



Appeal Decision

Site visit made on 26 January 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2021

Appeal Ref: APP/Q4625/W/20/3251017

114 Kenilworth Road, Knowle, Solihull, B93 0JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Dunn against the decision of Solihull Metropolitan Borough Council.
 - The application PL/2019/00146/PPFL, dated 14 January 2019, was refused by notice dated 15 November 2019.
 - The development proposed is erection of 12 stables, 2 foaling boxes and grooms accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Steve Dunn against Solihull Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt; and
 - If the proposal would be inappropriate development in the Green Belt, whether the harm 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 inappropriate development

4. The appeal site is located within countryside beyond the built-up area of the village of Knowle. It is within the Green Belt.
5. Policy P17 of the Solihull Local Plan (2013) (LP) requires strict control to be exercised over inappropriate development within the Green Belt, allowing for exceptions as defined by national policy, subject to local qualifications. Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018-2033 (2019) (NP) endorses the application of national and LP Green Belt policy. In

- endorsing national Green Belt policy, Policy P17 of the LP and Policy VC1 of the NP are broadly consistent with the Framework. As set out later in this decision, the local qualifications to Green Belt exceptions do not apply in this case.
6. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception under Paragraph 145b) of the Framework is provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
 7. The appeal site comprises an access track from Kenilworth Road and land to the east of existing equestrian buildings. Land for grazing horses and other livestock, and various gallops for exercising and training horses are located in the vicinity of the appeal site.
 8. The appellant envisages the proposed facilities as contributing to operation of an equestrian hobby and business, with addition of two part-time employees to four existing staff¹. Facilities in the vicinity of the appeal site have been used for stocking racehorses, some of which are retired and some in training. The proposed new equine accommodation is intended to increase the capacity for housing a mix of retired race horses and race horses in training. As such, the stables and foaling boxes would be facilities in connection with stocking racehorses, for the sport of riding and recreation in support of rehabilitating racehorses. The proposal would therefore provide facilities for outdoor sport and recreation.
 9. The rural planning consultant advising the Council assesses the number of proposed stables as reasonable in terms of horse stocking capacity of the appellant's landholding, and I see no reason to find otherwise.
 10. There is residential accommodation at the entrance to the site in the form of the substantial detached house at 114 Kenilworth Road. Housing also exists in the village of Knowle which is relatively accessible to the site. There is a security gate on the access track and CCTV provision for existing equestrian facilities. Furthermore, the appellant sets out that they could have omitted the dwelling if this would have secured the Council's support for other elements of the proposal. The above together indicates that the proposed groom's dwelling is not essential. Thus the proposed dwelling would not constitute an appropriate facility for outdoor sport and recreation.
 11. The second part of the exception test would need to be satisfied. This concerns whether the proposal would preserve the openness of the Green Belt, and whether it would conflict with the purposes of including land within it.
 12. The Framework sets out that openness is an essential characteristic of Green Belts. It has both a spatial and visual dimension.
 13. The appeal site is located towards the edge of a brow of land which is in an elevated position relative to lower lying countryside to the south. The site is also visible from Kenilworth Road across open grassland that forms a substantial break between housing. The appeal site sits between beyond this 'green gap' and fields beyond. As such, the site forms an important part of a

¹ Proposed number of staff as per section 18 of the planning application form. Existing number of staff as per the appellant's appeal statement paragraph 3.8.

spacious and verdant corridor of sight from Kenilworth Road to the picturesque rural open landscape beyond. The site is also visible from the rear of residential properties along Kenilworth Road. Thus the site has prominence within the Green Belt from various viewpoints around the edge of Knowle and the rural landscape beyond.

14. The proposal would entail a building with an angular 'C' shaped footprint, containing stables, foaling boxes and with a dwelling at one end. The bottom of the C would comprise an unbroken stretch of building almost 40m long, connected to two 'arms' of the C, each around 18.5m long. A stable yard would occupy the middle of the C. The proposal would occupy an area of around 740sq.m. The building would be between around 4.8m and 5.3m to ridge height, with timber walls and pitched tile roofing. A central timber and lead clock tower atop the roof would take the highest point of the building up to around 7m.
15. The proposal would, together with two existing nearby equestrian buildings to the west, form an approximately rectangular building cluster set around a new yard. This would result in an enlarged cluster of equestrian buildings, the outer limits of which would occupy almost three times the footprint of the existing two buildings to the west and the gap between them.
16. As such, the proposal would substantially increase the built mass on the appeal site and of the cluster of buildings to which it would add. Given its footprint and volume, the proposal would have an adverse spatial impact on the openness of the Green Belt.
17. The cumulative effect of the proposal in addition to other nearby built mass including the horse walker, would accentuate the proposal's intrusive impact on the openness of the Green Belt in this prominent location.
18. Furthermore, the proposed dwelling, along with the running and supply of facilities of such an enlarged scale for training, foaling and rehabilitating racehorses, is likely to result in additional activity and comings and goings on and in the vicinity of the site. This would result in associated domestic and equestrian paraphernalia, vehicular presence, illumination and noise.
19. The proposal would also intrude into and obstruct picturesque and verdant countryside views, including some skyline vistas. The above impacts would be noticeable to various degrees from the following combination of viewpoints: from countryside to the south, including the public footpath and waterway along part of the Grand Union Canal; to pedestrians and motorists travelling along Kenilworth Road, looking across the gap between Nos 114 and 166; from the rear of dwellings on Kenilworth Road; from the appeal site; and approaching the proposed building, coming up the access drive and from nearby equestrian facilities. The limited screening effect of other nearby single storey buildings and structures to the west and south would not negate these impacts.
20. Stables can be found in some countryside locations. However, the substantial step up in scale of the proposed outdoor sport and recreation facilities with a dwelling, with associated paraphernalia and comings and goings, would result in a development presence in this prominent location in the countryside that would not preserve openness.

