
Appeal Decision

Site visit made on 23 July 2019

by J Alderman BA(Hons) MA MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/Q4625/W/19/3223846

Barn 2, Fernhill Barns, Fernhill Lane, Balsall Common, Solihull, CV7 7AN

- 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 Dorian Flemming against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2018/02733/PPFL, dated 25 September 2018, was refused by notice dated 16 January 2019.
 - The development proposed is the conversion of barn to dwelling, with associated residential curtilage, parking and access drive.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Plan 10554 (ALL)01 revision A was submitted prior to the decision being made by the Local Planning Authority, but from the information before me it appears the Council have not taken this plan into account in their decision making. The plan contains amendments to the roof design of the proposed development. As the Council has had the opportunity to comment on this plan, I can see no reason why any party would be unfairly prejudiced, I have therefore had consideration to this submitted plan as well as the plans submitted with the planning application PL/2018/02733/PPFL in determining this appeal.
3. I note that the National Planning Policy Framework (the Framework) was revised in February 2019, I have had regard to the latest version in reaching my decision.

Main Issues

4. The main issues are:
 - (1) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (2) The effect on the openness of the Green Belt;
 - (3) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is set in open countryside, it is located to the south side of Balsall Common and is separated from it by open fields and hedgerows. There are open views from the site and it is situated within the Green Belt.
6. The appeal site itself is part of Fernhill Barns, which were formerly agricultural buildings associated with Fernhill Farm. Prior approval was granted (ref: PL/2015/50724/PNCUDW) under Part 3, Class Q, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This was for the change of use from an existing agricultural building to residential use forming three two storey dwellings and ancillary curtilage.
7. A subsequent application was made (ref: PL/2017/02165/VAR) to create three separate dwellings, this was refused, but permission was subsequently granted for two of the units (ref: PL/2017/03375/PPFL), known as plots 1 and 3, which have been largely completed as separate dwellings. This appeal relates to plot 2 and proposes the development of a 4 bedroomed dwelling and associated works including amenity space, vehicle turning and car parking.
8. On my site visit I observed that plot 2 (the appeal site) appeared to be substantially complete. The appeal site (plot 2) sits between plots 1 and 3, with plot 3 being at right angles to it. It is clad in timber with a number of rows of red brick at the base and with predominantly red brick walls to the rear. The fenestration for the first floor sits just below the roof and there are a number of roof lights.
9. The Council have concluded that the development of plot 2 as it currently stands has resulted in the previous agricultural building being dismantled and rebuilt. Given what I observed on site, I am satisfied that the works relating to this application have been implemented, albeit the development is not complete yet.
10. Due to the timber cladding on the front elevation, despite examining a trial pit during my site visit, it was not possible to determine whether the original masonry remains. A report by a structural engineer provided by the appellant states that the existing masonry remains in place in the rear wall of the property. The original plans submitted under the approved Class Q permitted development approval show party walls between plot 2 and the adjoining plots. The appeal development has inset walls creating a void between the buildings each side, it is therefore reasonable to assume that these walls are new.
11. From my site visit, only the rear wall of the property is evidenced as comprising some of the original masonry, although it has also had significant re-building work undertaken. The fabric of the building forming the subject of the prior approval application has changed significantly as a result of the amendments made to convert it to a detached dwelling. The stepped side walls have been newly created, with new brick work to form the detached property. There has been digging down and reconfiguring of the front elevation to include the changes made to the fenestration as a result of amendments to the layout. Along with the addition of the timber cladding there is also a new roof. As such, on the basis of the evidence before me I cannot be satisfied that a sufficient

amount of the original agricultural building remains to satisfy the requirements for conversion. As a result I therefore conclude that the proposed development would constitute a new building.

12. When considering proposals affecting the Green Belt, paragraph 145 of the Framework states that Local Authorities should regard the construction of new buildings in the Green Belt as inappropriate, apart from specifically identified exceptions. Based on the evidence before me, the proposed development would not fall within any of these exceptions. The appellant has suggested that the proposed development would amount to an infill under paragraph 145 g) of the Framework. However, there are exclusions under this paragraph, one of which is "land that is or was last occupied by agricultural or forestry buildings". The appeal site was previously occupied by agricultural buildings.
13. Paragraph 146 of the Framework allows certain types of development as not being inappropriate and Paragraph 146 d) specifically allows for the re-use of a building of permanent or substantial construction. However, as I have concluded that the proposed development is a new building it could not therefore amount to the reuse of a building and fall within this exception. The proposed development, therefore, fails to comply with Policy P17 of the Solihull Local Plan 2013 which does not permit inappropriate development in the Green Belt.

Openness

14. 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. The proposal is considered to replace a previous building on site. However, there would be a greater impact on openness based on activity, boundary treatments, domestic paraphernalia and hardstandings.
15. Although in isolation, this adverse impact would be small, the Framework states substantial weight should be given to any harm to the Green Belt.

Other considerations

16. The proposed development would offer social and economic benefits through the contribution made to the local community and economy and would add to the mix of housing types in the area. Given the small-scale nature of the proposal, I have been able to give only minimal weight to these benefits.
17. A potential fall back position has been identified by the appellant in that a further planning application has been submitted (ref: PL/2019/00900/PPFL). However, this application has yet to be determined and therefore no identified fall back position currently exists.
18. The main parties disagree about whether the Council is able to demonstrate a five year supply of deliverable housing sites. The Council have, in March 2019, updated their statement on their five year land supply and contend that they have a supply of 5.03 years. The appellant retains the view that this is untested.
19. I am not in a position to reach a firm conclusion about whether the Council does have a five year land supply. Even if I were to conclude a shortfall in the

five-year housing land supply, the contribution of one dwelling to housing supply within the Council area would be small.

Other Matter

20. I note the appellant's concerns regarding the way the planning application was handled by the Council. However, this is not a matter for this appeal which I have determined afresh and on its planning merits.

Conclusion

21. The proposal is inappropriate development in the Green Belt, which is by definition harmful. There is a harmful loss to the openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. Minimal weight is attached to the considerations on the social and economic benefit of the proposal and its contribution to the housing supply.
22. Even cumulatively, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. There would be conflict with national Green Belt policy in the Framework.
23. Even if I were to conclude development plan policies that are most important for determining the application were out-of-date, national Green Belt policies provide a clear reason for refusing the development proposed and the presumption in favour of sustainable development would not apply. The proposal would conflict with the development plan and there are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore planning permission should be refused. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

J Alderman

INSPECTOR