



Appeal Decision

Site visit made on 24 May 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/Q4625/W/21/3270622

Redwoods, 33 Wootton Green Lane, Balsall Common, Solihull CV7 7EZ

- 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 and Mrs Eric McClenaghan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01419/PPOL, dated 29 June 2020, was refused by notice dated 8 February 2021.
 - The development proposed was originally described as: 'Demolition of existing house and detached outbuildings and covered swimming pool and pump house. Outline erection of five detached houses'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal seeks outline planning permission with all matters reserved for future consideration and I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) the suitability of the appeal site having particular regard to the accessibility requirements of local policy; and
 - iv) if the proposal would be inappropriate development, 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

Inappropriate development

4. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Within the evidence, there is much discussion in relation to the definition of previously developed land that is provided within the Framework. This is due to the reference to land in built-up areas, and the Council's concerns regarding the location of the site. However, in my judgement, there is no need to assess the status of the land at this stage. This is because regardless of this matter, exception 'g' of the Framework also requires redevelopment to not have a greater impact on the openness of the Green Belt than the existing development. Accordingly, it is this matter which I will focus on because a failure to meet this requirement renders the status of the land academic for Green Belt considerations.
7. The appeal site is currently occupied by a substantial detached dwelling with an expansive footprint. In addition, towards the north western boundary of the site, there is a large pool building, albeit with a low flat roof. There are also three other outbuildings within the site. One adjacent to the pool building, as well as a stable block and large garage which are located close to the northern boundary of the site. Accordingly, due to the number of buildings on the site, there is a reasonable degree of site coverage. However, the size of the site ensures that there is also considerable space about the buildings, particularly to the east of the existing dwelling, and centrally within the site where there is a generous level of open amenity space.
8. The northern boundary of the appeal site is formed by mature hedgerow, interspersed with mature trees. This provides a good enclosure to the site, although the stable and garage buildings are readily apparent from the road. The first-floor mass of the existing dwelling is also highly visible from within the public realm, although the pool building is less perceptible due to its low height and distance from the boundary. Accordingly, although direct views cannot be achieved of the space within the site, the absence of development, especially at first floor level, is apparent. This provides a sense of spaciousness and openness to the environment in both visual and spatial terms.
9. The proposal seeks to introduce 5 dwellings on to the site after demolishing the existing buildings. Although in outline form with all matters reserved, the proposal has been supplemented with an indicative site layout which demonstrates five detached dwellings running across the site. Such a layout would result in a significant increase in site coverage. Indicative elevations also show two storey dwellings which would demonstrably increase the mass of built form on the site.
10. The appellant suggests that the height of the buildings could be controlled by way of a suitably worded planning condition, with the suggestion being that two storey development would be appropriate to the east of the site, and single storey to the west. However, due to the nature of the views to the site that can already be achieved, in my judgement, five detached dwellings would have a substantially greater presence on the site than the existing dwelling and its

associated outbuildings. This would be even more apparent if the additional vehicular accesses as suggested in the indicative layout, were to be introduced because this would reduce the enclosure currently provided by the hedgerow. Moreover, regardless of the height of the proposed dwellings, the extent of the development proposed would ensure that the site coverage would be demonstrably greater than the existing scenario. Reducing the height to single storey may also have the effect of increasing site coverage. Accordingly, despite the built form that currently exists on the site, the erection of five detached dwellings would have a substantially greater impact on the visual and spatial openness of the site.

11. Consequently, I conclude that the proposal would represent inappropriate development within the Green Belt. It would therefore fail to comply with the Green Belt protection aims of the Framework, with which Policy P17 of the Solihull Local Plan (2013) (LP) is consistent.

Character and Appearance

12. As identified above, the appeal site is a large parcel of land that is occupied by a large detached dwelling with a number of associated outbuildings of differing sizes. Despite the development on the site, there is space about the buildings and the site is bounded by mature landscaping.
13. The immediate surroundings host a mixture of development. Opposite the site are a series of detached and link-detached dwellings of differing visual appearance, and to the east of the appeal site, the houses are generally set in larger plots. However, the houses are all set back from the road with generous front gardens, and front boundaries are often formed by hedgerows. In addition, mature trees are a common feature along this stretch of road and these features all combine to create a very pleasant, verdant, and transitional environment between suburban and rural.
14. The indicative site layout demonstrates that the site could contain five dwellings with appropriate garden space and parking areas. The proposal would substantially alter the appearance of the appeal site, however, it would also be experienced within the context of the existing houses opposite and adjacent. Although it would compromise the openness of the Green Belt, due to the surrounding context, I am satisfied that the proposal would be suitably respectful to the surrounding built environment, and I note that on this matter, the Council raised no concerns.
15. Consequently, I conclude that the proposal would not harm the character and appearance of the area. In this respect therefore, it would comply with Policy P15 of the LP which seeks amongst other things, good quality design.

Location

16. Policy P7 of the LP requires that amongst other things, all new development should be focussed in the most accessible locations. To quantify this, the policy stipulates walking distances for access to specific facilities and services and based on the evidence before me, the location of the appeal site is such that it would be beyond these distances.
17. However, the site is located amongst existing residential development which exhibits the same traits in relation to accessibility. In this respect, the proposal would replicate the locational characteristics of what is clearly an established

and desirable residential environment. Although this may result in some reliance on the private car, the Council have not produced any compelling evidence to demonstrate the harm that would derive from the location of the proposed development.

18. Accordingly, despite the technical conflict with local policy in terms of accessibility, I find that the site would have appropriate access to surrounding services and facilities. I therefore conclude that in relation to this main issue, the site would be an appropriate location for residential development.

Other Considerations

19. The case regarding other considerations primarily relates to that which has already been set out within this decision, albeit taking the matters in a more cumulative approach. Essentially, the appellant is of the view that there is no reason why several factors, ordinary in themselves, cannot combine together to create something very special. I do not disagree with this viewpoint, but for the reasons identified above, there are fundamental deficiencies in the factors referred to by the appellant. Specifically, even if the site were to be considered to be previously developed land, I do not agree that the existing buildings on the site are equivalent to the scale of the replacement development. Accordingly, as identified above, the development would have a substantial and demonstrably harmful effect on openness, thereby confirming its status as inappropriate development.
20. I agree that the site is experienced as being part of the built-up area of Balsall Common and as already identified, I am satisfied that the location of the site would be appropriate having regard to accessibility. The proposal would also not harm the character and appearance of the area. However, these matters only lend moderate weight in favour of the proposal. The appellant also refers to the five purposes that the Green Belt serves, and I accept that in isolation, the proposal would not necessarily be directly detrimental to these purposes. However, this is not a direct benefit of the proposal, and instead weighs neutrally in my assessment.
21. Paragraph 144 of the Framework requires that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. In my view, to clearly outweigh something means that there should be a demonstrable and meaningful difference in the weight attributed to two matters. I do not agree with the appellant that together, the factors identified within their evidence combine to create something very special. The site does not present a unique set of circumstances and it is not uncommon to seek to redevelop land that is located within the Green Belt. It is for this reason that the Framework provides a clear approach regarding how such development should be assessed, and as identified above, I only give moderate weight to the considerations set out by the appellant. However, when giving substantial weight to the harm identified to the Green Belt, it is demonstrably apparent that this matter is not outweighed by other considerations.
23. Consequently, I conclude that the other considerations do not amount to the very special circumstances necessary to justify the development.

Conclusion

24. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR