

Planning Committee	8th February 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APP/22/00573	Q13 - Minor Dwellings	Ms A McDougall	Hoylake and Meols

Location:	Farm, PARK ROAD, MEOLS, CH47 7BE
Proposal:	Conversion of an existing single storey hay barn into a 2 bedroom dwelling (resubmission of Application Number 21/01378 refused dated 15th October 2021)
Applicant:	Mr Goodman
Agent :	Mrs STARKEY OS Rural Planning and Development

Reason for referral to Planning Committee	Over 15 letters received and Councillor Cox requested referral to Planning Committee
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1. Development Plan designation:	Green Belt Coastal Zone
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	Washland
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2. Planning History:	<p>Applications APP/21/01378 Conversion of an existing single storey hay barn into a 2 bedroom dwelling. Construction of new self draining access road from existing vehicular entrance on Park Road to the new dwelling. - refused for the following reasons;</p> <p>1. The proposed change of use from a barn to a residential property, when taking into account the present use of the building and the land associated with the barn and potential need for agricultural buildings, is considered to have a materially greater impact than the present use onto the openness of the Green Belt and therefore the change of use to residential would result in inappropriate development which is contrary to Wirral's UDP Policy GB3</p> <p>2. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. The FRA fails to demonstrate that occupants can remain safe for the lifetime of the development when allowances for climate change are taken into consideration. There is insufficient flood risk mitigation up to the design flood level and/or no specified arrangements for safe access and egress</p>
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3. Summary Of Representations and Consultations Received:
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3.1 Ward Member Comments	Councillor Cox concerns raised due to inappropriate development within the Green Belt
3.2 Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 25 notification letters were sent to neighbouring properties on 14th August 2022. In response, 55 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Inappropriate development within Green Belt • condition of land is unsightly • welfare of animals • loss of barn could lead to more barns/buildings being needed

	<p><u>CONSULTATIONS</u></p> <p>Natural England - No objection following additional surveys that were submitted, namely avian impact</p> <p>MEAS - No objection subject to conditions, updated bat survey submitted, no evidence found</p> <p>Environment Agency - Conditions requested</p>
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<p>4. Site and Surroundings</p>	
<p>4.1</p>	<p>The land is situated in the Green Belt. The application site is currently set out as a small holding with the dominant use for horses. The agent has confirmed (Jan 2024) that the horses have now been re-homed and the land has been used intermittently as grazing.</p> <p>There is an existing access off Park Road where there is a barn set back and there had been a caravan adjacent to the barn. It should be noted that a retrospective application for the siting of the caravan for use in association with the animals on site was refused on Green Belt Policy under reference APP/21/00197. This caravan has since been removed from the site.</p>

<p>5. Proposed Development</p>	
<p>5.1</p>	<p>The proposal is to convert the existing timber barn into a two bed single storey dwelling. The plans have been revised to show a reduced residential curtilage and access to the property, as set out on plan reference 2768.P1. The remainder of the grazing land (shown edged blue on plan reference 2768.P1) is not included in the extent of land subject of this planning application and would not be authorised to be used for purposes incidental to or ancillary to the proposed dwelling.</p> <p>The proposal does not seek to materially increase the size of the building, just to convert the existing structure for residential occupation. A structural survey has been included with the application confirming that the existing structure is capable of conversion without the need to substantially demolish. The proposed windows show on plan timber shutters to retain the agricultural appearance of the building externally.</p> <p>The existing stable building adjacent to the proposed dwelling and within the proposed curtilage of the dwelling will be retained and used for purposes incidental to the enjoyment of the dwelling.</p> <p>The dwelling would benefit from a suitable area of amenity space to the rear of the dwelling, with off street parking provision to the East of the proposed dwelling.</p>

6. Development Plan	
6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <p>GB2 Guidelines for Development within the Green Belt GB3 Re Use of Buildings within the Green Belt NC5 The Protection of Sites of Local Importance for Nature Conservation NC7 Species Protection CO2 Development within the undeveloped Coastal Zone</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are: WD8</p>

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework (December 2023)</u></p> <p>Paragraph 155 states;</p> <p>Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</p> <p>(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</p>
7.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission</p>

	<p>to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. Hearings commenced in April 2023 and concluded in November 2023. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ol style="list-style-type: none"> 1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and 3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” <p>The following emerging plan policies are relevant to the determination of this planning application:</p> <p>WS 3 Strategy for Housing</p> <p>WS 5.8 Landscape Character</p>
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8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development • Green Belt • Amenity • Ecology • Highways • Other Matters

8.2 Principle of Development	
8.2.1	<p>Having regard to Wirral’s UDP Policy GB3, the principle of converting an existing building within the Green Belt to residential is acceptable. The appropriateness of this is echoed in the NPPF (2023) paragraph 155.</p>

8.3 Green belt	
8.3.1	<p>A previous application for the change of use to a dwelling was refused for the reasons set out at section 2 of this report above. Following consultation with the Environment Agency, it is considered that reason for refusal no.2 has been overcome subject to conditions.</p> <p>Reason no1 related to the impact of the loss of the barn in terms of its equestrian use. The site at the time of that application included stables, the barn in question and a static caravan, and there was no justification for the loss of the barn when further buildings would have subsequently been needed to support the use as a whole. The caravan has since been removed and the barn is now surplus to requirements and is therefore argued redundant for equestrian purposes. Horses will still use the remainder of the site.</p> <p>Therefore the proliferation of buildings is reduced in comparison to the previously refused application, and it is advised that permitted development rights are removed so that no additional buildings can be erected within the site that would result in additional buildings without planning control.</p>
8.3.2	<p>Policy GB3 of the UDP supports the conversion of buildings in the Green Belt and the NPPF considers that the re-use of buildings would not be inappropriate development, provided that they are of permanent and substantial construction and preserve the openness of the Green Belt.</p> <p>The proposed conversion of the building to a dwelling does not include any extensions of the existing building and will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it, does not involve extensive external storage, extensive hardstanding, vehicle parking, intrusive boundary walling, fencing, or introduce intrusive domestic elements, particularly by the creation of a residential curtilage.</p> <p>A structural survey has been included that confirms conversion is acceptable and therefore the building is of permanent and substantial construction, and is capable of conversion without major or complete reconstruction.</p> <p>The form, bulk and general design of the building is in keeping with its surroundings, the proposed use can be adequately serviced in terms of access and the proposed use will not in itself, or through likely traffic generation, have a detrimental effect on the appearance or quiet enjoyment of the surrounding area.</p>
8.3.3	<p>On this basis it is concluded that the proposal would neither be inappropriate development in the Green Belt nor harm its openness</p>
8.3.4	<p>Having regard to the emerging local plan, in particular policy WS 5.8, Development will not be permitted where the visual impact on the local and wider landscape would be inappropriate in terms of</p>

	<p>character, appearance and landscape setting of the surrounding area.</p> <p>The proposal being a conversion of an existing building and the majority of the remainder of the site being retained for non domestic purposes results in a development that is not considered inappropriate within its locality.</p>
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8.4 Amenity	
8.4.1	<p>The building will retain a similar visual character upon conversion, with the proposed timber materials proposed for the external elevations. The site benefits from existing trees and hedgerows around its perimeter, offering a degree of screening from neighbouring land. The wider use of the remainder of the site (edged blue on the revised location plan) will retain the same character. It is considered on balance that following the removal of the static caravan and the reduction of the extent of residential curtilage amenity as shown on the revised site plan, the proposal will not result in harm to the amenity of neighbouring uses or the character of the area.</p> <p>With regards the proposed dwelling itself and the amenity of any future occupier, the dwelling meets the recommended space standards set out in the Nationally Described Space Standard. The dwelling as a whole measures 87.7 square metres, exceeding the recommended 70 square metres for a 2 bed, 4 person dwelling. Both double bedrooms measure 13.2 square metres, exceeding the recommended 11.5 square metres. The proposed dwelling is deemed to be acceptable in terms of providing suitable living conditions for any future occupier.</p>

8.5 Ecology	
8.5.1	<p>The site is generally open with the exception of the boundary features (trees and hedgerows). No bats were found present in the existing building however the north of the site is located towards the foreshore albeit the building itself is set further away and towards the road.</p> <p>In accordance with the submitted flood risk assessment, condition 4 ensures that the finished floor level of the dwelling will be set at an appropriate level for the site conditions.</p> <p>Condition 5 below seeks to protect any nesting birds in line with the submitted avian survey.</p> <p>Subject to the conditions set out below, there are no objections to the change of use in terms of impact onto wildlife habitats, having regard to Wirral's UDP Policies NC5 or NC7.</p>
8.5.2	<p>There are trees and hedgerows on site, none of which are proposed to be removed. The proposal utilises the existing access (with reinforced grass surfacing system) and an existing building for the proposed works, therefore there will be no detrimental impact onto</p>

	the soft landscaping within the site from the proposed development.
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8.6 Highways	
8.6.1	There is an existing access off Park Road that leads into the site which will serve as the access to the proposed dwelling. The access track to the existing barn is proposed to be laid with and 'Ecogrid' reinforced surfacing system, as shown on the proposed site plan. The proposed parking area to the East of the proposed dwelling will also be laid with the same material. This material retains a green appearance, allowing grass to grow through it, maintaining the rural appearance of the site. Condition 8 removes permitted development rights for creation of hardstandings within the curtilage of the dwelling, providing the Local Planning Authority with control over any proposed hardstandings in future. The barn is set back approximately 19m from the main road way, there is an area of hardstanding to the front access point however the access to the barn is via a compounded grass track.

8.7 Other Matters	
8.7.1	<p>Objections have been raised with regards to the appropriateness of the development in the Green belt. Policy GB3 of the UDP, the NPPF and the emerging local plan support the conversion of existing buildings provided that the development has no further impact on the character or openness of the Green Belt. As set out above the change of use retains the appearance of the barn in its original form which is complementary to its setting.</p> <p>With regards to the previously refused application, reason 1 is considered to have been overcome following the removal of the caravan and the loss of horses using the site and therefore the use of the barn for non-domestic purposes is no longer required. Therefore the impact onto the green belt through this conversion is considered appropriate for the purposes of GB3 of the UDP and the NPPF.</p>

9. Summary of Decision (planning Balance)	
9.1	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:</p> <p>-</p>

9.2	The proposed conversion of the barn would neither be inappropriate development in the Green Belt nor harm its openness. Therefore on balance the proposal is acceptable in accordance with Wirrals UDP Policy GB3 the NPPF paragraph 155 and the emerging local plan Policy WS 5.8.
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10. Recommended Decision:	Conditional Approval
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Recommended Conditions and Reasons:	
<p>1. The development hereby permitted shall begin not later than [3] years from the date of this decision.</p>	
<p>Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p>	
<p>2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 05/04/2022 & 16/08/2023 and listed as follows:</p>	
2768.P1	
20 018 05 Rev A	
20 018 06 Rev A	
FRA Rev 4 Base Energy	
Full Structure Report CASE	
<p>Reason: For the avoidance of doubt and to define the permission</p>	
<p>3 No development involving the use of any facing materials and driveway materials shall take place until samples or details of the materials to be used in the construction of external surfaces of the building and hard standing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The driveway shall be laid and completed using the agreed materials prior to the first occupation of the dwelling hereby approved.</p>	
<p>Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy GB3</p>	
<p>4 The development shall be carried out in accordance with the submitted flood risk assessment (ref: March 2022/Flood Risk Assessment Rev4/Base Energy Service Limited) and the following mitigation measures it details:</p>	
<ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 0.3 metres above existing floor levels. • Flood resilient and resistant construction technology to be incorporated into the design and fabric of the building. 	
<ul style="list-style-type: none"> • Residents/occupant to register to receive flood warning information from the Environment Agency. • A flood management plan to be prepared and adopted by the resident/ occupant. 	
<ul style="list-style-type: none"> • Incorporation of simple SuDS techniques within the surface water drainage design of the 	

development. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason; To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.

5 No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason; Having regard to habitats in accordance with Wirrals UDP Policy NC7

6 No works are to be carried out within a minimum of 5 metres of the top of the bank to the north of the site due to potential proximity to water vole, details of methods of protection to this zone are to be submitted for approval prior to any ground works.

Reason; Having regard to protected species and Wirral's UDP Policy NC7

7 A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bat boxes, bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that order), no development in classes A, B, D, E or F of Part 1 Schedule 2 to that order shall be carried out on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the openness and character of the Green Belt in accordance with policy GB3 of Wirral's Unitary Development Plan.

INFORMATIVE

The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

Last Comments By:

09-01-2023

Expiry Date:

27-May-2022