
Appeal Decision

Site visit made on 10 October 2016

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st October 2016

Appeal Ref: APP/Q4625/W/16/3152703

Woods Farm, Bills Lane, Shirley, West Midlands B90 2PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Woods Farm Christmas Trees against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/00661/COU, is dated 3 March 2016.
 - The development proposed is the temporary change of use of hard-standing to car parking.
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Decision

1. The appeal is dismissed and planning permission is refused for the temporary change of use of hard-standing to car parking.

Main Issues

2. Whilst the Council did not make a decision on the planning application, the Council's statement identifies the reasons for refusal, had the application been decided. Based on this and the evidence before me, I consider the main issues to be as follows:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect of the proposal on the openness of the Green Belt; and,
 - (iii) if the development is inappropriate, 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 necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The site lies within the Green Belt. National policy on development in the Green Belt is set out in the National Planning Policy Framework ('the Framework'), which advises that the essential characteristics of Green Belts are their openness and permanence¹. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances

¹ Framework para 79

exist². Most new development should be regarded as inappropriate, but for certain defined exceptions.

4. Paragraphs 89 and 90 of the Framework list exceptions to inappropriate development within the Green Belt. The proposed change of use would not meet the exceptions listed and therefore would be inappropriate development in the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on openness of the Green Belt

5. The appeal site constitutes a yard formed of hardstanding. It was apparent from my observations on site that notwithstanding the occasional vehicle and item of farm machinery that occupies parts of the hardstanding, the yard is open in character. The evidence before me points to the yard being relatively underused, but between October to December used for the sale of Christmas trees and associated operations.
6. The application seeks permission to use the hardstanding outside of the months of October to December for the parking of up to 30 motor vehicles. It is not clear how the vehicles would be arranged, however, the site plan before me shows an area of land beyond the limits of the existing buildings on the site where the vehicles would be parked. Openness, an essential characteristic of the Green Belt, derives from an absence of built form. Whilst the site is well screened from view by mature trees and landscaping, parked vehicles on an area of the site that is currently open in character would be notable structures within the landscape, detracting from the open character of the site. The variety of shapes and colours of vehicles would exaggerate the impact of the vehicles on the landscape.
7. Daily traffic movements to the appeal site are expected to be low with a negligible effect on traffic flows outside of the site. However, within the site, the manoeuvring and parking of vehicles would intensify activities on the site which in turn would be harmful to the openness of the Green Belt.
8. In all, therefore, I find that the parking and manoeuvring of vehicles would have a discernible impact on the landscape, reducing its openness and therefore would be inappropriate development in the Green Belt. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Other considerations

9. Whilst the diversification of existing businesses and the presumption in favour of sustainable development are supported by policies within the Local Plan³ and the Framework respectively, it is not evident that the change of use is essential to maintain business needs at Woods Farm or Bristol Street Motors. Whilst I appreciate that space is limited at the site of Bristol Street Motors, it is not evident that alternative sites for the parking of vehicles have been explored to no avail. Furthermore, I note that Bristol Street Motors are having to bring cars in from Hinckley by transporter, however, the implications of this and the

² Framework para 87

³ Solihull Local Plan: Shaping a Sustainable Future (December 2013)

benefit the appeal site would bring are not apparent. In all, therefore, I find that a case has not been made for the proposed change of use in relation to business needs or site location to carry weight in the consideration of this appeal.

10. Whilst the change of use is referred to as being a temporary one, there is nothing before me that specifies the temporary nature of the proposal. On the contrary, the vehicles would be stored on the site for the majority of the year, and every year. I do not find, therefore, that the suggestion of a temporary use on the site carries any weight.
11. I note from the traffic information before me that the proposal would not have a material impact on traffic movements outside the site. As such, the proposal would not have a detrimental impact on the efficiency of the highway network and therefore would comply with Policy P8 of the Local Plan. I give limited weight to this benefit.
12. The change of use would make use of an existing area of hardstanding. I am referred to PPG2⁴ which stated that 're-use' should not prejudice the openness of the Green Belt. PPG2, however, has been replaced by the Framework. Whilst I have found that the development would be contrary to the Framework, I give limited weight to the benefit of using an existing area of hardstanding.
13. I recognise that the hardstanding in its current form could be used more intensely than at present, which in turn could impact on the openness of the Green Belt. However, the current use of the land and the circumstances pertaining to its use are not before me for consideration. The development proposal should be assessed on its own merits, to which I have found that the proposed change of use would be harmful to the Green Belt. The circumstances surrounding the current use, therefore carries no weight.
14. My attention is drawn to a planning approval for the storage of caravans in buildings where they are invisible. I have no further details to comment on or draw comparisons with the current proposal. Notwithstanding this, I have found that, whilst the site would be obscured from public view (which I assume is the same for the caravans mentioned), this does not diminish the effect of the proposal on the openness of the Green Belt. This consideration, therefore, carries no weight.

Very special circumstances

15. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
16. I have concluded that the proposed development would be inappropriate development and would, therefore, by definition be harmful to the openness of the Green Belt. Substantial weight must be given to this harm.
17. I have found that the use of an existing area of hardstanding and the immaterial impact on traffic movements outside the site would have limited

⁴ Planning Policy Guidance 2: Green Belts (amended March 2001)

positive benefits. However, whilst these benefits carry some weight, they do not outweigh the substantial weight which I give to the harm identified. This does not amount, therefore, to the very special circumstances necessary to justify the development.

Conclusion

18. For the reasons given above, the overall conclusion is that the appeal is dismissed.

R Walmsley

INSPECTOR