
Appeal Decision

Site visit made on 6 December 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/Q4625/D/22/3302149

Orchard Barn Marsh Lane, Hampton-In-Arden, Solihull B92 0AH

- 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 Ms Beverley Williams against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/00291/MINFHO, dated 14 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is a single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt; and
 - if the proposed development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify it.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework (the Framework) makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building.
4. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. In this regard the provisions of the Framework extend to all 'buildings' not just dwellings.
5. Policy 17 of the Solihull Local Plan (December 2013) (LP) deals with Countryside and Green Belt. Whilst the development plan was adopted some

time ago, its aims are nevertheless broadly consistent with the approach in the Framework, insofar as this appeal is concerned.

6. The appellant asserts that the existing habitable floor space amounts to 123 sqm with a proposed extension of 49 square metres, which equates to an increase of 39.84%. That said, I have no evidence before me to show how those figures have been arrived at. The Council disagree with these figures, indicating that the original building had a floor area of approximately 71 sqm, and has since been extended by a further 21 sqm¹. These figures are not disputed by the appellant. Consequently, if the floor area of the building was to be extended by a further 51 sqm, as proposed, the resultant building would have a floor area twice that of the original building.
7. No quantitative guidance is provided in national policy regarding what might be considered disproportionate. That said, the Council indicate that an increase of up to 40% in the floor area would not be considered to be disproportionate. The appellant disagrees with this view and asserts that any increase would have to exceed 100% in order to be considered disproportionate. However, assessing proportionality is primarily an objective test based on size, and floor area should not be the sole basis for considering whether such a change is disproportionate. As such, it is important to consider this issue in terms of the scale, bulk massing and built form that would result from the changes sought.
8. Given the length and depth of the proposed development, and the limited size of the host building, I find that the extension would significantly add to the host property's scale, bulk and mass. This would be in addition to the extension already carried out at the property. Consequently, the resultant development would constitute a disproportionate addition over and above the size of the original building.
9. For this reason, the proposed development represents inappropriate development in the Green Belt for the purposes of the Framework and LP Policy 17. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

Openness

10. Openness is an essential characteristic of the Green Belt. The Courts have confirmed that openness of the Green Belt has a spatial as well as a visual aspect
11. The proposed development would result in the addition of a substantial new extension. The additional floor area, combined with the increase in the mass and bulk of the host property, would affect openness in that it would be reduced. Whilst accepting that the appeal site is well screened from neighbouring areas, and in isolation the reduction in openness would be limited and localised, harm to the Green Belt would result.

Other Considerations

12. The Framework makes it clear at paragraph 144, that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by

¹ PL/2014/00885/CU and PL2015/50953/VAR

reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

13. The appellant has drawn my attention to the grant of planning permission for the erection of 9 two storey affordable dwellings on the adjacent field². However, I have not been provided with details of the development, or the circumstances under which it was permitted. Accordingly, I can only attach very limited weight to this matter. It would not outweigh the harm to the green belt that I have identified above.
14. I accept that the appeal site is located directly adjacent to existing residential areas and has good access to the services and facilities that the village provides. However, this is a neutral matter in my consideration.
15. I also note that the property benefits from permitted development rights following their reinstatement as a consequence of a recent planning application³. That said, I have no evidence before me to indicate the extent of development that would be possible under those rights, or whether there is a realistic prospect of such development proceeding in the event that this appeal is dismissed. Consequently, I give this matter limited weight.
16. The proposed extension would be located approximately 18 metres outside of the conservation area, and the Council consider it to be an acceptable design. In this regard I do not disagree with their findings. However, this is a neutral matter in my consideration.
17. I have taken into account the appellants desire to provide an energy efficient extension to the property. That said, I have no substantive evidence before me to support this aspiration. Consequently, I give this matter only very limited weight.

Conclusion

18. The proposed development would represent inappropriate development, which is by definition, harmful to the Green Belt. Additionally, I have found there would be harm to the openness of this part of the Green Belt. Limited weight has been given to the material considerations cited in support of the proposed development, and I conclude that they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances to justify the proposal do not exist. The proposal therefore conflicts with Green Belt policy contained within the Framework and Policy 17 of the LP.
19. There are no other relevant material considerations that indicate the application should be determined in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR

² PL/2017/01485/PPFL

³ PL/2020/00777/VAR