21. Furthermore, the proposed expansion of development beyond existing equestrian buildings would encroach into the countryside outside the built-up area of Knowle. This would conflict with one of the purposes of including land within the Green Belt, namely to assist in safeguarding the countryside from encroachment.
22. Policy P17 of the LP specifies a local exception to inappropriate development in the Green Belt in the form of 'reasonable expansion of established businesses into the Green Belt' where 'the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured'. Appropriate mitigation for the significant harm to the Green Belt is not before me. Furthermore, as set out later in this decision, the proposal's contribution to the local economy would be modest. Therefore, the business expansion Green Belt exception in Policy P17 does not apply in this case.
23. In conclusion, while the proposed stabling and foaling boxes would be appropriate facilities for outdoor sport and recreation, the dwelling and thus the proposal in totality would not. The proposed development would also fail to preserve the openness of the Green Belt. Furthermore, it would conflict with one of the purposes of including land within the Green Belt. Consequently, the proposal would not fall within exceptions in Policy P17 of the LP and paragraph 145b) of the Framework. It would therefore be inappropriate development which would, by definition, harm the Green Belt.

Other considerations

24. The proposal would be within 800m of food shops in Knowle village, and within around 300m of bus stops on Kenilworth Road. The accessible bus services do not achieve the 15 minute frequency sought by Policy P7 of the LP. However, they provide moderately regular public transport access to settlements including Knowle, Solihull, Balsall Common and Coventry. The site is accessible on foot or bicycle to the centre of Knowle village, with the majority of the route being a stretch of Kenilworth Road which is served by street lighting and pavements. The conflict with the bus frequency criterion of Policy P7 is therefore tempered by the consideration that the appeal site is relatively accessibly located. Realistic 'green' transport alternatives to the private motor car exist for future occupiers of the proposed dwelling and equestrian employees.
25. The proposed dwelling would form part of a loose cluster of properties with No 114 Kenilworth Road, and the row of dwellings adjoining the latter. As such, the proposed dwelling would not constitute isolated development. That said, paragraph 79 of the Framework does not state that a dwelling has to be 'isolated' in order for restrictive policies to apply, and there may be other circumstances when development in the countryside should be avoided.
26. Given the above, I find an absence of harm in terms of the site's accessibility. This is a neutral factor which does not weigh in favour of the proposal.
27. The proposed development would provide 12 stables, two foaling boxes and a one bedroom dwelling. This would provide employment for an additional two part-time staff and contribute to local housing supply. The above would result in economic benefit to the area during and after construction. The proposal would also provide accommodation to care for retired horses, potentially

extending their lives. However, the scale of benefit would be modest and thus carries limited weight.

Whether very special circumstances

28. Policy P17 of the LP sets out that inappropriate development in the Green Belt will not be permitted except in very special circumstances. As per the Framework, very special circumstances 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. Policy VC1 of the NP endorses the application of national and LP Green Belt policy.
29. I have found that the proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful. The appeal scheme would also result in significant harm to the openness of the Green Belt and would conflict with one of the purposes of including land within it. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. The totality of identified harm to the Green Belt carries substantial weight. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal.
30. Therefore, the harm to the Green Belt is not clearly outweighed by the other considerations identified and the very special circumstances necessary to justify the development do not exist. As such, the proposal is contrary to Policy P17 of the LP, Policy VC1 of the NP and the Framework.

Other Matters

31. The planning officer's report expresses that the proposal would harm the character and appearance of the area, albeit this is not mentioned in the reason for refusal. Also, neighbours raise concerns regarding their living conditions, which go beyond the scope of the reason for refusal. As I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters further in this instance.

Conclusion

32. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR