



Appeal Decision

Site visit made on 15 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/Q4625/W/19/3230016

Manor View, Barston Lane, Hampton in Arden, Solihull B92 0HS

- 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 Mark Charlton against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00549/MINFHO, dated 26 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is for replacement of existing carport with "carport with room above" to rear of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt,
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is 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 property is an end of terrace cottage, with a number of other properties nearby. It lies in the countryside within the Green Belt. Access is off Barston Lane, via a tarmac driveway shared with The Courtyard Nursery School, which then branches off to a gravel drive into the grounds of the appeal property.
4. The existing carport is a simple open-sided structure with timber upright posts at each corner that support a corrugated plastic roof on timber rafters. On my visit one car was parked in the carport. There would comfortably be space for a second vehicle to park alongside. The annotated plans in the appellant's Appendix 2 show the existing carport to be approximately 2.6m high.

5. The replacement building would comprise an oak timber frame 2-bay carport with a room above in the roof. The structure would be partially timber clad and there would be an external timber staircase up one side elevation leading to a room in the roof. The roof would be pitched and tiled to match the existing house. According to the appellant's Appendix 2, the footprint would measure approximately 5.8m across the front and 5.3m in dept, similar to the existing carport. The proposed building would be approximately 2.16m - 2.38m high to eaves, and approximately 5.3m high to the ridge.

Whether the proposal is inappropriate development within the Green Belt

6. The National Planning Policy Framework ('the Framework') is a material consideration in determining proposals in the Green Belt. Paragraph 133 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are their openness and their permanence. At paragraph 143 the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions a) to g). Part d) allows a replacement building as an exception, provided the new building is in the same use and not materially larger than the one it replaces. The proposed development is not one of the other exceptions listed in paragraph 146.
8. Policy P17 of the Solihull Local Plan 2013 (LP) states that the Council will not permit inappropriate development in the Green Belt unless in very special circumstances, and is broadly consistent with the Framework.
9. Whilst the new building would have carport garaging on the ground floor, there would be a room created in the roof that could not, due to its elevated position, be used for the parking of vehicles. Therefore, the new building would not be for the same use and fails the first proviso of 145d). Whilst the new building would have a similar footprint to the existing carport, the room in the roof would effectively double the floor area. Furthermore, the height of the building and the introduction of a pitched roof would result in a building significantly taller than the existing building. These factors would make it materially larger than the existing building and hence it also fails the second proviso of paragraph 145d). Even if it were a similar height to adjacent neighbouring buildings, this does not alter the fact that the proposed building would introduce a different use and would be materially larger than the one it is replacing. For these reasons the appeal proposal would be inappropriate development, which by definition is harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. Even though the site is within a private garden, the principles of protection apply to all Green Belt land and the appeal site is within the Green Belt designation. The openness of the Green Belt is evident with open fields opposite and to the end of the terrace and beyond.

11. Even though the existing carport is to the rear of the appeal plot and there is some landscaping, it is visible when passing the driveway entrance on Barston Lane and when entering the shared driveway to the adjacent Nursery. The proposed building would be more prominent and visible due to the increased height and bulk arising from the pitched roof, timber cladding and the external timber staircase on the side elevation closest to the road. As a result, the building would have a greater impact on the openness of the Green Belt than the current carport.

Other considerations

12. The Council accepts that the proposed carport would be reasonably attractive and would not cause significant harm to the character of the area or the character of the house. From my observations on site I have no reason to disagree. With regards potential overlooking of the adjacent Nursery from the rooflights, a condition could be imposed to make the windows obscure glazed.
13. I acknowledge that a structure built under permitted development may not give the appellant the size and design of carport he would like, but I am not persuaded that this personal circumstance outweighs the proposal's harm to the Green Belt. The lack of representations from neighbours or the Parish Council does not diminish the harm that I have identified.
14. I note the appellant's photographic examples of two other schemes in his Appendix 7. One is for a new dwelling and one is for a large new garage development. However, I have not been presented with the full details or particular circumstances of each. As such they are not directly comparable with the appeal proposal, which I must consider on its own merits.
15. The appellant refers to the Framework's advice about pre-application engagement. Whilst referring to the 2012 version, the paragraphs quoted (38-58) are clearly from the 2019 version¹. Notwithstanding the fact the Council does or does not offer a pre-application service, in reaching my decision I have been concerned only with the planning merits of the case.
16. I find that these other considerations do not clearly outweigh the totality of harm, which is the test that they have to meet, in light of the national importance given to protecting the Green Belt relative to the modest private benefits that would accrue from the appeal development. Consequently, very special circumstances do not exist to justify the proposed development.

Conclusion

17. The proposed development would be inappropriate development and would also have a greater impact on the openness of the Green Belt than the existing carport. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Other considerations do not clearly outweigh the totality of harm and there are no very special circumstances. The proposal would be contrary to LP Policy P17, whose aims have been outlined above. For the reasons given, the overall conclusion is therefore that the appeal should be dismissed.

K Stephens
INSPECTOR

¹ The Framework was originally published March 2012 was revised 24 July 2018 and updated 19 February 2019.