



Appeal Decision

Site visit made on 18 May 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/Q4625/W/20/3245673

Premier Inn Solihull South, Stratford Road, Solihull B90 4EP

- 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 Whitbread Plc against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02545/PPFL, dated 25 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the erection of a two-storey annexe to provide additional bedrooms, extension to the front elevation of the existing hotel and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

3. The appeal site is within the West Midlands Green Belt. Policy P17 of the Solihull Local Plan 2013 (LP) states that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. It also states that in addition to National Green Belt policy, further provisions shall apply to development in the Green Belt. One such provision identifies support for the reasonable expansion of established businesses. In such cases, a proposal would need to make a significant contribution to the local economy or employment, providing that the appropriate mitigation can be secured.

4. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to Green Belts. Furthermore, it requires substantial weight to be afforded to any harm. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Within those exemptions, paragraph 145(g) identifies that new buildings would not be inappropriate development if it related to "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development". It is undisputed between parties that the site is previously developed land (PDL). I shall therefore consider the matter of openness in the context of the above.

Effect on openness

5. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In regard to paragraph 145(g), infill development is acceptable in principle despite this by definition having an impact on openness. Therefore, impact on openness is a matter of fact and degree taking into account scale, locational context and visual/spatial matters. These matters would therefore affect whether the proposed development would have a tangible and greater impact than the existing development on the openness of the Green Belt.
6. Both parties have drawn my attention to the Euro Garages judgement¹. This indicated that rather than treating any change as having a greater impact on openness of the Green Belt, the correct approach is to consider the impact or harm, if any, wrought by the change. Furthermore, a more recent judgement² found the concept of openness to be "open textured". This considered openness to be the counterpart of urban sprawl and does not imply freedom from any form of development. Furthermore, it noted that the visual qualities of the land may be an aspect of the planning judgement in applying this broad policy concept. I consider these judgements to be material considerations in this appeal.
7. The site is a corner plot with key views into the site achieved from both Creynolds Lane and Stratford Road when travelling away from Solihull. There is some limited residential ribbon development along Creynolds Lane. Also, some development extends a short distance along Stratford Road towards Solihull. Large urban areas are located on the opposite side of Stratford Road, mostly beyond roadside tree screening. Conversely, a golf course and the open countryside are located to the rear and southeast boundary of the site. These boundaries include some tree screening with further trees beyond. The front and side boundaries that face the adjacent highways have low-level hedging and some tree planting. The site includes a two-storey restaurant to its frontage and a separate extended two-storey hotel to the rear. The character of the site and its immediate surroundings is therefore semi-rural, with Stratford Road marking a transition line from a more urban character.

¹ Euro Garage Limited vs Secretary of State for Communities and Local Government and another (2018 EWHC 1753)

² R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council (2018 EWCA Civ 489)

8. In spatial terms, the appellant has calculated that the footprint of the proposal would represent a 26% increase in comparison to the existing hotel. Therefore, although smaller than the existing building, the proposal would nevertheless introduce a sizeable two-storey structure to the side of the public house and its rear car park. This would also require the removal of some trees and the replacement of part of an open area currently used for car parking. The type of infill development proposed would represent a substantial addition to the site. It would be a feature that would appear to largely aggregate the existing buildings when seen from key views. Accordingly, although the proposal may be relatively small scale it would fundamentally alter the appearance of the site with a significant increase in built form. Therefore, spatially the proposal would have a moderate impact on the openness of the Green Belt.
9. Turning to visual impact, the proposal would be visible from Stratford Road and through the site from Creynolds Lane. The proposal would mostly close the gap in built form evident through the site from Creynolds Lane. Also, the road-side hedging and boundary trees would provide negligible screening of the scheme. Furthermore, although accommodating two buildings, the plot maintains a degree of spaciousness due to the gap between the buildings and separation space to the boundaries. The proposal would reduce this sense of spaciousness and intrude into currently open views through the site to boundary trees. The proposal would therefore diminish the contribution the site makes to the open character of the wider Green Belt.
10. The existing frontage building would obscure some views of the proposal. Moreover, the proposed development would be set back into the site behind the front building line of the restaurant. Screening to the side and rear would also reduce the visual impact of the proposal from these more distant rear views. However, although these effects would reduce the visual impact of the proposed building on the wider area, the impact would nevertheless be pronounced. The proposed building would substantially increase the mass of development on site and would be visible from relatively distant key views. Consequently, the adverse visual impact would be of moderate harm to the openness of the site. Furthermore, for the above reasons the proposal would also have a materially greater visual and spatial effect on the openness of the Green Belt than the existing development.
11. Main parties agree that the proposal would not breach any of the five purposes of the Green Belt, as set out at paragraph 134 of the Framework. The site is located within parcel RP62 in the Council's Green Belt Assessment³. This parcel performs highly against the purpose of preventing towns merging. The parcel contributes towards a gap of less than 1 kilometre which separates Solihull from nearby villages. As PDL, the site remains partly open. It therefore makes a positive contribution to the wider Green Belt and contributes positively towards the openness of the surrounding Green Belt.
12. Accordingly, the proposed development would not preserve the openness of the Green Belt and would not therefore constitute limited infilling. Consequently, the proposal would be inappropriate development in the Green Belt and very special circumstances would be required to justify it.

³ Appellant's Statement of Case – appendix 3

Other considerations

13. The appellant identifies a site-specific need for the hotel to expand to accommodate unmet demand. It is also stated that the existing city centre hotel in the chain cannot accommodate this additional demand and also meets a different business need. However, although these concerns identify a business need for the proposal, these are largely reflective of private interests and therefore attribute only limited weight in favour of the scheme.
14. The site is in an accessible location, providing good access to public transport. It is well located to junction 4 of the M42 and the motorway network. These locational benefits are of moderate weight towards the merits of the scheme.
15. The appellant also identifies that the proposal would result in the employment of additional staff, provide further accommodation for additional users and place them within range of businesses within the local area. The additional customers would be able to use local training centres and business parks. However, although some uplift would be expected there is no compelling evidence that the proposal would result in a substantive or significant contribution to the local economy.
16. The appellant also considers that the proposal represents a reasonable expansion of an established business. However, policy P17 of the LP only provides support for such development provided that any proposal first meets the requirements of national Green Belt policy. Accordingly, having found the proposed development to be inappropriate, this secondary element of the policy is not engaged.
17. The proposal is acceptable on the grounds of design, neighbouring living conditions, ecology, highway safety and having adequate amenity space and drainage. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
18. The proposed annex would be smaller than the existing hotel. However, whether the proposal would be a disproportionate addition to the existing building or otherwise is not a test applicable to development subject to paragraph 145(g) of the Framework.

Whether there would be Very Special Circumstances

19. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. I have concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. I have therefore also concluded that the proposal would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
21. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt

is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

22. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. The proposal would therefore be contrary to policy P17 of the LP, which states that development in the Green Belt must comply with national planning policy and inappropriate development will only be allowed in very special circumstances. The proposal would therefore also be contrary to the Framework having a greater impact on the openness of the Green Belt than the existing development.

Conclusion

23. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR