
Appeal Decision

Site visit made on 27 June 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/Q4625/W/17/3172766

The Pines, Barston Lane, Barston, Solihull B92 0JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ('the Act') against a refusal to grant planning permission.
 - The appeal is made by Mr A Murphy of Granby Farms Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/01998/PPFL, dated 3 August 2016, was refused by notice dated 13 December 2016.
 - The development proposed is formation of vehicular access and construction of access track to barn.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. With the appeal the appellant submitted further details of the materials to be used in the construction of the access track. The Council have had the opportunity to comment on them and I do not consider any party would be prejudiced by my acceptance of these details.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the character and appearance of the area;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

4. Paragraph 89 of the Framework identifies that buildings for agriculture are not inappropriate in the Green Belt. Section 336 of the Act defines a building as any structure or erection. I do not consider the access track could reasonably

be considered to be either of these things and so it is not a building for agriculture.

5. I have considered the appeal decision referred to by the appellant¹, which suggests that hardstanding, in that case, would facilitate a horticultural enterprise so would not be inappropriate. Conversely, however, the other appeal decision referred to by the appellant² relating to a site in Honiley confirms a drive is an engineering operation. I consider the creation of the new access track, in the appeal before me, would constitute an engineering operation, and therefore my view is consistent with the Honiley decision.
6. Paragraph 90 of the Framework identifies other forms of development which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt. One such form of development is engineering operations. It is necessary therefore to consider if the proposal would preserve openness.
7. The details provided with the appeal show the access track would comprise a cellular system set in a mix of sand and topsoil laying on top of 150 millimetres of crushed stone and then seeded with grass. The existing field across which the track would run appears to be in active agricultural use. As such, from long distance views, such as from the existing dwelling at The Pines, the proposed track may blend in with the surrounding field. However, at close range, such as from the neighbouring property to the east and from Barston Road through the newly created access, the smoothness of the track in comparison with the rougher profile of the field to either side would be evident. Moreover the width of the track at the front of the site would represent a significant visual break in the open field. The provision of hedgerows to flank the track is briefly referred to by the appellant but no drawings of this are provided and I have had little regard to it. In any case, this would exacerbate the break in the openness of the field.
8. Also, the creation of a formalised access through the construction of a wide bell-mouth, erection of a post and rail fence, the removal of hedgerow and a tree and provision of an entrance gate would result in an increase in built form which would further detract from the openness of the site.
9. I recognise the Inspector into the appeal at Honiley considered a driveway constructed of a grid force system would preserve openness. However in that case the Inspector considered the access to be narrow and noted that no access point, entrance gates or pillars would be provided. In the case before me the track would be wide, particularly at the front of the site, includes a new access point and, as shown on the plans, accompanied by gates and a fence.
10. Consequently, I consider the development would interrupt the openness of the existing field and would not preserve the openness of the Green Belt. Therefore it would be inappropriate development which would cause significant harm to the Green Belt.
11. Paragraph 88 of the Framework says substantial weight should be given to any harm to the Green Belt, and that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. It is therefore necessary for me to consider whether any other

¹ APP/H1840/A/13/2203967

² APP/Q4625/C/16/3147177 & 78

harm is caused by the proposal and then balance the other considerations against the totality of that harm.

12. Policy P17 of the Solihull Local Plan states that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. This reflects the Framework and so I can give it significant weight.

Character and appearance

13. The area is strongly characterised by tall hedges and trees on the highway edges, interspersed occasionally by accesses to dwellings. The proposal would necessitate the removal of a tree on the edge of Barston Road and the repositioning of a stretch of hedgerow. The access would not appear dissimilar to the other access points along Barston Road, such as that at The Pines. As such I consider the proposal would not harm the character and appearance of the area and hence would accord with Policy P15 of the SLP which requires proposals to achieve a good quality design.

Other considerations

14. The existing access to the barn is shared with the dwelling at The Pines. As the barn and The Pines are within the same ownership, as indicated by the blue line on the plans, I do not consider there would be any significant conflict between agricultural and domestic vehicle movements using the same access point onto Barston Road, or between the peaceful enjoyment of the dwellinghouse and the noise from passing agricultural vehicles. Indeed even if the barn and dwelling were in separate ownership in future, the sporadic movement of farm vehicles past the house, which is separated from the existing track by a large garage, is what an occupier in a rural location such as this might reasonably expect. As such I give limited weight to this matter.
15. I am not persuaded that removing the existing hedge and planting a replacement of different species would be a benefit to biodiversity, particularly as the constituent species of the proposed hedge would appear to be similar to that removed. I have given little consideration to potential hedgerows along the access track for the reasons set out above. As such I do not consider there would be any significant benefit to biodiversity and give this issue little weight.
16. The appellant states the existing access has poor visibility and is not suited to agricultural vehicles. However from my site visit visibility appeared satisfactory and I have no evidence to demonstrate why the surface of the track is unsuitable. I hence give minimal weight to this.

Planning Balance and Overall Conclusion

17. I consider that the development causes significant harm to the Green Belt by way of its inappropriateness and so, as advised by the Framework, substantial weight should be given to this harm. Balanced against that are the other considerations identified above. I conclude that the weight of the other considerations does not clearly outweigh the harms and therefore there are no very special circumstances to justify the proposal. Consequently, the development conflicts with Policy P17 and the Framework which both aim to protect the Green Belt from inappropriate development.

18. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR