

# Planning Committee

23 July 2015

**Reference:**  
**APP/15/00502**

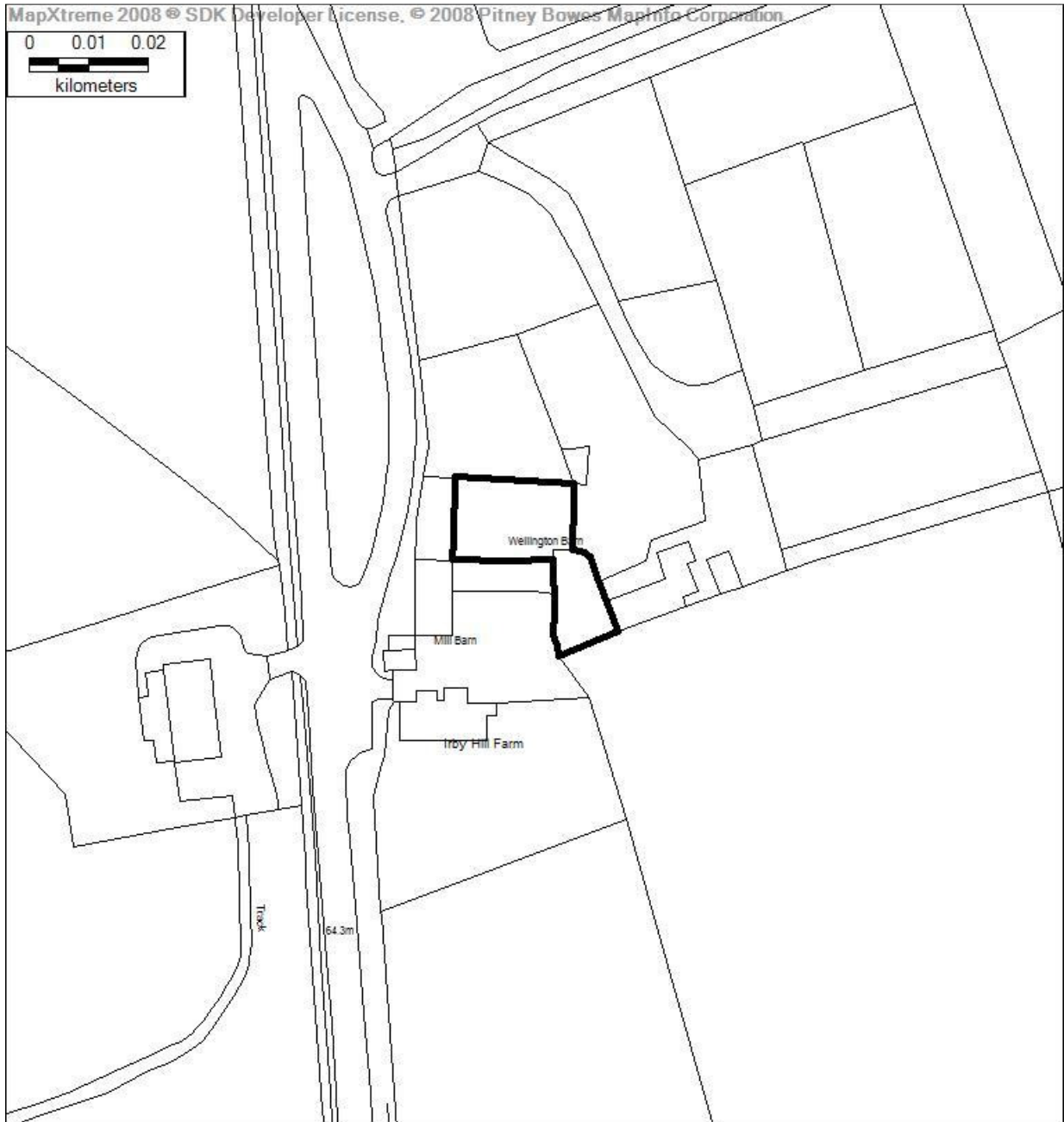
**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs S Day**

**Ward:**  
**Greasby Frankby  
and Irby**

**Location:** Wellington Barn, Irby Mill Farm, MILL HILL ROAD, IRBY, CH61 4XQ  
**Proposal:** Change of Use of \Green Belt land to private garden area  
**Applicant:** Mr G Jones  
**Agent :** Gilmore Developments Limited

## Site Plan:



© Crown copyright and database rights 2014 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

## **Development Plan allocation and policies:**

Green Belt

### **Planning History:**

Location: Wellington Barn, Irby Mill Farm, MILL HILL ROAD, IRBY, CH61 4XQ  
Application Type: Full Planning Permission  
Proposal: Change of Use of Green Belt land to private garden area  
Application No: APP/13/00577  
Decision Date: 01/07/2013  
Decision Type: Withdrawn by Applicant

Location: Wellington Barn, Irby Mill Farm, MILL HILL ROAD, IRBY, CH61 4XQ  
Application Type: Full Planning Permission  
Proposal: Existing single storey extension to be altered and a new first floor extension built over, creating additional bedroom space at first floor.  
Application No: APP/13/00441  
Decision Date: 07/06/2013  
Decision Type: Approve

Location: Wellington Barn, Irby Mill Farm, MILL HILL ROAD, IRBY, CH61 4XQ  
Application Type: Conservation Area Consent  
Proposal: Change of Use of Green Belt land to private garden area  
Application No: CON/13/00578  
Decision Date: 16/05/2013  
Decision Type: Not required

Location: Wellington Barn, Mill Hill Road, Irby, Wirral, CH61 4XQ  
Application Type: Full Planning Permission  
Proposal: Erection of first-floor side extension and conservatory to side  
Application No: APP/04/07075  
Decision Date: 18/10/2004  
Decision Type: Approve

Location: Wellington Barn, Irby Mill Farm, Mill Hill Road, Irby, Wirral, CH61 4XQ,  
Application Type: Full Planning Permission  
Proposal: Formation of a manege.  
Application No: APP/01/06687  
Decision Date: 12/10/2001  
Decision Type: Approve

Location: Irby Hill Farm Barns , Mill Hill Road, Irby, Wirral, L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Conversion of farm building to dwelling  
Application No: APP/98/05093  
Decision Date: 09/04/1998  
Decision Type: Approve

Location: Irby Hill Farm, Mill Hill Road, Irby, Wirral, L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Erection of stables.  
Application No: APP/98/05010  
Decision Date: 03/04/1998  
Decision Type: Approve

Location: Irby Hill Farm, Mill Hill Road, Irby. L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Extension of planning permission for the conversion of redundant farm building to two residential units.  
Application No: APP/95/05416

Decision Date: 17/05/1995  
Decision Type: Approve

Location: Irby Hill Farm, Mill Hill Road, Irby. L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Change of use of farm buildings to two dwellings.  
Application No: APP/89/07622  
Decision Date: 18/01/1990  
Decision Type: Withdrawn

Location: Irby Hill Farm, Mill Hill Road, Irby. L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Conversion of redundant farm buildings to two residential units.  
Application No: APP/90/05888  
Decision Date: 09/07/1990  
Decision Type: Approve

Location: Irby Hill Farm, Mill Hill Road, Irby. L61 4XQ  
Application Type: Full Planning Permission  
Proposal: Conversion of existing farm outbuildings to two dwelling houses with garages.  
Application No: APP/87/06010  
Decision Date: 23/07/1987  
Decision Type: Refuse

#### **Summary Of Representations and Consultations Received:**

##### **REPRESENTATIONS:**

Having regards to the Council's Guidance for Publicity of Planning Applications, 3 neighbour notification letters were sent to adjoining properties. A Site Notice was also posted on site and the application was advertised with a Press Notice in the Wirral Globe. No representations have been received in response.

##### **CONSULTATIONS:**

**Council for the Protection of Rural England (CPRE)** - Object to proposal due to concern over the retrospective nature of the proposal.

**Irby, Thurstaston and Pensby Amenity Society** - Object to the fundamental erosion of the Green Belt and potential clutter from a family garden.

##### **Director's Comments:**

##### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is to be considered at Planning Committee as it represents a departure from the Unitary Development Plan

##### **INTRODUCTION**

The proposal is a retrospective application to retain the use of a piece of land within the green belt as a private garden.

##### **PRINCIPLE OF DEVELOPMENT**

Changes of use to domestic gardens would normally constitute inappropriate development which would be unacceptable unless accompanied by very special circumstances.

##### **SITE AND SURROUNDINGS**

The application site consists of a former barn which has historically been converted into two dwellings. Wellington Barn forms the larger part of the conversion and is located to the east of Mill Barn which forms the other half of the conversion. The area which is the subject of this retrospective application lies immediately to the north of Wellington Barn and is currently bounded by a hedge to the north and the adjacent garden of Mill Barn to the west. The land is currently used as a garden for Wellington barn.

## **POLICY CONTEXT**

Policy GB2 of the Wirral Unitary Development Plan sets out the forms of development which are appropriate in the green belt. Inappropriate development could not be supported unless accompanied by very special circumstances which outweigh the harm to the green belt.

Policy GB3 of the Wirral Unitary Development Plan, in line with national green Belt Policy, allows the conversion and re-use of existing buildings in the green belt. This is subject to a number of criteria which includes the conversion not resulting in the creation of a residential curtilage. The purpose of this is to retain the openness and character of green belt land which would be harmed by the suburbanisation of land around such conversions through the introduction of domestic clutter. This concern is reflected in the National Planning Policy Framework, section 90 which supports the re-use of buildings providing they preserve the openness of the green belt and the purposes of including land in it.

## **APPEARANCE AND AMENITY ISSUES**

The barn received permission for conversion to 2 dwellings and was converted in 1999. To ensure that the proposal satisfied policy GB3, the curtilage was limited to the existing yard in front of the buildings.

Wellington Barn has since its conversion been occupied by several owners who have had approval for limited extension to the building. The property is used as a 4 bedroom family home.

When the current owners submitted an application for an extension in 2013 which was subsequently approved, it became apparent that the area used to the rear of the property as a garden did not have planning permission for a change of use. The owners sought to rectify this with a retrospective application but did not have sufficient supporting information and withdrew the application. The current application seeks to address this by providing documented evidence of the use of the land as a garden for over 10 years.

The land in question is located immediately to the rear of Wellington Barn, measures 16m by 23.6m and is bounded by hedging. The creation of a domestic garden in this situation would be classed as inappropriate development and would not normally be supported unless very special circumstances could be demonstrated which would outweigh the harm to the green belt.

The applicants supporting evidence for this application consists of two statements and dated photographic evidence. The letters are from the owner of Irby Farm, which is across the road from Wellington Barn, who confirms that the hedge and fence which enclose the garden area, were installed in 1999 after the conversion. A second letter is from a previous owner who lived at the barn from 2001 and confirmed the garden was in situ. The most compelling evidence relates to the dated photographs which have been submitted. These are dated 2000, 2005 and 2006 and show the area which is the subject of this application fenced off with a hedge.

If this application were not retrospective, there would not be any very special circumstances which would support an approval for a change of use. However, the potential fall-back position must be considered with this current application. The applicant has demonstrated that the land has been enclosed and used as a garden for over 14 years. If the applicant were to apply for a certificate of lawfulness, which only needs to demonstrate 10 years of use, the evidence would support a lawful use. Such an application could not be conditioned and the Local Authority would have little control over structures which could be erected as permitted development. The approval of the current planning application would enable the imposition of conditions removing permitted development and thus resulting in less harm to the green belt. Furthermore, the current boundary treatment is established and the change of use has existed for some time without any obvious visual harm to the green belt. Thus, in terms of visual impact, whilst openness is compromised by the lands enclosure, the existing boundary treatment and vegetation adequately screens the garden and its use and forms a logical boundary which does not appear to visually intrude into the green belt.

## **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

## **HEALTH ISSUES**

There are no health implications relating to this application.

## **CONCLUSION**

The existence of the change of use for over 10 years would constitute a fall-back position and the very special circumstances necessary to overcome the normal presumption in favour of refusal. The proposal therefore satisfies Unitary Development Plan Policy GB2 and the National Planning Policy Framework.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy. In reaching this decision the Local Planning Authority has considered the following:-

The existence of the change of use for over 10 years would constitute a fall-back position and the very special circumstances necessary to overcome the normal presumption in favour of refusal. The proposal therefore satisfies Unitary Development Plan Policy GB2 and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on April 2nd 2015 and listed as follows:041501 P 01

**Reason:** For the avoidance of doubt and to define the permission.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

**Reason:** To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy GB2 of the Wirral Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no walls, fences or other means of enclosure shall be erected on any part of the garden hereby approved.

**Reason:** To preserve the visual amenities of the area and to accord with Policy GB2 of the Wirral Unitary Development Plan.

### **Further Notes for Committee:**

**Last Comments By:** 08/07/2015 11:45:54

**Expiry Date:** 28/05/2015