:** Written Representations  
**Start Date:** 23/01/2024  
**Decision:** Dismissed  
**Decision Date:** 05/11/2024

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## New Appeals

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### [2 Crown Buildings Liverpool Road Birkdale PR8 3BY](#)

**Reference:** DC/2024/01364 (APP/M4320/W/24/3352808)  
Installation of a new shop front and security shutters (retrospective)

**Procedure:** Written Representations  
**Start Date:** 31/10/2024  
**Decision:**  
**Decision Date:**

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### [14 Gorse Way Formby L37 1PB](#)

**Reference:** DC/2024/01300 (APP/M4320/D/24/3354307)  
Conversion of existing bungalow into a two storey dwellinghouse with a two storey extension to rear

**Procedure:** Householder Appeal  
**Start Date:** 08/11/2024  
**Decision:**  
**Decision Date:**

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### [50 Elm Road Seaforth L21 1BL](#)

Appeals received and decisions made between [24 October 2024](#) and [21 November 2024](#)

**Reference:** DC/2024/01164 (APP/M4320/W/24/3353177)

Change of use from a dwellinghouse (Class C3) to a children's home for up to 2 children (Class C2)

**Procedure:** Written Representations

**Start Date:** 05/11/2024

**Decision:**

**Decision Date:**

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## [Land At The North West Of Lynton Drive, With Access Between 12 And 14 Lynton Drive E](#)

**Reference:** DC/2024/00855 (APP/M4320/W/24/3353822)

Erection of a one bedroom detached two storey dwelling and solar car port with access between Nos.12 and 14 Lynton Drive

**Procedure:** Written Representations

**Start Date:** 04/11/2024

**Decision:**

**Decision Date:**

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# Appeal Decision

Site visit made on 25 October 2024

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2024**

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**Appeal Ref: APP/M4320/W/24/3345419**

**41 Durham Road, Seaforth, Sefton L21 1EF**

- 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 Gary Fleet against the decision of Sefton Council.
  - The application reference is DC/2024/00442.
  - The development proposed is a change of use from retail unit and maisonette to two flats.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect on the living conditions of future residents with regard to noise, privacy and the suitability of the outdoor amenity space.

## Reasons

3. The property has residential accommodation and a shop. The proposal would convert the area associated with the former shop to residential accommodation and would result in two flats. The floor layout proposed would result in a bedroom in the new ground floor unit within the former shop area. The bedroom would have windows directly onto the pavement in this prominent corner position.
  4. The council's Supplementary Planning Document: Conversions to Flats and Houses in Multiple Occupation 2023 (SPD) deals with the situation proposed specifically. It advises that where there is no front garden, a front room used as a living room, dining room or home office, does not cause an issue. However, if the room is used as a bedroom, it can result in unsatisfactory living accommodation due to noise from the street from passing pedestrians and traffic. To protect the residential amenity of future residents, the SPD seeks to prevent such a room being used as a bedroom, unless there is a front garden space of at least three metres that separates it from the highway.
  5. The proposal would result in the potential for disturbance from pedestrian passers-by and from the road. It would also result in a lack of privacy unless the outlook from that room was severely restricted. As a ground floor flat could be achieved without a bedroom in the exposed former shop area position,
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- albeit possibly resulting in only a one-bed unit, this arrangement represents poor design. The proposed layout conflicts with policy HC 4(2b) of the Sefton Local Plan 2017 (LP), the SPD and the *National Planning Policy Framework 2023*, which all seek a high standard of amenity.
6. As the other ground floor windows are set just under three metres from the pavement, there would inevitably be some conflict with the SPD. However, they are set back beyond the front forecourt and the boundary wall and hedge. A revised layout that would avoid the use of the most exposed room as a bedroom room would clearly be more satisfactory and would represent improved design.
  7. The council are also concerned with regard to the outdoor amenity space proposed. At present there is an enclosed private amenity area to the rear which is of a reasonable size. The arrangement proposed allows for the space to the rear to be used for the first floor flat but the space would be subdivided to provide more space for the ground floor flat. This would result in a poor entrance arrangement, an enclosed narrow area to accommodate the access and the bin store and then a relatively small remaining area that would offer very limited amenity to the residents of the first floor flat. It would also adjoin the kitchen window of the ground floor flat and although this is shown as a high-level window, this arrangement would not be ideal and would reduce the quality of both the kitchen and the outdoor space.
  8. The proposal for the downstairs unit would utilise the extended forecourt area which would offer only limited amenity. The extension of the forecourt into the rear enclosed area would not materially improve the outdoor accommodation for the ground floor flat but would significantly reduce the quality of the rear outdoor space for the first floor flat. The proposed layout results in poor outdoor amenity space for both units and this represents poor design.
  9. Given the nature of this property, without harming the appearance of the street scene, it is inevitable that suitably private and functional outdoor space could only be provided for one of the units. In these particular circumstances, given the lack of private outdoor space available, the benefits of the additional unit would outweigh the harm from having only limited outdoor space for one of the units and the conflict with the SPD. Whilst some conflict with the SPD is inevitable with regard to outdoor space, the layout proposed does not represent a satisfactory compromise and would also conflict with the amenity requirements of LP policy HC 4(2b).
  10. The proposal results in a number of further design shortcomings. This terrace, along with the neighbouring terrace and the public house opposite, have very distinctive detailing to their brickwork; door and window surrounds; and eaves. The loss of the existing front door and some of the ornate brickwork would be to the detriment of the appearance and character of this property. The two new entrance arrangements would also represent poor design. These matters add to my overall concerns.
  11. Although the appellant makes reference to permitted development rights, as this is a unit with a display window, I am not certain what is being suggested as being a lawful alternative. A plan or a lawful proposed development certificate have not been provided.

12. There would be significant benefits to returning this property to a full and efficient use; and the addition of a further unit of accommodation would benefit local housing provision and provide both economic and social benefits. I have had regard also to the personal circumstances of the appellant, the nature of surrounding properties and the other conversions referred to. However, as the layout proposed could be significantly improved so as to avoid many of the shortcomings identified, the weight in favour of the proposal is not sufficient to outweigh the concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**



# Appeal Decision

Site visit made on 3 October 2024

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 November 2024**

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**Appeal Ref: APP/M4320/W/23/3332119**

**90 Gores Lane, Formby, Merseyside, L37 7DF**

- 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 Paul Brereton against the decision of Sefton Metropolitan Borough Council.
  - The application Ref is DC/2021/01383.
  - The development proposed is the erection of one padel court with floodlights.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of one padel court with floodlights at 90 Gores Lane, Formby, L37 7DF in accordance with the terms of the application, Ref DC/2021/01383, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawings : Location Plan; Proposed Site Plan; Dimensions of padel court; Padel Court Dimensions (fig 4); Plan view; Isometric Drawing; Side view Drawing; End view Drawing; Padel court view from South; Padel Court view from the East; Padel Court view from the West;
  - 3) Prior to the first use of the padel court, the acoustic fence (as detailed in Sharps Redmore Acoustic Assessment – Project No 2120607 dated 4 February 2022) shall be constructed. The completed acoustic fence shall be maintained as such for the life of the development.
  - 4) The proposed floodlights shall be installed in accordance with the submitted details and the level of illumination shall not exceed that set out in the lighting spillage drawing at any time.
  - 5) The padel tennis court shall only be used between the hours of 08:00 - 22:00.

## Preliminary Matters

2. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have therefore made my decision in accordance with the revised Framework.

## **Main Issue**

3. The main issue is the effect of the development upon the living conditions of nearby residents in Deans Court, with particular regard to noise disturbance.

## **Reasons**

4. The appeal site is located in a largely residential area but is bounded by Formby Cricket and Hockey club to the east. There are residential properties in all other directions including Deans Court to the west, Piercefield Road to the south and Timms Close to the north beyond the existing tennis courts. There is an existing single storey clubhouse which is located between the closest Deans Court properties and the location of the padel court. The proposed padel court would have an all-weather surface with a canopy and would be floodlit. The sides would not be fully enclosed.
5. The application was supported by an acoustic assessment, a further technical note, and responses to the Council's concerns. These documents include details of the background noise levels at the appeal site as well as noise levels from other operational padel courts.
6. At the time of my site visit, there were no sporting activities taking place at the tennis club or the adjoining cricket and hockey club. As such, the site and its surroundings were quiet with little background noise. However, I am conscious that this only represents a snapshot in time.
7. From the evidence before me, the padel court would be around 12 metres from the site boundary to Deans Court and around 25 metres from the habitable room windows of Nos 7 and 9.
8. In my view, without mitigation, the noise generated from activities on the padel court is likely to cause some disturbance to the occupiers of the nearby residential properties, with the most susceptible being Nos 7 and 9 Deans Court. The main noise sources are likely to be from balls hitting the perimeter screen, bats striking the ball, and from player noise. These noise elements are not likely to be constant, and invariably there would be noise impact peaks during games.
9. Noise mitigation measures set out on the noise report includes a 1.8 metre acoustic fence along the boundary between the tennis club and the Deans Court properties (and also to the rear of some of the Piercefield Road properties). An alternative or additional mitigation proposal is described as 'closing off' open gaps on the court's south and west sides with proprietary acoustic blankets. However, the acoustic properties and modelling of this option has not been fully detailed so it is not clear whether this would be sufficient to mitigate noise from the court if this was an alternative. However, as additional mitigation, this would clearly have additional benefits.
10. The noise modelling indicates that the acoustic fence would provide some reduction in noise levels from the padel court to the garden areas of the Deans Court properties. Given the predicted noise levels, I am of the opinion that the level of noise reduction is sufficient to mitigate additional noise arising from the Padel Court. I am also conscious that it would also provide an additional benefit of providing some mitigation from other noise sources such as the hockey and cricket pitches. Whilst this is not a determinative factor, it is a consideration which weighs in favour of the overall proposal.

11. Turning to the noise impact to habitable rooms, particularly at first floor level, the proposed acoustic fence would offer little (if any) mitigation. However, any noise experienced inside of the building would be lower than the modelled figures as the building itself would provide some mitigation. Furthermore, a restriction of the hours of operation of the padel court would prevent unacceptable levels of noise late in the evenings when there would be a greater expectation of lower noise levels for residential amenity purposes. Given the modelled noise levels, I consider that the level of noise which would be experienced internally would not be so excessive to warrant the withholding of planning permission subject to such a hours of operation restriction.
12. Taking all of the above into account, the proposal would not give rise to excessive noise to the occupants of the surrounding residential properties and would accord with Policy EQ4 of the Sefton Local Plan (2017) which amongst other matters seeks to ensure that appropriate measures have been taken to minimise the risks of adverse impacts on amenity from noise pollution and that the impact of noise is not significant or can be reduced to an acceptable level.

### **Other Matters**

13. The appeal proposal is located close to the Green Lane Conservation Area. The Council have not raised any concerns over the impact of the development on the Conservation Area, and from evidence before me and my site visit, I agree that there would be little restriction on views into and out of it. I therefore conclude that its setting would not be harmed.

### **Conditions**

14. The Council have provided a list of condition it considers appropriate in the event that I allow the appeal. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
15. As detailed above, in the interests of the living conditions of the neighbouring residential properties, a condition requiring the installation (and retention) of the acoustic fence as set out in the noise reports is necessary. Conditions limiting the hours of operation of the court and in respect of the level of illumination from the floodlights are also required.

