



Appeal Decision

Site visit made on 23 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/Q4625/W/19/3239927

Land at The Pines, Barnston Lane, Barnston, Solihull B92 0JN

- 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 Granby Farms Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02021/PPFL, dated 31 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is removal of an existing track and the formation of a vehicle access to serve an agricultural building benefitting from Class Q change of use approval.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of an existing access track and the formation of a vehicle access to serve an agricultural building benefitting from Class Q change of use approval at land at The Pines, Barnston Lane, Barnston, Solihull B92 0JN, in accordance with the terms of the application, Ref PL/2019/02021/PPFL, dated 31 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3572-S1, 3572-P.01 and 3572-S.02.
 - 3) Details of the access and gate shall be submitted to and approved in writing by the local planning authority. The access and gate shall be provided in accordance with the approved details and shall thereafter be retained.
 - 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the access;
 - iv) wheel washing facilities;
 - v) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Main Issue

2. 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 including its effect upon openness;
 - whether the proposal would cause harm to the character and appearance of the area; 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

3. 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.
4. The appeal seeks permission for the provision of a new access track to serve an agricultural building which has consent for conversion to residential use¹.
5. The existing access to the agricultural building from Barnston Lane is shared with the adjacent property, The Pines. It passes through the curtilage of The Pines then crosses a short stretch of field to reach the appeal site. As the agricultural building is in separate ownership to The Pines, the appellant wishes to provide a new access directly from Barnston Lane.
6. Framework paragraph 146 lists certain forms of development which are not inappropriate in the Green Belt. This includes engineering operations, provided that they preserve its openness and do not conflict with the purposes of including land within it.
7. The proposed track across the field would be flat and therefore would not affect openness. The access onto the highway would involve loss of some hedgerow and a tree but this would not impact on openness. There would be a gate but this would be of a 5 bar design rather than a solid feature and there would be hedging to either side which would greatly reduce the extent to which the access would be visible.
8. The development would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, it would not be inappropriate development. Consequently, there is no conflict with Policy P17 of the Solihull Local Plan 2013 or with Section 13 of the Framework, both of which are concerned with the protection of Green Belt land.

¹ Application refs PL/2018/02264/PNCUDW and PL/2017/03125/PNCOU

Character and appearance

9. The track itself would not be an obvious feature in the landscape, and the gate would be agricultural in appearance. Although there would be some loss of hedgerow along the road frontage, additional planting is proposed and the development would respect the rural character of the area.
10. The existing access between The Pines and the agricultural building would no longer be required and the plans show that it would be reinstated to pasture. However it is clearly not intensively used, with grass growing between the hardcore and concrete. It is not an obvious or harmful feature in the landscape, and has minimal impact on the character of the area. Its return to pasture, although a benefit in terms of the use of the field, would not represent additional green space within the Green Belt and I give this matter limited weight.

Other Matters

11. An appeal was dismissed in July 2017² for an access track in the same position. However, that was to serve an agricultural use rather than a dwelling, and the proposal included fencing. Therefore, that proposal was notably different to the appeal before me.

Conditions

12. In addition to the standard time condition, a condition specifying the approved plans is necessary in the interests of certainty. A condition is required providing details of the access to ensure it is formed to a safe and suitable standard. Details of the proposed gate is required in the interests of character and appearance. I have also added a condition requiring a construction method statement, as suggested by the Council, in the interests of safety.
13. The Council has advised that the permissions for the change of use of the barn to residential use rely on the use of the existing track for their implementation. If the current appeal proposal requires the removal of the existing track and its reinstatement to pasture prior to construction of the new access, then a breach of planning permission could take place. The Council has suggested that a suitably worded condition could be applied to avoid this situation. However, such a condition would be difficult to enforce.
14. The existing track is needed for the implementation of the conversion of the building, but once this has been done and the new track is in place, it is unlikely to be needed. The visual impact of the existing track is limited and over time its lack of use will result in its continued assimilation into the landscape. The reinstatement of the existing track to pasture is not required to make the proposed development acceptable, and therefore a condition requiring its removal is not necessary.

² Appeal ref APP/Q4625/W/17/3172766

Conclusion

15. The proposed development would not be inappropriate development in the Green Belt and would not cause harm to the character and appearance of the area. I conclude, therefore, that the appeal should be allowed subject to the conditions.

R Morgan

INSPECTOR