



Appeal Decision

Site visit made on 16 August 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/Q4625/W/24/3340323

Land Adjacent to Temple Cloud, Benton Green Lane, Berkswell, Solihull, CV7 7AY

- 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 Mrs Carol Prentice against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01609/PPFL.
 - The development proposed is the replacement of a caravan with a building to be used on a permanent basis as a day room for children in association with the equestrian use of land and stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework December 2023 (NPPF) and relevant development plan policies, including consideration of the effect of the proposal on the openness of the Green Belt and the purposes of including land within it.
 - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate

3. The appeal site is a parcel of land on the western side of Benton Green Lane, around 200 metres to the south-east of the dwelling known as Temple Cloud. The site currently includes a stable block and tack room, a manège, and a caravan, as well as paddocks. It is 1.4 hectares in extent and is located within the Green Belt.
4. Paragraphs 154 and 155 of the National Planning Policy Framework (NPPF) provide closed lists of development that would not be inappropriate in the Green Belt. Policy P17 of the Solihull Local Plan (December 2013) (LP) reflects these exceptions and also lists further exceptions to inappropriate development that are relevant in Solihull. There is one exception of relevance to the appeal

- proposal, which is that relating to the construction of new buildings provided that they are for appropriate facilities (in connection with the existing use of land) for outdoor sport and recreation, but only so long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
5. The proposal would involve the replacement of the caravan with a permanent structure to be used as a day room for children in association with the equestrian use of the site. It would therefore, on this basis, represent appropriate facilities for outdoor sport and recreation in connection with the existing use of the land.
 6. In 2015, planning permission was granted by the Council for the stationing of a caravan at the site to provide facilities for children using the riding facilities. The supporting statement to the application indicated that the caravan would allow the appellant's foster children to participate in pony riding and pony therapy, have indoor washing and eating facilities, play board games and socialise. The Council considered that such use of the building would not represent an appropriate facility for outdoor sport or recreation, as it would be for the personal use of the applicant to provide a day care room for the children whilst riding within the site. Planning permission was, however, given for a temporary period of 5 years, on the basis that the personal circumstances of the applicant represented a consideration that clearly outweighed the harm to the Green Belt resulting from an inappropriate development.
 7. In February 2024, a planning application for retention of the caravan for a further 5 year period was approved by the Council on the basis that the personal circumstances of the appellant have not changed since 2015¹. I have no reason to believe that a further renewal of the permission would not be granted if the personal circumstances of the appellant remain the same. Moreover, by virtue of it being a mobile structure, it could easily be removed from the site if and when the foster care activities of the appellant ceased, whereas the proposed permanent structure would remain a building fixed to the land within the Green Belt.
 8. The caravan, from informal measurement on site, appears to have a footprint of around 35 sq metres, while the proposed structure would have a footprint of 65 sq metres. The proposed building would, therefore, be materially larger than the one it replaces and it would, therefore, harm the spatial openness of the Green Belt. The proposed building, as with the existing caravan, would be largely screened from view from outside the site by reason of substantial boundary planting, but there would, nevertheless, also be some harm to the visual openness of the Green Belt, albeit limited.
 9. I acknowledge that the appellant and her foster children may well have used the caravan in conjunction with taking opportunities for horse riding. However, it would appear that the caravan may also be used more widely for a range of day care purposes and, on this basis, the caravan would represent inappropriate development in the Green Belt. Similar considerations apply to the proposal for a replacement permanent structure.
 10. Finally, the appellant contends that the proposal would not conflict with any of the purposes of the Green Belt. However, the replacement of the mobile

¹ PL/2023/02435/PPFL

caravan with a permanent building larger in scale and used for a range of day care facilities would represent an encroachment of development upon the countryside, albeit by a small amount. It would, therefore, conflict with one of the purposes of the Green Belt, as set out in paragraph 143(c) of the NPPF.

11. In the light of the above, I find that the proposal would be inappropriate development in the Green Belt.

Very Special Circumstances

12. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. Policy P17 of the LP reflects the Framework. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Again Policy P17 of the LP reflects the Framework.
13. The Council has contended that no evidence has been provided within the supporting information to cover such considerations as the need for an Ecological Appraisal and a Bio-diversity Impact Statement. It would appear that a recent application on this site for the provision of a manège, required and provided ecological surveys and assessments, and that ecological management details have been implemented. Given the short period of time since the manège was implemented, and the fact that the proposed building would be sited in the same general area as the caravan, I do not consider it likely that the proposal would result in any ecological or biodiversity harm that could not be dealt with by way of a suitable condition. However, this lack of harm is a neutral matter which carries no weight in the balancing exercise.
14. The overall foster caring activities of the appellant are, in themselves, a small but important benefit to society. However, the existing caravan already enables those activities that relate to horse riding to be carried out, and I have no details before me to indicate that the larger permanent building is necessary for them to be able to continue. Whilst the Council has previously considered that the benefits of using equestrian activities for fostered children would outweigh the harm to the Green Belt, this related to a temporary caravan, conditioned as such. I am not convinced that a suitable condition could be found with regard to a permanent building, when fostering activities could, in practice, cease at any time. Any benefits that would directly result from a larger permanent building would, therefore, be of a largely personal nature and, on this basis, I afford this consideration only limited weight.
15. I find, therefore, that there are no other considerations which clearly outweigh the substantial harm to the Green Belt resulting from inappropriateness and impact on openness. Therefore, the very special circumstances necessary to justify the development would not exist. On this basis, the proposal would conflict with Policy P17 of the LP and with national policy in the NPPF. I therefore dismiss the appeal.

J D Westbrook

INSPECTOR