



Appeal Decision

Site visit made on 11 November 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/Q4625/W/24/3340092

Northfields Farm, Eastcote Lane, Hampton In Arden, Solihull B92 0AS

- 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 Ian Moss against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02388/PPFL.
 - The development proposed is Construction of a new access road into Northfields Farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies and its effect on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the area, and
 - if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

3. The appeal site is within the West Midlands Green Belt. Policy P17 of the Solihull Local Plan [2013] (LP) states that the Council shall not permit inappropriate development in the Green Belt, except in very special circumstances. At bullet point 4, the policy states that where the re-use of land is proposed, the new use should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purposes of including land within it.
4. Paragraphs 154 of the Framework, establish the types of new buildings that would not be deemed to be inappropriate. Paragraph 155 relates to other forms of development that would not be inappropriate in the Green Belt provided they would preserve its openness. Such development is listed under paragraph 155 (a) to (f). Paragraph 155(b) relates to engineering operations,

which main parties agree the proposal would fall within. The proposal would therefore be deemed to be not inappropriate development provided it would not have a harmful effect on the openness of the Green Belt or conflict with the purposes of including land within it.

5. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
6. The site is enclosed by field boundary hedging and slopes down to its lowest point on the southern boundary. The field is adjacent to two tracks. A hard surfaced track follows the outside edge of the field's perimeter to its eastern and northern boundaries, whilst an unmetalled track, to the southern boundary, leads to Chestnut Farm. The access would be screened from Eastcote Lane but would be evident from the public right of way that follows the outside edge of the site's western boundary, despite being a feature that would not extend above the existing ground level. Public views of the field and proposed track would be increased through the proposed gap in the hedge to create the access gate.
7. In spatial terms the access track would occupy a relatively large area of land. The track would lead to a range of buildings, consisting of both barns, dwellings and support buildings which identifies that the site's surrounding context includes existing built form. Nonetheless, the proposal would alter the appearance of the field with man-made features that would erode the site's rural appearance. As such, visually and spatially the impact on the Green Belt would be of moderate harm to the openness of the Green Belt.
8. The purposes of the Green Belt are identified at paragraph 143 of the Framework. These seek to prevent unrestricted sprawl, prevent towns merging, safeguard the countryside from encroachment, preserve the setting of historic towns and assist in urban regeneration. The proposal would result in the encroachment of built form, albeit small in scale, into the Green Belt and thus would result in moderate harm to the purposes of including land within it.

Character and appearance

9. The appeal site is a field, enclosed by field boundary hedging, within a rural location. The site is adjacent to a range of farm buildings and two dwellings and alongside access tracks. During my visit I noted that the field was being used to graze horses and found that the site typified the type of rural activity found commonly in the countryside. As a result, the site makes a positive contribution to the character and appearance of the surrounding countryside.
10. The Council identifies that a public footpath runs to the west of the field, enabling public views of the site. The proposed access track and gate would add features that would contrast with the current rural appearance of the site and as such would result in modest harm to the character and appearance of the area.
11. Accordingly, the proposal would conflict with LP policy P15 and the Framework. These seek, among other matters, for development to conserve and enhance local character and distinctiveness and be sympathetic to local character.

Other considerations

12. The Appellant explains that the access track would provide dedicated access to Northfield Farm. This is a smallholding which includes a paddock, a dwelling, outbuildings and a barn. Access is currently gained via a shared access that also serves Chestnut Farm. The proposal would not result in increased traffic as it seeks to only split the traffic that uses the existing access. This proposal would clearly provide benefit to the occupiers of Northfield Farm and enable both farms to operate more independently. However, the private gain offered here conveys only very limited support for the proposal.

Whether there would be Very Special Circumstances

13. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt in conveying moderate harm to the openness of the Green Belt and the purposes of including land within it. I have also found that the proposal would result in moderate harm to the character and appearance of the area. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
15. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

16. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR