



Appeal Decision

Site visit made on 7 January 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/Q4625/W/24/3349915

Forge House, Table Oak Lane, Meer End, Solihull CV8 1PZ

- 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 Gary Tasker against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2023/02637/MINFHO.
- The development is side and rear extensions to create ancillary flat for family member and office.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. I have not included the reference to retention and modification as these are not development. However, from the evidence submitted, and from my site visit, the proposed development has commenced. I have, therefore, dealt with the appeal on a retrospective basis.
3. Both main parties have drawn my attention to a previous planning application for an extension to the side of the property to provide garages and garden store on the ground floor and home office in the roof¹. That scheme is likely to be developed in the event that the appeal before me should fail. Consequently, it represents a realistic fallback position.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and

¹ Council reference PL/2019/01124/MINFHO

- 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 inappropriate development

6. The appeal site falls within land defined as Green Belt. It comprises one half of a pair of large dwellings which sit within large plots in an area of open countryside. The appeal scheme is for an extension to the side of the property to provide garages and an office/garden store/hobby room on the ground floor and a self-contained, one-bedroom, flat above. The flat would be used as ancillary accommodation to the main dwelling but with an independent access at the rear.
7. Some of the Green Belt provisions in the previous version of the Framework have been changed in the December 2024 version. However, the latest iteration continues to identify the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate.
8. Paragraphs 154 and 155 of the Framework identify exceptions to this, which include, at paragraph 154 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The wording of this exception has not been changed.
9. Policy P17 of the Solihull Local Plan, December 2013 (the LP) confirms that the Council will adhere to national policy in terms of development proposals in the Green Belt. In addition, the LP advises that extensions to buildings in the Green Belt will not be permitted where it would harm the need to retain smaller more affordable housing, or the purposes of including land within the Green Belt. In this regard, Policy P17 of the LP is consistent with the Framework. However, neither the Framework nor P17 define 'disproportionate additions.'
10. The Solihull Metropolitan Borough Council House Extension Guidelines Supplementary Planning Document, February 2019 (the SPD) provides further guidance on assessing proposals for extensions and alterations to buildings. The section on Extensions in the Green Belt advises that the Council limit extensions to any property to no more than 40% of the original habitable floor space, measured externally. The concern of the Council is that extensions should not turn small houses or cottages into mansions. The SPD, therefore, reflects Policy P17.
11. By providing a more detailed definition of disproportionate additions, and an indicative threshold, the SPD differs from the Framework. However, in my judgement, the SPD follows the broad approach of the Framework and adds a locally specific definition to assist the decision maker.
12. Both main parties agree that the development has exceeded the 40% threshold set within the SPD. In my judgement the development has elongated the appearance of the front elevation of the dwelling and would increase the scale, bulk, and massing of the property, even though the extension does not dominate the range of buildings. It is a large addition to the side of the dwelling, which has altered the

building's envelope and appearance to a significant degree in relation to the original dwelling. The ridge height of the extension is set below the ridge height of the existing building and the development maintains the terraced effect and the step down in the building heights. Nevertheless, the extension would be a significant addition to the original dwelling.

13. Although the SPD only refers to increases in floor space, caselaw has identified that volume, massing, and height can all be considered when determining whether an extension is disproportionate. The increase in floor space, height, and volume, taken together, has resulted in a disproportionate addition over and above the size of the original dwelling.
14. The fallback scheme would have had a very similar footprint but with a home office in the roof space and, therefore, less floor space at first floor, a lower ridge height and less volume. The fallback scheme would have been a large addition to the side and rear of the existing property. However, it would not have been a disproportionate addition, when considered against the SPD. Consequently, although I give significant weight to the fallback, and the principle of extending the dwelling is not objectionable, the fallback would not justify the appeal before me.
15. For the above reasons, I find that the development has resulted in inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies. The development, therefore, conflicts with Policy P17 of the LP, the advice in the SPD and the Framework.

Openness

16. The position of the dwelling means that the openness of the Green Belt is clearly evident around the property and within its immediate vicinity. The space around the dwelling contributes positively to the openness of the Green Belt. As per the Framework, openness is an essential Green Belt characteristic, which has both spatial and visual aspects.
17. The extension has increased the amount of built form on the appeal site onto a part of the site which was, from Google Streetview evidence, previously free from development. It has, therefore, reduced the spatial openness around the dwelling and would, consequently, have a spatial impact on the openness of the Green Belt.
18. Although the long distance views of the extension would be partially screened by the existing roadside trees, it would be seen from the road immediately outside the appeal site. The extension to the dwelling, although not objectionable in design terms, would alter the massing and bulk of the building when viewed within the context of the Green Belt. It has extended the built development further out to the side and would be a noticeable addition to the property and the existing range of buildings. This would perceptibly reduce the visual openness of the Green Belt, as appreciated from the surrounding area. In my judgement, the increase in bulk and massing, compared to the original dwelling, would have an impact on the visual aspect of the openness of the Green Belt.
19. The fallback scheme would also have had a spatial and visual impact. However, it would have been materially different to the appeal before me in that it had a lower ridge height and, therefore, less volume and floor space. In my judgement the development which has been built is perceptibly different to the fallback scheme, which would have appeared more subservient in height.

20. The appeal before me, as a taller structure with greater volume, would be clearly more harmful and have a greater impact on both the spatial and visual aspects of the openness of the Green Belt, even though the fallback position would also have blocked views of the Green Belt. Albeit that the change in both the spatial and visual aspects of openness between the appeal development and the fallback position would be limited, there would be greater harm.
21. The appellant asserts that the detached garage and other outbuildings at the neighbouring property have a greater effect on openness. Although that garage is forward of the principal elevation of the buildings, it is within the consolidated and established range. It also relates well to the neighbouring property, which is set at a 90 degree angle to the appeal property and sits closer to the road. The garage and outbuildings at the neighbouring property do not, in my judgement, have the same degree of effect on the spatial or visual aspects of openness as the appeal scheme.
22. For the above reasons, the two-storey extension would fail to preserve the openness of the Green Belt and conflicts with Policy P17 of the LP. I give the harm to the openness of the Green Belt and the conflict with the development plan substantial weight in my decision.

Other Matters

23. The design of the appeal scheme would be satisfactory, and it would not harm the character and appearance of the area, nor harm the living conditions of neighbouring occupiers. These considerations are neutral factors in my assessment, carrying neither positive nor negative weight.
24. My attention is drawn to the purpose of the change to the development, which is to provide a flat for one of the children of the appellant. Whilst the appellant is willing to accept a condition to control the occupation of the flat, I have not been provided with any compelling evidence that the appeal scheme is the only means to secure accommodation for this family member. Moreover, I am mindful that the appeal scheme would result in a disproportionate extension in the Green Belt which would be likely to remain in place long after the current personal circumstances have ceased to be relevant.

Green Belt Balance

25. The Government attaches great importance to Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm by reason of the appeal scheme being inappropriate development and its impact on openness. These matters attract substantial weight.
26. The same reasons also lead me to conclude that the appeal scheme would be contrary to the development plan as a whole and I attribute significant weight to the conflict with the development plan policies.
27. 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 development, is clearly outweighed by other considerations. In this case, it is clear that other considerations would not outweigh the harm I have identified, and the very special circumstances necessary to justify the appeal scheme do not exist.

Conclusion

28. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR