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# Appeal Decision

Site visit made on 22 January 2024

**by H Wilkinson BSc (Hons) MSc MRTPI**

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

**Decision date: 20 February 2024**

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**Appeal Ref: APP/Q4625/W/23/3328110**

**The Old Barn, Fen End Road, Fen End, Solihull CV8 1NS**

- 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 Greg Marston against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2023/00477/MINFHO, dated 26 February 2023, was refused by notice dated 9 August 2023.
  - The development proposed is a replacement curtilage building for office and gym with WC.
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## Decision

1. The appeal is allowed and planning permission is granted for a replacement curtilage building for office and gym with WC at The Old Barn, Fen End Road, Fen End, Solihull CV8 1NS in accordance with the terms of the application, Ref PL/2023/00477/MINFHO, dated 26 February 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
    - GM/RGC/01 – Site Location Plan, GM/RGC/03 – Site Plan Proposed, A 01 – Materials List, A 03 – Front View, No. A 04 – Rear View, A 05 – Left and Right View, A 06 – Top View and A 07 – Top View.

## Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issue in this appeal.

## Main Issue

3. The main issue in this appeal is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

## Reasons

### *Whether inappropriate development in the Green Belt*

4. The appeal site lies within the West Midlands Green Belt. Section 13 of the Framework establishes the national policy objective to protect the Green Belt and to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 154 of the Framework lists several exceptions where development would not be inappropriate in the Green Belt, one of which relates to the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy P17 of the Solihull Local Plan Shaping a Sustainable Future 2013 (Local Plan) sets out that the Council will apply national planning policy in determining proposals within the Green Belt. Thus, it is consistent with the Framework.
6. Neither the Framework nor the development plan define what is meant by 'materially larger'. The exercise therefore is primarily an objective one with reference to size. Which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement building, will depend on the circumstances of the individual case. It may be to floor space, footprint, built volume, height, or width.
7. There is no dispute that the replacement building would be in the same use as the existing building. The proposal would occupy the footprint of the existing building and the appellant's figures indicate that the length and width of the replacement building would reflect those of the existing. However, the maximum height of the building would be increased. Even if I were to accept the Council's estimated volume increase, overall, I do not consider that the replacement building would be materially larger than the one it replaces.
8. Accordingly, I find that the exception set out at paragraph 154 (d) of the Framework applies. The proposal would therefore not constitute inappropriate development in the Green Belt and would accord with Policy P17 of the Local Plan and the Framework.
9. The reason for refusal indicates that the proposal would affect the openness of the Green Belt and one of the purposes of including land within it. However, as I have found that the proposal would not be inappropriate development, paragraph 154 d) does not require me to consider this aspect any further. I therefore have not done so.

## Other Matters

10. The appeal property is a grade II listed building. In determining the appeal, I have had regard to my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listed building comprises of a timber frame and red brick under a tiled roof. The significance of the listed building is derived in part from its traditional agricultural architecture and character, its group value with the adjoining buildings and its rural setting.
11. The proposed building would be suitably sited within the grounds of the listed building and would utilise materials sympathetic to the design and appearance

of the appeal property. It would be subservient to the appeal property in terms of its scale and thus would not read as an intrusive or unduly dominant form of development. For these reasons, I do not consider that the proposal would harm the setting of the listed building.

### **Conditions**

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans and in the interests of certainty.

### **Conclusion**

13. For the reasons given above, having regard to the development plan taken as a whole, and all other material considerations including the Framework, the appeal is allowed.

*H Wilkinson*

INSPECTOR