



Appeal Decision

Site visit made on 9 July 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/Q4625/W/23/3335045

66B Salter Street, Earlswood, Solihull B94 6DE

- 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 Mr Barney Doherty against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01791/PPFL.
 - The development proposed is a new ancillary storage block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect 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 the proposal would be inappropriate development in the Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is regarded as inappropriate save for a number of specified exceptions.
4. Policy P17 of the Solihull Local Plan (2013) (LP) relates to development in the Green Belt and states that development proposals will in the round be assessed in accordance with national guidance.
5. The development proposed is for a building to store equipment and machinery associated with the appellant's landscaping business. The appellant contends that the proposal would meet the exception of limited infilling as set out in LP Policy P17. However, the site does not constitute a small gap in an otherwise built-up frontage, but rather a gypsy and traveller site located within open countryside. As such, and in my judgement the proposed development does

not constitute limited infill or any of the specified exceptions, outlined in the Framework, that is permissible in the Green Belt.

6. Therefore, having regard to LP Policy P17, paragraph 154 of the Framework and the evidence before me the proposed development would constitute inappropriate development in the Green Belt. I am compelled to give this harm substantial weight.

Openness

7. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
8. The proposed building would be positioned next to an existing ablution and medical building in a corner of the site. It is set a considerable distance away from the road frontage and visually would be screened by the existing fence and tall planting. Views of the development would be localised, largely limited to a glimpsed view from the access road. Taking the above into account I find that the proposal would result in very limited harm to openness in visual terms.
9. I acknowledge that the proposed development would be modest in scale and subservient to the ablution and medical building. However, the undeveloped nature of this part of the site and the absence of development contributes to the openness of the Green Belt. Whilst I note the presence of paraphernalia on site, it is low key and could be removed or repositioned as required and has very limited impact. This is in contrast to the proposed development which would be a solid and permanent structure. As such, the proposal would undermine the openness of the Green Belt through the further introduction of built form on the site resulting in a moderate impact on openness in spatial terms.
10. Subsequently, there would be a loss of openness of the Green Belt contrary to the aims and objectives of the Framework.

Other Matters

11. I note the appellant's desire to remain close to his children and I have given his personal circumstances careful consideration. However, the need to travel for work would still exist either with or without the building. Based on the available information I am not persuaded that the development would reduce this need. Moreover, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For this reason, I find that this factor is one of very limited weight.
12. Whilst the proposed building would provide a secure building and assist in a reasonable expansion of his business this would be a personal benefit of the scheme. I note that the proposed development would not adversely affect the living conditions of nearby occupiers and there are no technical objections to it. Overall, these matters are of neutral consequence in the overall balance.
13. I acknowledge that the Planning Policy for Traveller Sites supports mixed residential and business uses, however, it also recognises that inappropriate

development is harmful to the Green Belt and should not be approved, except in very special circumstances.

14. The appellant has drawn my attention to a similar storage building located within a relatively short distance of the site. However, I am not aware of the particular circumstances behind its construction. Moreover, it appears that it lies within a neighbouring local planning authority and subject to different development plan criteria. In any event, every appeal must be considered on its own merits. The granting of other permissions does not justify the appeal scheme before me.

Balancing Exercise

15. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by the Framework.
16. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal, is clearly outweighed by other considerations.
17. The appellant's need for the storage building only carries limited weight and does not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
18. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with a protected characteristic, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR