
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: 23 October 2019

Appeal Ref: APP/Q4625/W/19/3225686

Barretts Lane Farm, Barretts Lane, Balsall Common, Solihull, CV7 7GB

- 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 Nick Li against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2018/02393/PPFL, dated 21 August 2018, was refused by notice dated 13 December 2018.
 - The development proposed is a new garage to front of existing dwelling and change of use of the land from agricultural to residential.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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

3. 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) The effect of the proposed development on the setting of the listed buildings; and
 - (4) 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

4. The appeal site is located in the Green Belt, which is adjacent to Balsall Common. It is surrounded by fields and open views and accessed via a long driveway. The farm comprises a listed farmhouse and associated buildings,

including a small listed barn. It is understood that the original farm comprised a number of out buildings which have now been demolished. The farm is in the progress of being developed to include two detached and two semi-detached residential dwellings, comprising four plots in total with associated access and garden areas.

5. The dwelling associated with the proposed development, referred to on the plans as "Plot 1", was granted permission (ref: PL/2014/02142/PNCUDW) through prior approval under Part 3, Class Q, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development would not be part of the permitted development approval and the appeal site is agricultural land, despite now being enclosed within the boundary of plot 1.
6. At the time of my visit the dwelling on plot 1 appeared to be largely complete with a substantial front garden area surrounded by a brick wall on the side and fencing and planting to the front. This area is paved and would form the site for the proposed double garage. This would be located in front of the dwelling and at right angles to it.
7. 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.
8. Barretts Farm appears to have changed considerably over time with the development of the new plots, previously existing buildings on the site which were demolished during the development are no longer in evidence. As these buildings have already been removed as part of the previous planning approval they cannot now be replaced. The proposed development, therefore, cannot be considered as a replacement for two small farm buildings as suggested. Even if the proposed development could be considered as a replacement for existing buildings paragraph 145 d) of the Framework requires the new building to be in the same use as the one it replaces. The history of the site, along with the planning development submissions, strongly indicate the previous buildings to be agricultural in use and the proposed development is for residential use.
9. The appellant has described the proposed development as being capable of being considered as an extension, which would be proportionate to the existing dwelling and would therefore fall within the exception under paragraph 145 c) of the Framework. However, the proposed development is a stand-alone detached garage on its own plot and it would be situated at sufficient distance in relation to the dwelling on plot 1 to be seen as a separate building and not an extension.
10. The proposed development would not therefore fall within the exceptions set out in paragraph 145 of the Framework and the proposal therefore amounts to inappropriate development.
11. Paragraph 146 e) of the Framework allows for a material change of use of land within the Green Belt provided that it preserves its openness and does not conflict with the purposes of including land within it. The proposed change of use from agricultural to residential use would not fall within this exception because it would not assist in safeguarding the countryside from encroachment thus conflicting with a purpose of the Green Belt. In any case, this is irrelevant

as the erection of a garage is integral to the proposal and would be inappropriate development

12. The proposed development, therefore, would fail to comply with Policy P17 of the Solihull Local Plan 2013 which does not permit inappropriate development in the Green Belt as well as failing to accord with the requirements of paragraphs 145 and 146 of the Framework.

Openness

13. 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. A new garage would result in a loss of openness by reason of its built volume. Although in isolation, this adverse impact would be small, the Framework states that substantial weight should be given to any harm to the Green Belt.

The setting of the listed buildings

14. Barretts Lane farmhouse is a grade II seventeenth century listed building. There is a barn close by which is also a grade II listed building. The buildings are timber framed with brick noggings. The farm house has been extended as part of the overall development and stands at right angles with a fairly spacious gravelled and fenced area and the access road between it and the proposed development. The various developed plots are set away from the listed building.
15. The proposed development would bring development closer to the listed building which, despite the boundary treatment to plot 1 providing a degree of screening, the bulk of the garage and its roof would still be visible. It would reduce openness within its setting and would create some distraction from the listed building.
16. In accordance with the Framework, the type of harm identified would be 'less than substantial'. Therefore, it is necessary that identified harm is weighed against the public benefits of the proposal.
17. Various benefits of the proposed development have been identified, which the appellant has described as "public benefits". The parking of vehicles in a private garage cannot be considered as a public benefit, these vehicles already have designated parking away from the listed buildings. There is no evidence provided that the area around the listed building would become a "dumping ground", as suggested by the appellant should the proposed development not take place.
18. Any public benefit derived from the improvement to the setting of the listed building, due to the removal of previously existing buildings as a result of the earlier developments to the site, does not offset the harm I have identified as a result of the current proposed development.
19. Having had special regard to the desirability of preserving the setting of the listed buildings, I have attached considerable importance and weight to this desirability in coming to my decision. I therefore conclude that the public benefits put forward would not mitigate the harm caused to the heritage assets.

20. Therefore the proposed development would fail to comply with Policy P16 of the Solihull Local Plan 2013, which expects development to preserve or enhance heritage assets. It also fails to accord with paragraph 196 of the Framework.

Other considerations

21. The appellant has pointed to the improvement to the site, following the demolition of a number of existing farm buildings and the subsequent redevelopment of the site. Although there has undoubtedly been improvements through the redesign of the site these changes were, however, part of previous planning decisions. I am concerned with the impact of the proposed development on the site as it is currently arranged. Although the proposed development is within the boundary walls of plot 1 and is smaller in comparison to the dwelling on plot 1 it still creates impacts on the visual and open aspect of the entire development.
22. The appellant has drawn my attention to the Council's review of its Local Plan and that as part of this process a Master Plan has been submitted proposing developing areas of the Green Belt adjacent to Barretts Farm. The draft Local Plan is not at an advanced stage of plan preparation and has not been subject to public examination, therefore I have been unable to attribute weight to any future development changes that might be made to the Green Belt around Barretts Farm.

Conclusion

23. 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 in relation the redesign of the site and future changes that might be made to the Green Belt.
24. 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.
25. 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