

Appeal Decision

Site visit made on 27 March 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/Q4625/W/16/3164600

The Whitehouse Kennels, Back Lane, Meriden, Solihull, West Midlands CV7 7LD

- 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 James Cassidy of the Cassidy Group Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02020/PPFL, dated 5 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is described as the removal of cattery and construction of three detached 1.5 storey residential units with associated access road, hard standing and landscaping with the existing 2 storey house to remain.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) if the proposal would be 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 necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Paragraph 79 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
 4. The Framework, at paragraph 89, sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling or the partial or complete re-development of previously developed sites (excluding temporary buildings) which would not have a
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greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development¹.

5. Given the location of the site, in a rural area where there is not a clear settlement pattern or the development of a small gap in an otherwise continuous built up frontage, the proposed dwellings could not be considered to be limited infilling.
6. There is disagreement between the parties as to whether the whole site can be considered to be a previously developed site. My attention has been drawn to a recent certificate of lawful development² at the site. From the information before me, this included the dog training and exercise area within the certificate of lawful development, and therefore the planning unit, despite the undeveloped nature of this part of the site. This leads me to consider that the whole site is previously developed land.
7. As the proposal would involve the re-development of a previously developed site, it therefore follows that in order to determine whether the proposal would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing building.

Openness of the Green Belt

8. The appeal site currently contains a number of buildings and structures which form part of the kennel business. These buildings cover a large area of the site but are low in height.
9. It is common ground between the parties that the development would result in a reduction of building footprint by around 73% and a reduction in building volume of around 12.5%. I have no reason to disagree with those figures.
10. The Appellants statement gives a typical ridge height of the buildings as being around 3.68 metres above ground level. The proposal includes lowering of the land levels at the site by around 1 metre, so that the ridge height of the proposed dwellings would be around 5.77 metres above the existing land level.
11. Notwithstanding the lowering of the land levels, when compared to the existing buildings on site this would still represent a significant increase in height of the built form as the proposed dwellings would be taller than any of the existing buildings and would have significantly more bulk. To my mind, the increase in height, together with the subsequent increase in massing, would lead to a loss of openness of the Green Belt and harm to the rural character and appearance of the locality.
12. In coming to that view I acknowledge that the proposed development would result in a significant reduction in the footprint of the buildings on the site and a moderate reduction in building volume. I have also considered that the landscaping around the site would be retained which gives a degree of screening from the surrounding area. However, this would not overcome the loss of openness to the Green Belt.
13. I therefore conclude that the development would lead to a loss of Green Belt openness and would therefore constitute inappropriate development impacting

¹ sixth bullet point of paragraph 89 of the Framework

² PL/2015/50493/CLEUD

on the Green Belt purpose of safeguarding the countryside contrary to the Framework and Policy P17 of the Solihull Local Plan 2013 (LP).

Green Belt balance

14. 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.
15. I have concluded that the proposal would be inappropriate development (as a result of the adverse effect on openness) and would therefore, by definition, be harmful to the Green Belt. This factor weighs heavily against the development.
16. In this case, no very special circumstances have been explicitly advanced. Notwithstanding that, the provision of much needed housing is a benefit.
17. In considering the substantial weight given to Green Belt, the benefit of additional housing does not clearly outweigh the harm to the Green Belt. Therefore there are no very special circumstances to justify the proposal and the development would conflict with Policy P17 of the LP and the Framework.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR