
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/19/3240077

Stable building, Oldwich Lane East, Fen End, Solihull CV8 1NR

- 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 & Mrs P and J Richards against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00796/PPOL, dated 20 March 2019, was refused by notice dated 30 September 2019.
 - The development proposed is demolition of stable and erection of a chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline, with matters relating to access and layout forming part of the application and scale, appearance and landscaping being reserved for future approval. I have considered the appeal on the basis that the submitted plans show full details of the siting of the proposed chalet bungalow and access arrangements.

Main Issue

3. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policy, including the effect on openness; and
 - if the development would be inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policy P17 of the Solihull Local Plan 2013 (LP).

5. The appeal site is a wooden stable building which is located in a small field, close to a group of existing houses on College Lane. The stable building is accessed via a footpath which leads from College Lane, across open grassland to the field gate at the corner of the site.
6. The proposal would involve the replacement of the existing stable with a new chalet bungalow, which would be in the same position and would have a similar footprint. A new permeable drive would be created which would follow the edge of the site alongside the boundary with the adjacent house, before joining College Drive in the position of the existing footpath stile.
7. Paragraph 145 of the Framework says that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. Criterion g) allows for limited infilling or the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The definition of 'previously developed land' in the Framework is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
9. The appellant contends that the approved plan for the stable building¹ shows that the building has a much larger curtilage area than that included in the current proposal, and that this area could be used for jumps, hay bales and other paraphernalia associated with the use of the stables. However, these features were not evident at my visit, and moveable jumps and bales of hay are unlikely to have the same impact as the use of land as a garden curtilage, which may have hardstandings, parked cars, garden furniture, formal planting and means of enclosure, garden ornaments and play equipment, which tend to have more permanency than jumps and bales of hay.
10. Openness is an essential characteristic of the Green Belt. The proposed building would not be any larger than the existing stable in terms of its footprint, but the application is in outline and no details of the design or appearance of the building have been provided. The building is described as a chalet bungalow so would be single storey, but without further information about the height and appearance of the building I am unable to conclude that openness would not be affected.
11. The proposal would involve the creation of a new access from College Drive, a lengthy driveway and an area of hardstanding for parking. I note the appellant's comments that this would involve a permeable rather than a hard engineered surface. However, no further details of the surface have been provided and it would, by virtue of cars traversing it, significantly change the appearance of this open, grassed area which currently only has an unmade footpath running across it.
12. The removal of permitted development rights would not overcome all of the harm arising from the use of the land as garden and drive.

¹ Planning permission reference PL/2011/1087

13. The creation of a dwelling with a garden would therefore fail to preserve openness, causing harm to the Green Belt. The proposal does not fall under criterion g) of paragraph 145.
14. The appellant suggests that criterion e), which allows for limited infilling in villages, is also relevant as the site is within an enclave of existing development which would not necessarily be excluded from being a settlement. Reference is made to the Braintree judgement in this regard.
15. The Framework does not define "infill" but LP Policy P17 defines it as the filling of a small gap within an otherwise built up frontage. The site would not be surrounded by development as there would be open land adjoining it. For this reason, I do not consider the proposal to represent infill.
16. The proposal does not fall within any of the exceptions listed in Framework paragraph 145 and therefore constitutes inappropriate development in the Green Belt, which is by definition harmful and should not be approved except in very special circumstances.

Other considerations

17. The appellant says that the stables could be used by persons who are not resident in the immediate locality and could involve visits to the site at a similar frequency to that associated with the proposed residential use. However, potential activity levels associated with the existing use do not justify the harm to the Green Belt which would result from the proposal.

The Green Belt Balance and Conclusion

18. The proposed development would be inappropriate development which would, by definition, cause harm to the Green Belt. The Framework establishes that substantial weight should be given to such harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The very special circumstances necessary to justify it do not clearly outweigh the harm. The development would be contrary to the Framework and would conflict with LP Policy P17 which seeks to protect the Green Belt.
19. I conclude, therefore, that the appeal is dismissed.

R Morgan

INSPECTOR