



Frankby Farm New Build – APP/21/01236 – Dwelling in Green Belt Formal Objection August 2021

1.0 Summary:

- 1.1 This Application is both unnecessary and would constitute 'inappropriate development' within Green Belt, and largely ignores the Pre-Application Advice which we would wish to be considered alongside and included as part of this Objection.
- 1.2 The Application cites quality of design and other subordinate features which are not material considerations when the principle of development itself is overwhelmingly 'inappropriate', potentially damaging (without significant mitigation), and is clearly at odds with the Purposes of Green Belt, the Policies and approach of both Wirral's surviving UDC measures and its emerging Local Plan (being a material consideration as it is clearly defined and close to Reg 19), the NPPF2021 (July) and latest Government and MHCLG increased emphasis on the protection of Green Belt.
- 1.3 The Application appears designed for an anticipated Refusal by Wirral Council and suited for an Appeal, with sufficient weight to overwhelm the Council's Refusal unless the grounds given in its Decision are sufficiently extensive and compelling.
- 1.4 Approving such a Proposal would set a most harmful precedent and is without justification. It would reinforce the precedent argument associated with Wellington Barn, Irby, where a large new dwelling within open Green Belt (incorporating as here a sizeable accommodation below ground with sunken garden) was Refused but a somewhat smaller new dwelling was negotiated and Approved before the Appeal of the former was decided in the form of a damning Dismissal. We wish Appeal Inspector's Report on APP/W4325/W/20/3254375 to be considered and included as part of this Objection. (ITPAS, WGSA and CPRE consider the Council Decision Summary to APP/20/00576 to be flawed).
- 1.5 The proposed dwelling is much larger than could reasonably be required to service the adjacent Equestrian facility, were such a provision deemed necessary in such close proximity to the Stabling Operation when for many years there has been no expression of such a need, deficiency or causal events. The Red Line Site (curtilage/garden) is also vastly greater in size than appropriate for either a dwelling in Green Belt (see Appeal (3254375) Inspector's comments below) or one associated with the specific, expressed needs of the adjacent Equestrian facility. Such an extent of Garden would encourage future application(s) for additional dwellings (whether by the Owners or another party).

"Details such as the introduction of garden areas, formalisation of driveway and parking areas, and domestic paraphernalia associated with residential uses would have a detrimental effect on the character of the area and result in a domestication of the site."

"Whilst materials can be used to match buildings nearby, given its siting, size and form [affecting the 'setting' of the Conservation Area], the property would be viewed as an encroachment into the countryside and not in keeping."

"The introduction of landscaping, including planting of trees, hedgerows ... may reduce visual effects from longer views. However, the proposed property would be prominent from closer proximity and the use of landscaping would not completely screen the incongruous development and the detrimental effects it would have on the surrounding area."

- 1.6 The Site is 'Equestrian Use' and NOT an 'Agricultural Use' Site, and thus any 'Key Worker' house would not be for an Agricultural Worker. ITPAS has notified Planning and Enforcement (without resolution) of alleged abuse locally of tied Agricultural Dwellings; any repeat would be unacceptable.
- 1.7 Apart from there being many 3-bedroom residences within the relevant distance from the Site as per Wirral Policy against such on-site Key Worker houses, there are also 'holiday let' properties nearby.
- 1.8 The Application Documents and Drawings fail to demonstrate 'very special circumstances'.
- 1.9 ITPAS respectfully requests Refusal with a thorough reasoning of the extensive grounds. There follows detailed comment on matters raised in the 'Design, Access & Planning Statement'.

2.0 Design, Access & Planning Statement:

- 2.1 Comments are given mostly in the order of the 'Design, Access & Planning Statement'.
- 2.2 The inference in the Introduction and also later is that the Pre-Application Advice was supportive and/or that the Application followed the Pre-Application Advice, when neither is correct.
- 2.3 Determining an application is a sequential process where many issues are subordinate to the main principles; and this is an example where such lesser issues (including Design, etc.) not only do not outweigh principles such as 'inappropriateness' or 'Harm' but the situation is not marginal or finely balanced. The Application should fail 'at the first hurdle' with subordinate features not weighing.
- 2.4 Later we pick up points of contradiction, omission and relevance in this Site's 'Planning History'.
- 2.5 The 'Planning Policy Context' section refers to NPPF Para 127 (from NPPF 2019, now superseded by NPPF 2021 with different numbering) but this refers only to 'Achieving well-designed places' and not the main Planning Principles – Para 2.3 above refers. However, even for these subordinate concerns, items to be ensured all fail the test: viz. a), b) and c) are all 'NO' and d), e) and f) are N/A.
- 2.6 Under Headings '2.0 Site, 2.1 Location & Use, Para 2.1.2': the Site is, in fact, NOT "bounded to the south by residential development". The Application Red Line Site is bounded to the south by a large, undeveloped Green Belt field, with residential development almost 300m distant, making the Site almost entirely surrounded by undeveloped green space within which any new, isolated building would be a prominent intrusion and adversely affect the 'Openness' and rural character of the Site and surrounding area. The Applicant's aerial photo reinforces the points made in Paras 2.6 and 2.7.
- 2.7 The Application Site is immediately south of Frankby Village Conservation Area and constitutes part of the surroundings and 'setting' of the Conservation Area such that any new, isolated building would be a prominent intrusion, adversely affecting the surroundings and 'setting' of the Conservation Area.
- 2.8 The Application Site is extremely wide at around 110m and there is no satisfactory explanation for the excessive size. Were a 'Key Worker' dwelling acceptable (and it is clearly not), neither a dwelling of the scale proposed nor a plot and garden of such a huge size could be considered reasonable – refer also to the Appeal Inspector's first comment on an earlier proposal in Objection Para 1.5 above.
- 2.9 The DA&P Statement argues that the plot width extending right across to the Hill Bark Road boundary somehow protects against future residential development when extending the Site thus evokes precisely the opposite RISK, namely anyone (including an owner in the future) could apply for the Site to be split and accommodate another dwelling arguing that the principle of domestic use of the curtilage had been established. This would be unacceptable and an easily avoidable RISK (by reducing the Site west-to-east width to around one third or 35m at most, which would be sufficient.)
- 2.10 Under Headings '3.0 Proposed Development, 3.1 Project Brief', as the earlier Appeal Inspector clarified for the Applicant/Agent, Equestrian Use is NOT an 'Agricultural Use' and thus any associated worker dwelling could NOT be classed as an "agricultural worker dwelling" (this is not just semantics).
- 2.11 The proposal is NOT "a modest-scale" and its "sustainable" credentials are claimed but not proven.
- 2.12 The proposed building form and materials are *atypical* of farm residences generally and in Frankby particularly, where local stone walls are the norm and form the distinctive and valued character of the Village. Looking like a hybrid stable with some out-of-character domestic features, the proposal would neither look like what it is to function as nor would it be appropriate for its setting. This stance is supported by no less than the Applicant and Agent themselves in the previous Application (APP/19/01511) where the DA&P Statement and the Drawings both emphasise the "appropriate" nature of traditional materials of sandstone walls and slate roofing. Contradiction.
- 2.13 The previous Application (APP/19/01511) DA&P Statement suggests that the on-site dwelling is for the owners: now it's for a Key Worker. Another contradiction?
- 2.14 Under Headings '3.2 Planning Considerations, Para 3.2.1' (et seq), the Application "follows Pre-Application Planning Advice" in terms of timing only and not the major issues; and the Statement patently fails to "demonstrate that the proposed development is in broad compliance with local and national guidance and policy", most notably regarding 'inappropriateness' in Green Belt and 'need'.

- 2.15 The 'very special circumstances' are not demonstrated and do not exist:
- (i) At best having a 24/7/365 presence (one person) on Site with security training and animal welfare credentials is a desire not a 'need' and such an individual probably does not exist.
 - (ii) The Site is not sufficiently distant from other nearby dwellings suitable for on-call staff.
 - (iii) Security or animal welfare issues have not featured in any of the many earlier Planning discussions and Applications. This is a new matter which is not supported by any log of actual events where security or animal welfare overnight were noteworthy concerns.
 - (iv) Security issues could be addressed by enhanced physical measures and call-out facilities. It is unreasonable to expect a member of staff to confront persons presenting a security threat. CCTV and movement-activated lighting and silent or audible alarms protect most businesses.
 - (v) Someone at home on site asleep at night may well be unaware of suspicious activity and be no better practically than if living locally off-site.
 - (vi) Were on-site animal welfare staff really necessary to spot early signs of distress or illness, or even attending foaling, the staff member would have to be awake for most of the night-time hours. As such, this would be best addressed by employing a staff member (with holiday, week-end and sickness relief) to routinely cover the night-time hours and be based in the existing Welfare accommodation within the Stables complex with the requisite animal and site 'watching' and other useful duties. N.B. there would be no more 'lone worker' issues than a single member of staff in a dwelling on Site.
 - (vii) We address the role of the Site supporting a British show jumping champion later but it is clear that the case of 'need' is exaggerated and not a determining factor.
- 2.16 The above also addresses matters raised regarding Wirral UDC Policies GB2 and GB10. Regarding: GB2 (i) use is neither agriculture nor forestry;
- (ii) proposal has been demonstrated NOT to be 'essential' but to adversely affect 'openness';
 - (iii), (iv) and (v) are each 'not applicable' (N/A);
- The proposal is 'inappropriate' in principle but also would "damage the visual amenities of the Green Belt by virtue of its siting, materials [and] design".
- 2.17 Regarding GB10, it has been demonstrated that there is insufficient 'need' for a Key Worker's Dwelling and alternative arrangements are available and/or possible and practical.
- 2.18 Under Heading 'Equestrian use of the Site', Para 3.2.6' (et seq), it is nonsense to suggest that the four stallions "need constant supervision to prevent them getting to mares already in foal" and that this is justification for 24/7/365 night-time cover involving a resident Family. Presumably, all horses are (locked) in their own stall overnight, safely separated from each other. Thus, if this is a concern during the day, it is negligible overnight. If a real problem, they could be stabled off-site temporarily.
- 2.19 The present set-up is not new and has been practically identical for several years without illumination of such issues or any record of events which would reasonably lead to such an extreme measure and relaxation of Green Belt protections. Why the sudden change of tack (no pun intended) has not been explained. The current story is very different from that of the last Application which has not been appealed. Concerns and issues appear to be exaggerated but why?
- 2.20 The attempts at justification cover mainly daytime duties which are presumably adequately addressed by the three staff and family members. The night time concerns, to the extent that they are real, have been addressed earlier. We conclude that there are no 'very special circumstances' and concerns can be addressed otherwise than by building a large detached, prominent residence.
- 2.21 A single worker surely cannot be expected to do the full range of duties, night and day ("run[ning] the operation"), including confronting any intruders. Presumably, duties including those over-night would have to be covered when the resident staff member were off-duty, on holiday, otherwise away or sick. The interim measures to be put in place to cover these absences could be in place throughout the year without any on-site residency and associated capital and revenue costs.

- 2.22 It doesn't appear that there is a "growing number of horses" (unspecified). In any event, the number of stalls has been fixed for a while and the Council has regulated the maximum number of horses that can be associated with this Site (12 not 20). British Showjumping has given the number of horses to be associated with a premier rider as six. Surplus and unsuitable ponies/horses would presumably be moved on in the normal ways.
- 2.23 Under Heading 'Previous Application', Para 3.2.12' (et seq), it is pleasing to see local up-and-coming showjumpers. Though a previous Application DID refer to family use of a new on-site residence, the present proposal is not related to family member use and the issue of a budding rider is not material.
- 2.24 The Appeal in Statement Appendix 2 has no relevance for this Application, save to remove the possibility of enforced reduction of the enterprise's buildings.
- 2.25 There is no commitment to remove irrevocably the Barn approved under APP/17/00149 at Appeal. Further, presumably the fact that the approved Barn has not been built suggests that there is no need for one. In addition, there is no commitment to remove irrevocably the Family House/Barn replacement of that approved Barn Refused under APP/19/01511, which has not been appealed.
- 2.26 Comparison of the proposed residences of the refused Application for a new residence (APP/19/01511) and the current Application is illuminating:

Measure/Feature	Approved Barn (APP/17/00149)	Refused House/Barn (APP/19/01511)	Current Application
Site Area	1,050 sq.m ¹	1,050 sq.m ¹	3,920 sq.m
Building Footprint	110 sq.m	114 sq.m	285 sq.m ²
Building Floorspace	110 sq.m	134 sq.m ³	305 sq.m ⁴
Height to Eaves	3.1 m	5.0 m	2.4 m / 5.05 m ⁵
Height to Ridge	4.7 m	7.4 m	4.7 m / 7.35 m ⁵
Wall Material	Timber on blockwork	Local Sandstone	Timber on blockwork
Roof Material	Artificial Slates	Natural Slates	Artificial Slates
Windows	None	Generally small/ traditional	Includes modern, large, angular

Key: ¹ interpolated from Application Documentation
² Applicant's Footprint Figure
³ excludes possible extensions into remaining Barn space (2 x 40sq.m)
⁴ Applicant's Footprint Figure plus 2-storey overlap area
⁵ second figure is height from lower floor/sunken garden

Footprint and Floorspace of Refused House/Barn and Current House both exclude possible additions through 'Permitted Rights' although it is worth noting that they would be greater for the larger property, and such Rights have not been waived by the Applicant.

- 2.27 Screening offered does not hide the fact that the Proposal is 'inappropriate' and unnecessary.
- 2.28 The Statement claims, "The dwelling is not unusually large in the context of other farmhouses". Firstly, it is NOT a farmhouse, nor a house on a farm. "Farm" in the property name is a fairly recent invention. The property is NOT a farm and the Site does not have agricultural use: it's equestrian. Secondly, it IS very large when compared with most 'Key Worker' residences. Thirdly, the "needs of the family likely to run the operation" are not clarified. Is this because the selection of the Key Worker has not been established which appears to be the case from the phrase, "likely to run the operation"? If so, how can specific needs have been determined?
- 2.29 The presence of many 3-Bedroom properties within the distance considered appropriate by Policy for considering on-site Key Worker residences should mean that a Key Worker house is disqualified.
- 2.30 The British Showjumping letter confirms the status of Grace but there is no mention of support or need for on-site resident staff accommodation. The need is just not evident.
- 3.0 ITPAS respectfully requests Refusal with a thorough reasoning of the extensive grounds.