



Appeal Decision

Site visit made on 3 April 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/V4630/W/23/3326318

Stables at Hardwick Road, junction Hardwick Road and Erdington Road, Aldridge, West Midlands

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms N Pritchard against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/0046.
 - The development proposed is Conversion of existing stables to residential use (planning use class C3 - dwellinghouses) and single storey extension to form dwellinghouse. Existing access to be used, off-street parking spaces and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the decision notice as it more accurately and fully describes the development than that on the application form. Moreover, the appellant has used the Council's description on the appeal form and has acknowledged the change.
3. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. Although paragraph numbers with respect to Green Belt have changed, policies in the Framework that are material to this decision have not. I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.
4. It is clear from the submitted evidence and the appellant's appeal statement that the site sits at the corner with Little Hardwick Road, which later becomes Hardwick Road.

Main Issues

5. In light of the reason for refusal and as the site lies within the Green Belt, the main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect of the development on the openness of the Green Belt and purposes of including land within it; and
 - If the proposed development constitutes inappropriate development in the Green Belt, 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

6. The proposal would involve the conversion of the existing stable, with alterations and erection of a single storey extension, to create a 2-bedroom dwelling. The stables and appeal site form part of a larger field.
7. The fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions set out in paragraph 154.
8. The Council's reason for refusal refers to Framework exception paragraph 155 (formerly paragraph 150) that lists certain other forms of development that are also not inappropriate, provided they preserve the openness of the Green Belt. Most relevant to this appeal is paragraph 155d), which relates to the re-use of buildings provided the building is of a permanent and substantial construction.
9. Saved Unitary Development Plan (UDP) Policy 3.3, Policies GP2 and ENV32 of the UDP and Policy GB1 of the Sites Allocation Document (the SAD) collectively seek to safeguard the character and function of the Green Belt and will not permit inappropriate development unless very special circumstances exist. I am satisfied these are broadly consistent with the Framework. However, saved UDP Policies 3.2, 3.4 and 3.5; UDP Policy ENV7; SAD Policy EN1, and Black Country Core Strategy Policy EN1 relate mainly to character of the countryside and nature/wildlife/biodiversity conservation and hence are not directly relevant to the main issue.
10. The stables comprise a single storey rectangular building of modest proportions with an overhanging mono pitch roof and door openings for 3 stables and a tack room. No structural survey has been submitted with the application or the appeal. However, the appellant refers to the building having existed on the site for over 40 years. The Council confirms the building was granted planning permission as a stable in 1975 and hence regards it as a permanent structure.
11. I saw that the building was constructed of rendered blockwork. The walls were solid, and I saw no obvious cracking or other signs of deterioration or degradation. The timber roof rafters appeared to be in generally good condition. I could not see the floor, but the building was surrounded by a concrete base and walkway, indicating to me the floors to each stable were of similar concrete construction. The building also had guttering and downpipes.
12. There would likely need to be various alterations made to the building to make it fully habitable, such as installing insulation. But from what I saw this would not affect the building's permanent or substantial construction. From the limited submitted evidence and my observations I am satisfied the building is of a permanent and substantial construction and would satisfy that part of paragraph 155d).
13. Notwithstanding this, all development exceptions in paragraph 155 are not inappropriate provided openness is *preserved* [my emphasis] and does not conflict with the purposes of including land within it. Openness is one of the

essential characteristics of the Green Belt, but there is no definition of it in the Framework or the development plan. Regardless of visibility, development is still capable of affecting openness because openness requires consideration of both spatial and visual aspects as a concept.

14. Whilst the appeal site sits adjacent to existing dwellings 317 and 319 Erdington Road, the openness of the Green Belt is clearly evident from the appeal site itself, which sits within a larger open field. Apart from the neighbouring dwelling, I observed that other built development and nearby suburbs were a substantial distance away and separated by fields.
15. In addition to changing the use of the stable building itself into a dwelling, there would be an increase in hardstanding areas with the proposed gravel drive and parking spaces for 2 vehicles on parts of the field that are currently free of built development. The domestication of the site would also likely introduce associated bin storage and other domestic paraphernalia, such as outdoor seating, garden landscaping and washing lines. These would all serve to diminish the existing openness of the appeal site, which is currently a field.
16. Whilst vehicles and horse boxes may visit the existing stables, these are not an unexpected sight to a rural field setting with horses. However, the provision of hardstanding for the stationing of cars would see vehicles parked on a more permanent basis that would reduce openness.
17. Views of the site are currently somewhat filtered by existing roadside hedgerows, but the stable block can be seen through gaps in the hedge along Erdington Road and Little Hardwick Road. A new native hedge would be planted around what would be the new site boundary and separate it from the rest of the field. Whilst new hedgerow planting would help reduce the wider visibility of the development, it would not reduce the harm to the spatial openness I have already described.
18. Furthermore, the proposed re-use of the stables to a dwelling and the associated creation of a residential garden, parking and driveway into a field would be urban sprawl. This would conflict with one of the fundamental aims of the Green Belt set out in Framework paragraph 142, and fail to safeguard the countryside from encroachment, one of the five purposes of Green Belt set out in paragraph 143 (formerly paragraph 138).
19. All of these changes would have an adverse impact upon openness. It therefore follows that openness would not be preserved and the proposed re-use of the building as a dwelling would not fall within Framework exception paragraph 155d) and would thus constitute inappropriate development in the Green Belt.
20. A single storey extension would also be erected to enlarge the stable building and the mono pitch roof would be replaced by an asymmetric dual-pitched one. The extension would also change the form of the building from a linear one to a 'T' shaped structure. As a result the building would have a greater floor area and volume and the change in shape and massing would give the building more physical presence.
21. I accept that under Framework exception 154c) extensions and alterations can be made to buildings with the result that buildings can be made bigger and change shape. Provided the extensions and alterations are not 'disproportionate' to the original building, it is implicit in paragraph 154c) that

there is no harm to openness. Nonetheless, as I have found the re-use of the building would not preserve openness, there is no need for me to consider whether the extension itself would be a disproportionate addition over and above the size of the original stable building.

Other Considerations and Green Belt Balance

22. The proposed development would represent inappropriate development in the Green Belt which is, by definition, harmful. Whilst the building is of a permanent and substantial construction, the proposed re-use of the stable block and surrounding field as a domestic dwelling, would not preserve the openness of the Green Belt. The proposal would also constitute urban sprawl and would fail to safeguard the countryside from encroachment. Hence the proposal would conflict with the aims and one of the purposes of including land within the Green Belt. Harm to the Green Belt is a serious planning objection to which the Framework states substantial weight must be given. Inappropriate development should not therefore be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
23. The appellant advances a number of 'other considerations' in support of the application. My attention is drawn to an appeal decision¹ for a change of use and extensions to a large barn. I have not been provided with full details of the case. Whilst other appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the site context, facts and evidence before those Inspectors at the time. Planning permission had already previously been granted to convert the large barn to a dwelling and the building was formerly associated with a farm. The site was located within a different local authority area in a different part of the country. Consequently, the appeal example is not directly comparable to the appeal proposal, which I must consider on its own merits in any event.
24. The appellant considers the site to be in a sustainable location within easy walking/cycling distance of day-to-day services and close to public transport connections to larger towns. From my observations of the site's proximity to any services and facilities I find it likely that future residents would be reliant on the car to access them.
25. The Council does not currently have a 5 year supply of deliverable housing land. A shortfall would trigger paragraph 11d) of the Framework and would weigh in favour of the proposal, albeit very modestly due to the small scale nature of the proposal for a single dwelling. However, under Framework paragraph 11d)i) and footnote 7 there are areas such as Green Belt that are of particular importance that provide a clear reason for refusing the development proposed.
26. I find that these other considerations taken together do not clearly outweigh the totality of the harm to the Green Belt or outweigh the conflict with planning policies designed to protect the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the proposed development would conflict with Saved

¹ APP/T4210/W/21/3266223 dated 15 July 2021

UDP Policy 3.3, Policies GP2 and ENV32 of the UDP and SAD Policy GB1 and the Framework.

Conclusion

27. For the reasons set out above I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR