



## Appeal Decision

Site visit made on 5 January 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 January 2022**

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**Appeal Ref: APP/Q4625/D/21/3286056**

**Home Farm, Shadowbrook Lane, Hampton In Arden, Solihull B92 0DG**

- 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 Mr Daniel Garcia against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2021/01819/MINFHO, dated 25 June 2021, was refused by notice dated 17 September 2021.
  - The development is a proposed detached double garage.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The appeal site is located within the Green Belt. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in local policy and the National Planning Policy Framework (the Framework). I concur with that position and accordingly, the main issues in this case are the effect on:
  - The openness of the Green Belt; and,
  - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Openness*

3. The appeal site is part of a small group of dwellings off Shadowbrook Lane within the open countryside. From the evidence before me it appears that the properties set behind those fronting the highway are relatively recent additions and relate to a scheme that included the conversion and removal of existing barns. The wider area is predominantly characterised by open fields and countryside. The appeal site itself is set back from, and perpendicular to, Shadowbrook Lane and fronts on to the private drive serving the recent residential development. Although the site is screened from Shadowbrook Lane by a tall fence and gate, it is open to some views from the wider countryside north of the site and more localised views along the private drive.
4. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. Openness has

both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt.

5. Even though the appeal site is set within a small built-up area which may have been approved under the current Framework, it is nevertheless washed over by the Green Belt and the predominant character is, as outlined above, of open countryside. In to this the proposal would introduce a new building that would have both a visual and spatial presence as a result of its siting and physical form. This presence would erode the openness on and surrounding the site. Although this reduction would be limited and localised relative to the Green Belt as a whole, it would nevertheless result in harm to the Green Belt.
6. Moreover, whilst the appellant has referred to a double garage that was previously present on the appeal site, only its concrete pad remains. As the garage has been removed any impact it may have had on the openness of the Green Belt has been removed with it and I must consider the site as it is before me.
7. Therefore, the proposed garage would, by way of its nature and scale, be harmful to the openness of the Green Belt and conflict with the five purposes of including land within it as they are set out within Paragraph 138 of the Framework. As such, with this and the above in mind, the appeal scheme as a whole would be inappropriate development in the Green Belt in conflict with the Green Belt aims of Policy P17 of the Solihull Local Plan: Shaping a Sustainable Future (SLP) which, amongst other matters, requires that inappropriate development is not permitted except in very special circumstances. The proposal would also conflict with the Green Belt aims of section 13 of the Framework, including Paragraphs 137 and 138 as outlined above.

#### *Other Considerations*

8. Although the proposed garage may provide secure vehicle storage, which would be beneficial to the appellant, no evidence has been submitted to demonstrate that vehicles on the site are at any greater risk than can usually be expected. Moreover, the garage would be permanent and likely last long after the appellant's circumstances have changed. Moreover, although the proposal may result in the opportunity for the installation of electric charging points, it has not been demonstrated that such an installation could not be carried out without this development. Therefore, I can only attach modest weight to these matters.
9. The design of the proposed garage would include the use of timber cladding which is somewhat typical of rural locations. However, whilst there may be no harm to the character and appearance of the area this is not a benefit in and of itself and as such can only be attributed neutral weight.
10. The appellant has cited the permitted development rights afforded for the erection of outbuildings as evidence that they should be accepted within the Green Belt. However, the Town and Country Planning (General Permitted Development) (England) Order 2015 does not affect the policies of the Framework or their interpretation. Moreover, it has not been demonstrated that appeal site benefits from permitted development rights and that this proposal could be carried out under them. As such there is no more than a theoretical possibility of this being a fallback position and it has not been determinative in my consideration of the appeal.

### *Green Belt Conclusion*

11. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. At most modest weight has been given to the considerations cited in support of the proposal. I conclude therefore, that these considerations do not clearly outweigh the harm to the Green Belt.
12. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of Policy P17 of the SLP as referred to above. It would also conflict with the Green Belt aims of the Framework.

### **Other Matters**

13. The appellant has referred to three previous planning permissions on or immediately adjacent to the appeal site which have included garages<sup>1</sup>. However, from the limited information before me I do not know the circumstances under which they were approved. Moreover, these previous schemes in their scale and scope are significantly different to that before me. Given the above and that all proposals must be considered on their own merit, I give these matters little weight in the consideration of this appeal and find the Council have not been inconsistent in this regard.

### **Conclusion**

14. As outlined above the other considerations raised would be outweighed by the harm to the Green Belt. Therefore, the proposal would conflict with the development plan. There are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR

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<sup>1</sup> PL/2015/51502/COU, PL/2016/00392/MINFDW and PL/2019/00623