



Appeal Decision

Site visit made on 20 August 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2024

Appeal Ref: APP/Q4625/W/24/3340070

Carol Lodge, Truggist Lane, Berkswell, Solihull CV7 7BX

- 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 Derek O'Neill (Trio Square Ltd) against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02423/PPFL.
 - The development proposed is the conversion and change of use of a domestic outbuilding to a dwelling house, with minor alterations and an infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use of a domestic outbuilding to a dwellinghouse, with minor alterations and an infill extension, and change of use of land by stable buildings to form part of the associated garden at Carol Lodge, Truggist Lane, Berkswell, Solihull CV7 7BX in accordance with the terms of the application, Ref PL/2023/02423/PPFL, subject to the conditions in the attached schedule.

Application for Costs

2. An application for an award of costs was made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. The above description of development is taken from the application form. However, the Council has used a different wording on the decision notice to reference the change of use of land by stable buildings to form part of the associated garden. I have taken this to mean the narrow margin of land around the edges of the building, shaded green on the plans and including an area annotated as patio. My determination of the appeal is made on this basis and accordingly I have used the Council's amended wording in my formal decision.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Background and Main Issues

5. The Council refused permission for the proposed dwelling due, in summary, to the site being in an isolated location which would not promote sustainable

means of travel. The Officers Report did note that the site was in the Green Belt, however concluded that it was not inappropriate development. However, in its appeal documents, the Council subsequently expressed the view that the development would be inappropriate development in the Green Belt. Therefore, I have considered that matter as a main issue, despite it not being set out on the decision notice.

6. The main issues are therefore:

- a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including, where applicable, its effect on openness; and
- b) whether the appeal site represents a suitable location for a new dwelling, having regard to its accessibility to services and facilities.

Reasons

Green Belt

7. The site is located within the Green Belt wherein policy P17 of the Solihull Local Plan 2013 (SLP) sets out that where the re-use of buildings or land is proposed, the new use, and any associated use of land surrounding the building, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purposes of including land in it, and the form, bulk and general design of the buildings shall be in keeping with their surroundings.
8. The Framework sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 155(d) notes that the re-use of buildings will not be inappropriate, provided that the buildings are of permanent and substantial construction.
9. In this regard I note that the building in question comprises a substantial domestic outbuilding that was formerly used as an indoor swimming pool, annexe and garage. It is a single storey, rectangular building and, at the time of my site visit, was clearly of sound construction and maintained in a reasonable condition. Although its elevational treatment was in brick and white render, which differs to the existing main dwelling at Carol Lodge, it is not an unexpected or uncharacteristic feature for its surroundings. Its general design and form is broadly in keeping with its environment.
10. Although a small infill extension would be constructed to facilitate the conversion to a dwelling, this amounts to a section of glazing to one small area which is surrounded on three sides by the remainder of the building. The modest addition would not be disproportionate to the original building and the character of the proposal remains that of re-use of an existing building. The margin of land around the building is small in area and closely associated with the building. Its use as domestic garden would preserve the openness of the Green Belt.
11. I therefore conclude that the conversion and change of use of the building to a dwelling would not be inappropriate development in the Green Belt. The proposal therefore complies with policy P17 of the SLP and the Green Belt related provisions of the Framework.

Accessibility to services and facilities

12. The site is located within the countryside and is outside any form of built-up area. It is accessed from a country lane that has no footpaths or street lighting. In this regard it is not readily accessible by means other than the private motor vehicle. Indeed, I consider that attempting to access the site on foot or by bicycle may be undesirable due to these local constraints as this may not be safe, even in daylight hours.
13. However, the proposed dwelling is in a location which is surrounded by other dwellings. There are also other homes along Truggist Lane and Hodgetts Lane. The site is in reasonable proximity to local shops and services in Balsall Common and western Coventry. Moreover, there are two train stations in a short travel distance of the site. In this regard, I am unable to conclude that the dwelling would be isolated. Whilst it certainly would not have the levels of accessibility afforded to an urban area, or meet the distances nominated in policy P7(a)(i) of the SLP, it remains in a well-connected location for a rural context. Indeed, paragraph 108 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
14. Therefore, whilst I have accepted that there would be a necessity to use of the private motor vehicle to access services and facilities, I am also mindful that such journeys are likely to be very short for day-to-day requirements, especially for a home in a rural area. I also note that within the policy it states that residential development proposals for fewer than 3 dwellings in urban areas west of M42, and within rural settlements, will be exempt from the criteria set out above. The appeal site does not appear to be within a village; however, this part of the policy wording demonstrates that there is some flexibility in the distance criteria.
15. I therefore conclude that the development is not in an isolated location and is sufficiently well-connected to services and facilities that carbon emissions resulting from car use would be very modest. The proposed development would comply with the aims of Policy P7 of the SLP and Chapter 9 of the Framework.

Planning Balance and Conclusion

16. I conclude that the proposal would not be inappropriate in the Green Belt and that there would be no conflict with the strategy of the development plan to focus development in the most accessible locations. No harm has been identified and therefore the proposal complies with the development plan as a whole. There are no material considerations to indicate a decision otherwise than in accordance with the development plan. Therefore, the appeal is allowed.
17. Even so, the proposed development offers a net increase of one dwelling in an area with a housing shortfall, and I must assign this significant weight. The proposal would make a small but nonetheless important contribution to supply. The economic, social and environmental benefits also weigh in favour of the scheme due to the provision of a new dwelling that is not isolated; economic benefits through construction and contribution by residents to the local economy and environmental benefits through the re-use of an existing building. However, these non-compliances with prescribed distances are

relatively minimal and do not fully reflect the intent of paragraph 108 of the Framework. I therefore attached limited weight to this. Overall, therefore, the benefits of the scheme outweigh its locational disadvantages.

Conditions

18. I have been provided with a list of conditions by the Council. I have imposed these conditions with re-ordering and modifications as detailed below in order to accord with the Planning Practice Guidance.
19. Condition 1 is a general time limit and is imposed to comply with the Act. Condition 2 is imposed to ensure adherence to the approved plans and in the interests of certainty. In this regard, I have removed reference to the estate fencing plans as this is beyond the ambit of what is permitted here. I have imposed condition 3 to ensure the materials used in the development match the existing building in the interest of the character and appearance of the area.
20. I have not imposed a condition, as has been recommended by the Council, relating to use of the stables. This is because, as set out above, this permission only relates to the building to be converted, due to the curtilage being inadequately defined and this element of the proposal not falling within the remit of this decision.

Nick Bowden

INSPECTOR

Schedule of conditions:

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Proposed Site Block Plan Drawing Number 23-28-106-P3, Proposed Floor and Roof Plan Drawing Number 23-28-600-P0, Proposed Elevations Drawing Number 23-28-601-P0 and Location Plan Drawing Number 23-28-105-P3.
3. The external facing materials of the development hereby approved shall match in colour, texture and brick bond those of the existing building.

End of schedule