### **Conclusion**

16. For the reasons given above the appeal should be allowed.

*Chris Forrett*

INSPECTOR





## Appeal Decisions

Site visit made on 21 August 2024

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 November 2024**

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**Appeal A Ref: APP/M4320/C/23/3333707**

**Appeal B Ref: APP/M4320/C/23/3333708**

**Land to the rear of End Cottage, Prescott Road, Melling L31 1AR and 2 Prescott Road, Melling, L31 1AR**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Miss Anna Westhead and Appeal B by Mr Joe Parker against an enforcement notice issued by Sefton Metropolitan Borough Council.
  - The notice was issued on 25 October 2023.
  - The breach of planning control as alleged in the notice is a raised timber deck including an outbuilding has been erected, in the approximate position shown coloured blue on the attached plan 2.
  - The requirement of the notice is: You must remove the timber deck and outbuilding from the property.
  - The period for compliance with the requirement is: One month.
  - The appeals are proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decisions

1. The appeals are dismissed, and the enforcement notice is upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

### Preliminary Matters

2. Since the appeals were lodged, a revised version of the National Planning Policy Framework ("the Framework") was published in December 2023. However, the parts of the Framework most relevant to the appeals have not substantially changed from the previous iteration. Consequently, it has not been necessary for me to seek further comments from the main parties in this respect. I have determined the appeals accordingly.
3. On 30 July 2024, the Government published its National Planning Policy Framework: draft text for consultation. While the document proposes changes to the Green Belt chapter of the National Planning Policy Framework, at the time of writing my decision, it remains in draft form and is therefore subject to change. I therefore afford it very limited weight.

### Ground (a) - the deemed planning application

#### Main Issues

4. The appeal site comprises a two-storey dwelling which is situated within a large plot and located within the Green Belt. A third-party has questioned whether

the development is within the curtilage of the appeal property. The extent of the curtilage of a building is a question of fact and degree, and it is therefore a matter for the decision maker, subject to the normal principles of public law.

5. Curtilage defines an area of land in relation to a building and is not a use of land. Having had regard to the relevant case law<sup>1</sup>, I find that the land concerned is intimately associated with and serves the purpose of the host dwelling in a useful way. Furthermore, when considering the physical layout, ownership, and the use and function of the land, I concur with the Council's finding that the appeal development is within the curtilage of End Cottage.
6. The main issues are therefore:
  - Whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - The effect of the development on the openness of the Green Belt;
  - The effect of the development on the living conditions of occupiers of Highfield, with particular regard to overlooking and outlook;
  - The effect of the development on the character and appearance of the area; and
  - If the development is inappropriate development, 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 required to justify the proposal.

## **Reasons**

### *Whether the development is inappropriate development*

7. Policy MN7 of A Local Plan for Sefton (adopted April 2017) (LP) and the House Extensions Supplementary Planning Document (adopted May 2023) (SPD) sets out how the Council will apply and interpret the requirements of national Green Belt policy. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 154 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The Council state that none of these exceptions apply to the appeal scheme, whilst the appellants do not suggest that it should be considered under any of the exceptions set out under paragraph 154. Nevertheless, I shall consider whether the appeal scheme would fall under any of the exceptions.
9. The development comprises a timber outbuilding erected upon a raised timber deck at the extreme eastern end of the rear garden. Paragraph 154 c) of the Framework allows the extension or alteration of a building provided that it does

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<sup>1</sup> Sinclair-Lockhart's Trustees v Central Land Board [1950] 1 P&CR 195, Methuan-Campbell v Walters [1979] 1 QB 525, Burford v SSCLG and Test Valley BC [2017] EWHC 1493 (Admin), and Hampshire CC & the Open Spaces Society & Others v SSEFRA & Blackbushe Airport Ltd [2020] EWHC 959 (Admin), [2021] EWCA 398, [2020] JPL 1359

not result in disproportionate additions over and above the size of the original building.

