

Appeal Decision

Site visit made on 11 July 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 7th August 2017

Appeal Ref: APP/Q4625/D/17/3177086

40 Houndsfield Lane, Shirley, Solihull B90 1PR

- 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 Steve White against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2017/00425/MINFHO, dated 12 February 2017, was refused by notice dated 12 April 2017.
 - The development proposed is described as 'ancillary accommodation in garden building'.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework); and
 - 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 it.

Reasons

3. The appeal site is located within the substantial rear garden of a two-storey detached house. The appeal proposal is a single storey detached building to provide ancillary living accommodation. There is a large timber storage shed used for domestic storage towards the rear of the appeal site. The appellant's submitted plans and appeal statement indicate that this would be demolished.

Whether inappropriate development?

4. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it would include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P17 of the Solihull Local Plan 2013 seeks to restrict development in the Green Belt unless it is for one or more of the purposes set out in the Framework.
 5. The proposed ancillary garden building would not be materially larger than the timber storage shed it would replace. However, the provision of additional
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bedrooms would result in a proposal that is ancillary to the living accommodation of the main dwelling. Accordingly, the proposal would have a materially different use (ancillary) when compared to the domestic storage use (incidental) of the existing large timber storage shed it would be replacing. Consequently, having regard to the Framework, the proposed ancillary garden building would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Therefore, the proposal would conflict with Policy P17 of the Solihull Local Plan 2013.

6. In reaching this conclusion I have taken account of the advantages of new build over refurbishment in this specific context along with the health and safety benefits advanced by the appellant. However, based on the evidence before me they do not overcome the harm to the Green Belt that I have found.

Other considerations

7. The appellant refers to a number of other schemes in the area (146-150 Tilehouse Lane, Shirley and Tidbury Green Golf Course, Shirley) and cite these as setting a precedent for their proposal. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.

Conclusions

8. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
9. None of the aforementioned considerations, or any of the other many matters mentioned by the Appellant in support of his appeal, either individually or collectively, clearly outweighs the harm caused by reason of inappropriateness. Very special circumstances do not therefore exist in this case and the appeal must be dismissed.

Jameson Bridgwater

INSPECTOR