



Appeal Decision

Site visit made on 24 May 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/Q4625/W/21/3288086

Truggist Hill Farm, Truggist Lane, Berkswell, Solihull, West Midlands CV7 7BW

- 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 Mrs Margaret Hughes against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/02828/MINFOT, dated 18 December 2020, was refused by notice dated 4 June 2021.
 - The development proposed is described as 'New Barn (retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for a new barn at Truggist Hill Farm, Truggist Lane, Berkswell, Solihull, West Midlands CV7 7BW in accordance with the terms of the application, Ref PL/2020/02828?MINFOT, dated 18 December 2020, subject to the following conditions:
 - 1) The development hereby permitted is as shown on the following approved plans and documents: AL (P) 00 C, AL (P) 01 B and AL (P) 02.

Main Issues

1. The main issue is whether or not the appeal scheme is inappropriate development in the Green Belt.

Reasons

2. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being buildings for agriculture. Policy P17 of the Solihull Local Plan Local Plan (2013) (LP) broadly conforms to the general thrust of national Green Belt policy.
3. The appellant has lost land and buildings through compulsory purchase in order to accommodate HS2. The development is one building which the appellant states is required in order to replace a 'lost building'. In their submission the appellant details that the building is necessary for winter husbandry, hay storage and farm maintenance. During my site visit I saw that the building was being used to store bales of hay.

4. The Council contends that they have granted consent for three replacement agricultural and stable buildings and as such there is no justification for the development. Whilst the Council make some reference to the use of the 'lost building' being a mixed use comprising agricultural, equestrian, and commercial, no reference is made to an equestrian or commercial element being part of the appeal scheme. Additionally, the Council do not argue, nor have they provided any evidence that the development would not be for agricultural purposes.
5. Based on the evidence provided with the appeal and what I saw during my site visit I consider that the development constitutes a building for agriculture. I therefore conclude that the development would not be inappropriate development in the Green Belt, in accordance with both paragraph 149 a) and Policy P17 of the LP. With this finding in mind, I am not required to consider the effect of the development on the openness of the Green Belt or, as a consequence, any other considerations that may amount to very special circumstances.

Other Matters

6. Local residents have raised concerns with regards to compliance with planning policy, a nearby public right of way and the retrospective nature and use of the development. I have limited evidence before me to understand how the development would not comply with LP Policy P10. I note that the Council consider the development to comply with this policy. The right of way runs to the rear of the development and during my site visit this was not blocked and could be accessed.
7. With regards to the retrospective nature and use of the development, the submission is for an agricultural barn. Should a change of use occur in future this would be a matter for the Council as planning permission may be required. Such future uses are in any event conjecture at best and not before me as part of this appeal. The fact that the building has been erected should not, and has not, affected my consideration of it in terms of the development plan and the Framework.

Conditions

8. Since the appeal seeks retrospective planning permission and the details contained within the approved plans are acceptable, I have imposed one condition referring to said details to define the planning permission and for the avoidance of doubt for enforcement purposes.

Conclusion

9. The appeal scheme would comply with the development plan as well as the approach of the Framework in regard to development in the Green Belt. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR