



Appeal Decision

Site visit made on 6 June 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/Q4625/W/22/3311211

Vacant land adj 6 The Paddocks, Balsall Common, West Midlands CV7 7SE

- 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 Irene Thompson against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/00931/PPFL, dated 29 April 2022, was refused by notice dated 15 August 2022.
 - The development proposed is the erection of a three bedroom bungalow under a self-build application.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and,
 - Whether any 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.
4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages and the partial or complete redevelopment of

previously developed land. Policy P17 of the Solihull Local Plan: Shaping a Sustainable Future (the SLP, December 2013) largely relies upon the Framework for matters relating to the Green Belt, but goes further in some areas, including interpreting 'limited infilling'.

5. The appeal site is located at the end of a row of dwellings that extend away from the main body of the settlement. The site itself is a roughly triangular grassy paddock that is separated from the garden of the adjoining dwelling by a post and wire fence. The site provides access to a larger field which, at some distance from the appeal site, contains timber structures.
6. Whilst there is no definition of infilling within the Framework, the requirement under Paragraph 149(e) is that it is infilling in a village. Therefore, I find similarly to the Council's interpretation, as set out under SLP Policy P17, that infilling is the filling of a small gap within an otherwise built-up frontage. The appeal site is, as noted above, at the end of a row of development. Beyond the appeal site is open countryside formed of various fields and wooded areas. The space between No 6 The Paddocks and the adjoining trees is not, for the purposes of this exception, a gap suitable for infilling. Whilst there are structures in the adjoining field, by way of their scale and distance they do not, in combination with No 6, form a gap which the proposal could fill. The appeal site instead reads as a part of the wider open countryside and the proposal would form an encroachment into this rather than the infilling of a gap. The proposal would not therefore be limited infilling within a village.
7. The appellant states that the appeal site has been used as a residential garden since the 1991, however, I have not been provided with any evidence of this and I note the Council also consider this not to be the case. Moreover, during my site visit, I found the appeal site to read as a paddock associated with the larger field as a result of its appearance, separation from the dwelling and connection to this field. Lacking any evidence to the contrary I therefore find the appeal site is not a residential garden and would not be previously developed land.
8. Nevertheless, even if I were to find the appeal site to be previously developed land, the requirements under exception 149(g) of the Framework requires that any infilling or redevelopment would not have a greater impact on the openness of the Green Belt. Currently the appeal site is an area of grassland with no built structures or features. The proposed erection of a new dwelling would therefore substantially affect the openness of this area and consequently have a greater impact on the openness of the Green Belt as a whole.
9. Paragraph 138 of the Framework lists the five purposes of including land within the Green Belt. I find that purposes (a), to check the unrestricted sprawl of large built-up areas, and (c), to assist in safeguarding the countryside from encroachment, would both be relevant to this appeal. Whilst not all five purposes may be directly relevant to this appeal, the proposal would nevertheless conflict with the above two as it would result in new development that extends away from the settlement and in to the open countryside.

Other Considerations

10. The proposal would provide one new self-build dwelling in a location with adequate access to services, facilities and public transport. The Government's objective is to significantly boost the supply of housing, especially encouraging self-build developments. The proposal would also lead to some small and time-limited economic benefits during the construction phase as well as some limited social and economic benefits from future occupiers. Given the small scale of the proposal these matters would, at most, attract moderate weight.
11. The appellant has submitted that the proposal would regenerate urban land and provide improvements to character and appearance. However, the site is not urban land; as described above it forms part of the wider open countryside. The land does not, therefore, need regenerating and the site would not innately benefit from the siting of a dwelling. Consequently, and notwithstanding the harm identified above, I attach these matters neutral weight in my considerations.

Green Belt Conclusion

12. 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 loss of openness. These matters carry substantial weight. I have attached moderate weight to the consideration in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with SLP Policy P17 as outlined above, it would also conflict with Chapter 13 of the Framework and in particular Paragraphs 137-138 and 147-149.

Other Matters

13. The appellant has suggested that the appeal site will be removed from the Green Belt under the next plan review. However, I have not been provided with any substantive evidence to demonstrate that this will happen. Consequently, I have considered the situation only as it is before me, and this matter has not been determinative in my considerations.
14. Whilst I note the residential developments areas designated by the Council, I understand that it is intended, and currently being assessed by an Inspector, to remove these areas from the Green Belt. Moreover, I have only scant information on these developments before me and so I do not know the full context behind these designations. Nevertheless, all proposals must be considered on their own merits as I have done in this case.
15. The appellant has made reference to a number of other local and national policies in their case. Namely these are Policies P8, P10, P14 and P15 of the SLP and Paragraphs 11, 79 and 126 of the Framework. I have been mindful of these in my considerations above and in reaching the conclusion below.

Conclusion

16. Whilst the proposal would provide some benefits it would also be inappropriate development harmful to the Green Belt. As outlined above, no very special circumstances have been identified to justify the inappropriate development in the Green Belt. Therefore, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that

outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR