
Appeal Decision

Site visit made on 23 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/Q4625/W/19/3239432

Oakfield Farm, Bradnocks Marsh Lane, Bradnocks Marsh, Solihull B92 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Kumar Raikhy against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2018/03517/PPFL, dated 17 December 2018, was refused by notice dated 19 June 2019.
 - The development proposed is conversion of a redundant swimming pool building to form a proposed live/work unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be a suitable location for the proposed development, having regard to the accessibility of local services, facilities and public transport.

Reasons

3. The appeal site is a former swimming pool building located close to the main house at Oakfield Farm. A detached garage building on the site has previously been granted planning permission for conversion into a dwelling¹. A previous proposal to convert the former swimming pool building into residential use was refused and a subsequent appeal dismissed² on the grounds of its inaccessible location.
4. The site is located within the Green Belt, but there is no dispute between the parties that the change of use would not be inappropriate development in the Green Belt, and I have no reason to disagree.
5. The proposal seeks to convert the building into a live/work unit, with space within the building for an office and store room. In this case, the proportion of space to be used for the proposed work element is just over 20% of the total floorspace, so the residential element is clearly dominant. Furthermore, the submitted plan shows internal doors connecting the office and residential elements, and the office WC would also serve as the en-suite for the master bedroom. Therefore, the office appears to be an integral part of the dwelling and ancillary to its main use.

¹ Planning application ref PL/2016/02807/PPFL

² Appeal ref APP/Q4625/W/17/3184805

6. No evidence has been provided regarding any identified demand or potential future users for the proposed live/work unit. In light of this absence of justification, and the above factors, there is no convincing evidence before me to indicate that the workspace is anything other than an ordinary home office. As such, I have treated the proposal as being purely residential.
7. Although the site is not isolated from other buildings, it is outside of, and isolated from, the nearest settlement and day to day services.
8. Paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decision should avoid the development of isolated homes in the countryside unless one or more specific circumstances apply. There is nothing in the Framework which supports isolated dwellings in the countryside if they are live/work units, but paragraph 79 criterion c) allows for development which would re-use redundant or disused buildings and enhance its immediate setting.
9. In this case, the proposal would re-use a building but there would be minimal changes to its appearance, and it is unclear how the proposal would enhance its setting. The proposal therefore does not constitute an exception under paragraph 79.
10. The site is a considerable distance from the nearest local facilities with limited opportunities to access public transport. As such it is contrary to the aims of Policies P7 and P8 of the Solihull Local Plan which seek to direct development to the most accessible locations and promote cycling, walking and use of public transport.
11. The previous appeal decision concerning the conversion of the former swimming pool building was made in the context of the 2012 version of the Framework, but policies P7 and P8 are still compatible with the objectives of promoting sustainable transport in the 2019 version. The policies provide local interpretation to the objectives of the Framework, and Policy P7 has a more flexible approach for housing developments in rural areas, which accords with advice in Framework paragraph 103. These policies therefore remain relevant and up-to date, and I have afforded significant weight to them. Framework paragraph 11d) does not apply.
12. The appellant has provided a Green Travel Plan to accompany the appeal, which sets out measures to encourage use of non-car modes of transport and make use of electric charging points for car based travel.
13. The site is a reasonable distance to the nearest bus routes and railway station, which would significantly limit the practicality of using public transport to access the site. The nature of Bradnocks Marsh Lane, which is a narrow, unrestricted rural road with no lighting or pavements, means that it is not a particularly attractive or safe option for walking or cycling. Whilst rural householders may be prepared to travel greater distances to access services and may use footpaths to do this, such routes will not be a practical option at all times or for all purposes, particularly during the winter months. Even if the proposal did constitute a live/work unit, these factors would significantly limit the ability of the Green Travel Plan to achieve the use of sustainable transport modes.

14. The appellant has referred to Framework paragraph 84, which states that sites to meet local business and community needs in rural areas may need to be found beyond existing settlements and in locations not served by public transport. However, there is no evidence to suggest that the proposal would meet any such business or community need to justify such a location.
15. I acknowledge the support in the Framework for flexible working practices such as live/work units (para 81), and for the sustainable growth of businesses in rural areas through conversion of existing buildings (para 83). However, the proposal does not constitute a true live/work unit and, as no business is referred to, would not represent a growth or expansion of a business. In any event, introducing a new business into the countryside would increase the need to travel.
16. I conclude that the site would not be a suitable location for the proposed development, having regard to the accessibility of local services, facilities and public transport. It would conflict with Policies P7 and P8 which direct development to the most accessible locations and promote cycling, walking and use of public transport. There would be further conflict with Section 9 of the Framework which promotes sustainable transport, and paragraph 79 concerning the location of housing development in the countryside.

Other Matters

17. The proposal would bring a vacant building back into use, which would be a benefit of the scheme, but that is not sufficient to justify a new dwelling in an unsustainable location. Whilst I acknowledge that the adjacent garage was granted permission for residential use, I am not bound by other decisions of the Council, and have treated this appeal on its own merits.
18. I note the appellant's intention to incorporate sustainability measures including solar panels, rainwater harvesting and an electric charging point, as well as the provision of parking spaces for users of the footpath which is accessed through the site. However, these do not overcome the harm afforded by the inaccessible location of the proposal. Any additional security afforded to users of the footpath would be a very minor benefit and I give this minimal weight.
19. The appellant has directed me to an appeal decision from 2009 relating to a proposal for a conversion to form a live/work unit at land rear of Silver Birch, Balsall Common³, in an open countryside location not far from the appeal site. I do not know the full details of that case, but note the Inspector's findings in that appeal regarding accessibility and sustainability. However, those comments were made in the context of the existing and permitted use of that site for residential and employment purposes, and are therefore not directly applicable to the current appeal. In addition, that proposal related to a live/work unit, and I have concluded that the current proposal does not constitute such a use.
20. The second appeal decision which the appellant has provided⁴ relates to a different local authority area with different local plan policies. It is therefore not directly comparable to the appeal before me and I have given it little weight.

³ Appeal reference APP/Q4625/A/09/2109679

⁴ Appeal reference APP/T3725/W/17/3169765

Conclusion

21. I conclude that the appeal is dismissed.

R Morgan

INSPECTOR