10. Case law<sup>2</sup> indicates that extensions can include structures which are physically detached from the building of which they are an extension. However, the case law does not set a specific distance at which a freestanding building should, or should not, be considered an extension. In the case of the appeal development, whilst its function is related to the main dwelling, given its design and appearance which do not reflect that of the dwelling, and the considerable distance between it and the host property, spatially and visually, there is a conspicuous disconnection between them. As a result, the development is clearly perceived as an outbuilding rather than an extension.
11. Consequently, I do not consider it is reasonable to regard the building as an extension to the host dwelling, and so it does not fall under the exception at paragraph 154 c). Moreover, none of the other exceptions listed under paragraphs 154 or 155 appear relevant to the development in this instance, and neither party has suggested otherwise.
12. Thus, the raised timber deck and outbuilding do not meet any of the exceptions set out in the Framework and fail to comply with Policy MN7 of the LP and guidance contained within the SPD. Therefore, the development represents inappropriate development in the Green Belt and is, by definition, harmful to the Green Belt.

### *Openness*

13. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Openness has a visual and spatial dimension.
14. The raised timber deck and outbuilding sit immediately adjacent to the rear boundary of the property and is a substantial structure which occupies an area of land that was previously free from development. Therefore, given the obvious increase in both footprint and volume, the development has the unavoidable consequence of resulting in the reduction in the spatial openness of the Green Belt.
15. Despite the spatial reduction in the openness of the Green Belt, there is a more limited visual reduction in openness. Its location in the rear garden of the property means there is no visibility of the structure from Prescott Road. By virtue of its size and height, views of the structure will be possible from adjacent residential properties and their gardens, albeit these views are partially obscured by existing vegetation and boundary treatments. Whilst clear views of the development are possible from agricultural fields to the rear of the appeal site, I have no evidence before me to indicate that there is any public access or vantage points from this land.
16. Given that there are limited views available of the development, it makes only a minimal contribution to the visual aspect of openness. Notwithstanding this limited visual impact, spatially the development reduces the openness of the Green Belt through the introduction of a new building in an area of garden which was previously free from built form. Overall, the development does not

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<sup>2</sup> Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

preserve the openness of the Green Belt and, given the fundamental aim of the Green Belt to keep land permanently open, this loss of openness weighs further against the development.

### *Living Conditions*

17. The raised timber deck and outbuilding is constructed around a tree at the far end of the rear garden, close to the boundary with the neighbouring property Highfield. The boundary between the appeal site and Highfields consists of a timber fence measuring around 1.8m in height, with a further section of trellis attached on top that takes the overall height of the boundary treatment above 2m. In addition, there are trees positioned periodically along the boundary which provide some further screening.
18. The raised timber deck is around 2m above ground level, with the outbuilding that has been placed on the raised deck measuring around 2.1m in height. The outbuilding has one window which faces out across the agricultural fields to the rear, and therefore, there is no overlooking of the neighbouring property Highfield from inside the outbuilding itself. The only point where there is an open raised platform is a small seating area at the top of the steps next to the outbuilding.
19. The open seating area is partially enclosed by a solid timber fence along the side of the raised deck nearest to the boundary with Highfield. However, due to its height and the proximity of the neighbouring property, when stood on the raised timber deck views into the rear garden of Highfield are still possible. These views were possible despite the trees along the boundary being in leaf at the time of my visit. Therefore, it is likely that during winter months the opportunities for overlooking into the rear garden of Highfield will increase.
20. Given the significant distance between the development and the rear elevation of Highfield, along with the partial screening provided by the existing trees, I do not consider that views from the raised deck into habitable windows of the property are possible. Nevertheless, there remains opportunity for overlooking from the development into the rear garden of Highfield, thus resulting in a loss of privacy for neighbouring occupiers. Accordingly, the development has a harmful impact on the living conditions of occupiers of Highfield with regard to privacy.
21. Despite its size and overall height, any dominance or sense of overbearing from the structure towards Highfield is lessened by presence of existing trees. Whilst it is a solid structure, given its location in amongst trees at the far end of the rear garden, the development is not overly dominant or overbearing and does not have a significantly detrimental effect upon outlook.
22. Consequently, although I have not identified any harm with regard to outlook, the development causes harm to the living conditions of occupiers of Highfield with regard to privacy. As a result, the development conflicts with policy HC4(c) of the LP which seeks, amongst other things, to ensure that developments do not result in a significant loss of privacy for neighbouring residents.

### *Character and Appearance*

23. The raised timber deck and outbuilding is located at the far end of the rear garden, and therefore it is not visible from Prescott Road or the wider street

scene. However, the elevated nature of the development means that it is visible from neighbouring properties.

24. The development is constructed around a tree which, along with further trees in the vicinity, result in it being visually contained. Furthermore, its construction in wood enables it to blend with the trees, although it would benefit from being painted or stained a darker colour. This would further reduce its prominence from neighbouring gardens, enabling it to blend in sympathetically such that it would be relatively unobtrusive. This is a matter that could be the subject of a condition.
25. The Council consider that the development is out of character with the pattern of the existing rear boundary treatment, which is predominantly hedging and vegetation. However, the raised deck and outbuilding is clearly viewed as a free-standing structure within the rear garden of a residential property and does not form part of the boundary treatment which is unaffected. Furthermore, visually the development has the appearance of a tree house which is not an alien concept within the rear garden of a residential property.
26. Consequently, subject to an appropriately worded planning condition, I conclude that the development does not result in any harm to the character and appearance of the area. In relation to this main issue, the development therefore accords with policies EQ2 and HC4 of the LP, and guidance contained within the SPD. Together these seek, among other things, to ensure that developments respond positively to the character, local distinctiveness, and form of its surroundings, and make a positive contribution through the quality of its design.

#### *Other Considerations*

27. The appellants state that the raised deck and outbuilding allows them to relax and unwind from the stresses of daily life, and to enjoy the views and watch birds and other wildlife. They also contend that it will help children learn about nature. Nonetheless, these are largely private benefits solely for the benefit of the appellants. Furthermore, it has not been demonstrated that the appeal development is the only means by which these can be achieved. These considerations therefore carry limited weight in favour of the development.
28. The appellants also refer to an intention to help biodiversity, which includes keeping bees, chickens, and butterflies. However, it is unclear how the appeal development will assist in achieving those aims which could equally be accomplished without the raised timber deck and outbuilding. I therefore attach no weight to this consideration.

#### *Planning Balance and Conclusion*

29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. I have found the development to be harmful to the Green Belt by reason of inappropriateness and loss of openness. This amounts to a matter of substantial weight, to which I must add the harm caused to the living

conditions of occupiers of Highfield. Although I have found that the development does not cause harm to the character and appearance of the area, the absence of harm is a neutral matter which does not carry weight in favour of the development.

31. The largely private benefits identified by the appellants attract only limited weight in favour of the development. Accordingly, these considerations do not outweigh the substantial weight that I have given to the harm caused to the Green Belt and the additional harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.
32. For the reasons set out above, the development conflicts with the development plan when read as a whole, and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all matters raised, I therefore conclude that the appeals on ground (a) should be dismissed, and planning permission be refused on the deemed applications.

### **Other Matters**

33. Reference has been made by the appellants to other developments nearby in the Green Belt. These include a development of 1,600 homes, an outline application for 855 homes, a caravan site, and two tree houses. I have extremely limited details of the developments referred to, including any justification provided for them. It is also unclear whether some of the developments have been granted planning permission by the Council. Furthermore, from the information available it seems that many are of an entirely different context to the proposal before me, such as the 1,600-home scheme, and are likely to be subject to different site and policy contexts. As such, these examples do not assist the appellants.
34. Matters relating to a dispute between the appellants and the occupiers of Highfield regarding the removal of a hedgerow and fence, and the installation of CCTV cameras have been brought to my attention. However, such matters fall outside the scope of these appeals, and I can only have regard to the planning merits of the case.

### **Conclusion**

35. For the reasons given above, I conclude that the appeals do not succeed. I have upheld the enforcement notice and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

*David Jones*

INSPECTOR