



Appeal Decision

Site visit made on 16 December 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Q4625/W/19/3238748

Former Barn serving Packwood Nurseries, Windmill Lane, Dorridge B93 8PZ

- 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 Miss E Spelman against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00962/PPFL, dated 4 April 2019, was refused by notice dated 14 June 2019.
 - The development proposed is the restoration and reconstruction of a former barn serving Packwood Nurseries for use as a single dwelling (revised scheme following refusal ref PL/2018/02239/PPFL dated 08.01.2019).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the banner heading above has been slightly altered from that used on the application form to omit the repetition of the site's address details.

Main Issues

3. The main issues are:
 - Whether the proposal is 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 openness of the Green Belt;
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. Paragraph 145 of the Framework states that, other than for listed exceptions,

the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy P17 of the 2013 Solihull Local Plan (the SLP) reflects the Framework's requirements.

5. The main parties have agreed that none of the exceptions set out either in Paragraph 145 of the Framework or in SLP Policy P17 apply, and that the proposal would therefore represent inappropriate development in the Green Belt. None of the evidence before me leads me to a different conclusion. The proposal would therefore conflict with national policy to protect the Green Belt set out in Chapter 13 of the Framework, and would be contrary to SLP Policy P17. This is a matter to which I attach substantial weight, as required by Paragraph 144 of the Framework.

Effect on openness of the Green Belt

6. The appeal site lies within the Green Belt just outside the settlement of Dorridge. An L-shaped barn once occupied the site, with a subsequent unauthorised building on the site of the original barn being demolished following enforcement action by the local planning authority during the 1980s. The proposal is for a four-bedroom dwelling to be built on the footprint of, and with similar bulk and massing to, the previous buildings.
7. A fundamental aim of Green Belt policy, set out in paragraph 133 of the Framework, is to keep land permanently open. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
8. Very little of the previous building now remains on the site. Although foundations are still in place, they do not rise significantly above the ground level and are largely covered by vegetation, and as a result most can only be seen close up. A small part of the single storey western range is more prominent, with the remains of a brick gable wall at the north west corner rising approximately 3m above the ground. In general however, the remaining parts of the building above ground level are very low in height, and there is very little of the previous building readily visible.
9. As so little of the previous building remains in place, the development proposed would inevitably result in there being a considerably greater built form on the site than at present. It would therefore have a greater impact on spatial openness than the existing development. The new building would also be seen in views through and across the site, and so would also result in a loss of visual openness. The proposal would lead to a modest overall loss of openness to the Green Belt and so would conflict with SLP Policy P17, and with national policy set out in Chapter 13 of the Framework.

Other considerations

10. The Heritage Impact Statement and other information provided by the appellant suggests that the barn which once occupied the site supported a nursery, which in turn formed part of the Packwood House Estate. Packwood House itself is a 16th Century Grade I Listed Building set in Grade II* Listed formal gardens and parkland a mile or so to the south of the appeal site, but the appeal site does not form part of its setting. I note that the Council disputes that there is a clear linkage between the former barn and the Packwood House Estate. In any event, even if the barn once played some role in supporting the Estate, the remnants

of the buildings on the appeal site are largely those of the unauthorised development demolished in the 1980s, and the site is separated from Packwood House by a considerable distance. In my view, the proposal would not therefore enhance the setting or significance of any heritage assets, nor would there be any benefit to the setting of heritage assets arising from improving the current appearance of the appeal site. There would also be no heritage benefits arising from erecting a new private dwelling on the site, even using materials traditionally found in the local area and reproducing the style and scale of the barn which once stood on the site.

11. I accept that the remains of the previous building are unsightly and cause some harm to the appearance of the site, although as the remains are small and largely screened or overgrown by vegetation, this harm is limited. I have had regard to the advice in Paragraph 141 of the Framework in respect of improving damaged and derelict land, and consider that removing the derelict remains from the appeal site would represent a modest benefit. However, it does not necessarily follow from this that their replacement with a building as large as that which previously stood on the site is the best, or even an appropriate option.
12. I also accept that introducing a residential use into the site would reduce the potential for anti-social behaviour, which is currently indicated by rubbish and the remains of fires on the site.
13. The appellant has referred to her family circumstances and her wish to remain near to her parents, her horses, and her employment. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest and the appeal proposal would result in a permanent dwelling in the Green Belt which is not restricted to specific occupiers. I therefore attach limited weight to these personal circumstances.

Green Belt Balance

14. The proposal would be inappropriate development in the Green Belt. In addition, I have found that it would cause harm to the openness of the Green Belt. I must attach substantial weight to this harm.
15. On the other hand, there would be some benefits arising from removal of the derelict remains of the previous building, which would improve the appearance of the appeal site. There would also be personal benefits to the appellant in being able to build her own home in the area in which she has lived for her whole life. However, these benefits do not clearly outweigh the substantial weight I must give to the harm I have identified. Consequently, the very special circumstances needed to justify the scheme do not therefore exist.

Conclusion

16. I conclude that the proposal would be contrary to the requirements of the Framework and the development plan. The appeal is therefore dismissed.

M Cryan

Inspector