



Appeal Decision

Site Visit made on 11 May 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal Ref: APP/Q4625/W/20/3265555

Brook Cottage, Brook Green Lane, Barston, Solihull B92 0JW

- 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 Stewart Pearson against the decision of Solihull Metropolitan Borough Council.
- The application Ref: PL/2020/00641/PPFL, dated 12 March 2020, was refused by notice dated 29 July 2020.
- The development proposed is conversion of an agricultural barn to residential dwelling.

Decision

1. The appeal is dismissed.

Application for Costs

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

Preliminary Matter

3. The address in the banner heading above omits the number 1 which was shown on the application form, to align with the postal address confirmed by the appellant.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - Whether the proposal would preserve the setting of the Grade II listed building;
 - Whether the location of the proposed dwelling would be suitable, with particular reference to reliance on the private car; 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

5. The appeal site is located off the end of a rural cul-de-sac lane within the Green Belt.
6. 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. In endorsing national Green Belt policy, Policy P17 of the LP is broadly consistent with the National Planning Policy Framework (the Framework)
7. The appeal site comprises a single storey, timber walled agricultural building with a shallow sloped mono pitch roof, set within largely open areas that encompass loosely stoned surface and a grassed paddock that approximately covers approximately the southern half of the site. The building is used for storage and a workshop.
8. Paragraph 146 of the Framework sets out a number of exceptions to inappropriate development in the Green Belt. One such exception under Paragraph 146d) of the Framework is re-use of buildings that are of permanent and substantial construction, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The appeal building is of solid construction, comprising a modern timber frame with wooden perimeter walls. While there are some gaps between slats in the perimeter walling, timber makes up the majority of the expanse of the perimeter walls. The building also comprises internal stud walling, a profiled metal sheeting roof with glass reinforced plastic skylights, concrete floor, strip lighting and powerpoints. The building is of modern construction and appears to be in sound condition.
10. The structural engineer's report submitted to the appeal by the appellant indicates the following. The existing concrete floor slab, rafter bearers, perimeter wall structure and roof covering would be retained. The existing electrics, plumbing and services would be upgraded for domestic use. Notwithstanding that some work would be necessary to convert it to residential, the above together point to re-use of a building of permanent and substantial construction.
11. Another part of the exception test that would need to be satisfied 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 bounded on its eastern side by the grounds of two brick cottages that comprise the listed building. The cottages are located approximately 20m to the south-east of the appeal building.
14. The appeal building is located beyond the garden space of the listed building. The latter space includes areas of lawn, hedging and planting, gravel driveway, a timber parking shelter, pergola, utility tank, bird bath and table and washing

- line. The above contributes to a domestic character that is visually distinct from countryside beyond, the latter of which includes the appeal site.
15. The majority of the setting of the appeal site, on three sides, mainly comprises a patchwork of open farmland fields, some of which contain livestock. The plain timber walled design of the existing appeal building, the grassed paddock on approximately the southern half of the site, the timber post and rail fencing on the perimeter of, and within the site, and the views of other farmland fields together contribute to the mainly agricultural, rural character of the countryside area of which the appeal property is part. This agricultural character is visually distinct from the domestic character of the cottages' grounds.
 16. The proposed development would not increase the building's mass. However, it would change the building from one of agricultural character that is visually subordinate to the cottages, on a largely open site that forms part of an area of distinctly open agricultural character, to a dwelling with associated domestic paraphernalia. The proposal would include garden and parking areas that together are likely to result in hard and soft landscaping and garden apparatus, and regular vehicle parking and movement. The proposal is also likely to entail increased illumination and activity associated with residential occupation. The above together would reduce the openness of the site, much of which currently has an open character, including the grassed paddock that covers approximately the southern half of the site.
 17. The proposed extensive fenestration, including sets of glass bi-fold and double doors in the front elevation would further draw attention to the change to a residential character on the appeal site.
 18. Compared to the existing agricultural building, the loss of subordinate character of the appeal building in relation to the cottages would further draw attention to the above impacts. Furthermore, the proposal would result in increased accumulation of residential development, in combination with the listed cottages.
 19. The above impacts would be noticeable from a combination of the appeal site, the grounds of the listed cottages and from other countryside in the vicinity.
 20. Given the increased intensification and extent of human occupation and activity on the site that is likely to occur as a result of the proposal, compared to the existing agricultural building, the above together would deplete the openness of the appeal site.
 21. Furthermore, the identified elements of increased residential presence that would harm openness would encroach into the countryside. This would conflict with a purpose of including land within the Green Belt. The above together would result in moderate harm to the openness and purposes of the Green Belt.
 22. In conclusion, while the proposal would entail re-use of a building that is of permanent and substantial construction, it would fail to preserve the openness of the Green Belt. Moreover, 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 146d) of the

Framework. It would therefore be inappropriate development which would, by definition, harm the Green Belt.

Setting of the listed building

23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out that in considering whether to grant planning permission, the decision maker shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
24. The appeal site is situated approximately 20m to the north-west of the Grade II listed building that is listed as 'Numbers 1 and 2 Brook Cottages' (Ref: 1075966). The listed building comprises a pair of adjoining cottages. It dates from the seventeenth century and was partly rebuilt in the nineteenth century. The listed building has red brick walls, timber framing which is externally visible on the eastern elevation, and pitched tiled roofing. A conservatory extension is located on the northern end of Brook Cottage.
25. The listed building has evidential, historical and aesthetic value as an example of rural cottage architecture dating from the seventeenth to nineteenth centuries, which illustrates the use of historic building materials and techniques. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic legibility and distinctive aesthetic of the rural cottage architecture.
26. Agricultural activities are a traditional industry of this rural area. Within this context, the rural agricultural character of the appeal site, together with the subordinate character of the existing agricultural building in relation to the listed building, contributes sympathetically to the setting in which the traditional rural cottage architecture is experienced. Intervisibility between the appeal building and the listed building and its grounds, between and over hedging within the latter, adds to this experience. The above combination of factors helps the appeal site contribute positively to the setting of the listed building.
27. The proposal would read on the ground as a modern timber-clad dwelling with shallow pitched roof and extensive fenestration on its front elevation in the form of sets of bi-fold and double glass doors. This would result in the proposed dwelling having an assertive modernity of appearance and a lack of traditional rural aesthetic. The proposal would also dilute the rural agricultural character of the appeal site and the land in the vicinity of the grounds of the cottages, which contributes to the setting of the listed building. Together the above would result in development which would contrast jarringly with, and distract from, the traditional rustic cottage architecture of the listed building.
28. My attention is drawn to listed building consent¹ granted in 2015 for residential conversion of another building that is located closer to the listed building. However, the appeal proposal differs from the other scheme in the following ways. It has a larger degree of separation from the listed building. Furthermore, there is a noticeable distinction 'on the ground' between the rural agricultural zone in which the appeal site sits and the domestic zone of the listed building with which the other building is more closely associated. This

¹ Ref: PL/2015/50999/LBC.

limits the extent to which the other scheme is analogous to the current appeal proposal. Furthermore, the other scheme does not negate the adverse impacts identified in the current case.

29. Taking the above together, I find that the proposal would have a negative impact on the setting of the listed building.
30. The scope of the adverse factors identified above exceeds that which is capable of being remedied by planning condition controlling, for example, TV aerial and satellite dish installation and boundary treatment.
31. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the localised effect of the proposal, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight
32. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
33. The proposal would contribute an additional dwelling to local housing supply, with associated socio-economic benefit during and after construction. However, the scale of housing delivery by the proposal would be modest. Also, the listed building has a residential use that would endure in the absence of the proposal. As such, the public benefit would be limited.
34. I note the reported loss of hens to fox attacks and associated loss of egg supply contract. Nevertheless, the appeal building is relatively new and appears to be in sound condition, is accessible to land used for agriculture and is in use including for storage. This indicates that the agricultural building has realistic potential for continuing use. There would therefore not be a benefit in the form of prevention of the building falling into disuse.
35. Accordingly, I find that insufficient public benefits have been identified to outweigh the harm I have identified to the heritage asset.
36. To conclude, the proposal would fail to preserve the significance of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also conflict with Policy P17 of the LP which, amongst other things, requires development to preserve or enhance heritage assets as appropriate to their significance.

Locational suitability

37. The proposed development would form part of a cluster of properties along with the listed cottages to the east. As such, the proposal would not constitute isolated development. Nevertheless, paragraph 79 of the Framework does not imply 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.
38. The proposal would be located at the end of an unlit rural lane without a pavement, some distance from the centre of Barston village which has limited facilities. The village centre and bus service is not easily accessible from the appeal site on foot, for example via a comprehensive pavement route with

street lighting. The above together would limit the appeal of public transport to future occupants of the proposed dwelling, and make reliance on the private car to access a range of services and facilities including healthcare, retail, leisure, education and employment likely.

39. The appellant refers to criteria under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to matters including location of rural dwellings. No Class Q approval for change of use of the appeal building to a dwelling house is presented. As such, no such alternative scheme on the appeal site is presented as a fallback. Moreover, Class Q criteria do not negate the importance of the development plan. The above together limits the weight which Class Q criteria carry in respect of this matter.
40. The appellant questions whether Policy P7 of the LP applies to the proposed reuse of an existing building. As the proposal would entail development resulting in a new dwelling, Policy P7 applies.
41. In conclusion, the proposal would not be suitably located in terms of access to services and facilities by means other than reliance on the private car. As such, it would conflict with Policy P7 of the LP which seeks to focus development in the most accessible locations.

Other considerations

42. As identified earlier in relation to heritage matters, the benefits of the proposal would be limited.

Whether very special circumstances

43. 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.
44. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. 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 harm to the openness of the Green Belt and would conflict with one of the purposes of including land within it. The totality of identified harm to the Green Belt and other harm in this case carries substantial weight. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal.
45. Therefore, the harm to the Green Belt and other harm is not clearly outweighed by the other considerations identified. Thus the very special circumstances necessary to justify the development do not exist. As such, the proposal is contrary to Policy P17 of the LP and the Framework.

Other Matters

46. The Council indicates that it cannot demonstrate a five year supply of deliverable housing sites. As the application of Framework Green Belt policy provides a clear reason for refusing the proposed development, the 'tilted balance' under paragraph 11d) of the Framework is not engaged.

Conclusion

47. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR