

Appeal Decision

Site visit made on 13 June 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 20 June 2017

Appeal Ref: APP/Q4625/W/16/3160260

Stable Block, Norton Green Lane, Solihull B93 8PJ

- 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 Ms Sally Abbey against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2015/00192/FULL, dated 22 January 2015, was refused by notice dated 10 June 2016.
 - The development proposed is the conversion of a former stable block to a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant, Mr Davy, has given Ms Sally Abbey authorisation to pursue the appeal on his behalf. Amended plans were submitted as part of the determination of the planning application. For the avoidance of doubt, I have determined the appeal against plan No 101 74 02 Rev E as referenced on the Council's refusal notice.

Main Issues

- The main issues are (i) whether or not the proposal would be inappropriate development in the Green Belt; (ii) the effect of the proposal upon the openness and purposes of the Green Belt and (iii) whether or not the development would be in a sustainable location in terms of access to local services and facilities and public transport provision.

Reasons

Site and Proposal

3. It is proposed to convert, alter and extend an existing brick built stable building to form a one bedroom dwelling. Most of the existing openings would be utilised. A new access track would be formed from an existing lane and it is proposed to form an area for parking cars and a garden area with timber post and rail fencing. The appeal site is washed over by the West Midlands Green Belt.
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Green Belt - Inappropriate development and openness

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. Paragraph 90 of the National Planning Policy Framework (the Framework) states that *"certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt"*. Such development includes *"engineering operations"* and *"the re-use of buildings providing that the buildings are of permanent and substantial construction"*. In addition, paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and that exceptions to this are *"the extension and alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*.
6. In this case, the appellant has submitted a structural survey of the building. Whilst there would be a need for some localised re-building works, I am satisfied that as a whole the appeal building is of permanent and substantial construction. Furthermore, the proposals would not amount to disproportionate additions over and above the size of the original building. In these respects, the proposal would not amount to inappropriate development in the Green Belt.
7. The proposal includes the formation of a relatively short access track from the appeal building to the existing lane. In addition, it is proposed to erect post and rail timber fencing around the proposed garden areas. I am satisfied that in itself the proposed access track would preserve the openness of the Green Belt and that the parking of a small number of vehicles would be both intermittent and closely located to the appeal building. Furthermore, as the fencing would be post and rail there would be open gaps as is the case for other similar fencing in the locality. Overall, I therefore conclude that the proposed engineering works and the parking of vehicles would preserve the openness of the Green Belt.
8. The Council states that the proposal would conflict with the purposes of the Green Belt and it contends that it would lead to countryside encroachment and that it would erode the gap between settlements. I do not consider that the scale and position of the development would be such that it would result in neighbouring towns merging. Whilst it is proposed to form an access track, turning area and fencing, this could be achieved in such a way that it continues to reflect the rural character and appearance of the area. Indeed, an agricultural type access is proposed and the low timber post and rail fencing would be typical of this countryside environment. These matters could be controlled by means of the imposition of planning conditions. In addition, the imposition of a planning condition relating to the removal of permitted development rights in respect of both the dwelling, and its curtilage, would ensure that the openness and visual amenity of the Green Belt were preserved. I therefore conclude that the proposal would not lead to countryside encroachment or conflict with any other Green Belt purpose.

9. For the collective reasons outlined above, I conclude that the proposed development would not amount to inappropriate development in the Green Belt. Consequently, the proposal accords with the Green Belt aims of the Framework and Policy P17 of the adopted Solihull Local Plan "Shaping a Sustainable Future" 2013 (LP).

Locational sustainability

10. Policy P7 of the LP states that all new development should be focussed in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. In particular, the policy states that accessibility criteria must be met including housing development being within 800 metres walking distance of a primary school, doctors surgery and food shop offering a range of fresh food; a 400 metres walk distance of a bus stop served by a commercial high frequency bus service and within an 800 metres walk distance of a rail station providing high frequency services to local and regional employment and retail centres. On the evidence that is before me, the proposal does not accord with these requirements and as the site does not fall within a rural settlement it is not exempt from the listed criteria. Consequently, the proposal would not accord with Policy P7 of the LP.
11. Given the distances involved to settlements which would have reasonable levels of day to day facilities and services, and the lack of pavements and lighting on surrounding roads, I consider that if the proposal were to be allowed it would result in an over reliance on the private motor vehicle and that few, if any, trips would be made by bicycle or on foot. In this regard, the proposal would result in an isolated home in the countryside. I consider that the development would have a neutral impact upon the immediate setting, but that this would not go as far as to amount to an enhancement of the immediate setting. Therefore, the proposal would not constitute a special circumstance in respect of paragraph 55 of the Framework. Furthermore, the proposal would not accord with the transport aims of the Framework which seeks to direct development such as the appeal proposal to where the need to travel to development will be minimised and the use of sustainable transport can be maximised.
12. For the reasons outlined above, I conclude that the proposal would result in an isolated dwelling which would not be in a sustainable location. Therefore, the development would not accord with the accessibility and sustainability aims of the Framework and Policies P7 and P15 the LP. I do not consider that Policy P17 of the LP is particularly relevant in terms of this issue as it relates to countryside and Green Belt openness and design matters.

Other Matters

13. The appellant has referred me to appeal decision APP/Q4625/13/21922128 dated 8 March 2016 which indicated that the Council could not demonstrate a five year supply of deliverable housing sites. Given the passage of time since this decision was made, I asked the Council to provide an update on the housing land supply position. They confirmed on 31 May 2017 that the local planning authority could still not demonstrate a deliverable five year supply of housing sites. Consequently, the provision of a dwelling would make a positive, albeit limited, contribution towards the undersupply position. This is a matter which weighs in favour of the appeal, although the contribution to housing supply from one dwelling would be relatively limited. Furthermore, I

acknowledge that the proposal would provide some employment at construction stage although this economic benefit would be short lived.

14. Given that there is no dispute between the parties about the inability of the Local Planning Authority to demonstrate a deliverable five year supply of housing sites, it has been necessary for me to consider the proposal against paragraph 49 of the Framework. In this case, Policy P7 of the LP includes detailed accessibility criteria, but is not a housing supply policy. I afford such a policy considerable weight as it does not conflict with the accessibility and sustainability aims of the Framework. In other words, it provides a useful framework by which housing proposals can be judged in terms of the reasonable proximity to day to day facilities and services and public transport provision.
15. The appellant states that the re-use of the appeal building would in effect mean that it did not fall into disrepair due to lack of use. I have not been provided with any compelling evidence to indicate that the building would not be re-used for stabling or any another appropriate rural purpose. Furthermore, it does not necessarily follow that the owners would abandon all maintenance activity just because the building was not in use. I therefore attach only limited weight to the appellant's environmental argument about re-using the building.
16. In this case, I do not consider that the environmental, social and economic arguments advanced by the appellant are of sufficient magnitude to outweigh the significant harm that would be caused by the development arising out of its locational and accessibility credentials.

Conclusion

17. Whilst the proposed development would not be inappropriate development in the Green Belt, the appeal site is not sustainably located in terms of its proximity to public transport provision and day to day local services and facilities. The latter is an issue of overriding concern and significantly and demonstrably outweighs the benefits of the proposal as outlined in the other matters section of this decision. Consequently, the proposal would not accord with the development plan for the area, or the identified policies in the Framework, and would not therefore deliver a sustainable form of development. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR