



Appeal Decision

Site visit made on 13 November 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/Q4625/W/24/3347622

Stables, Norton Green Lane, Solihull B93 8PJ

- 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 John Davy against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02254/PPFL.
 - The development proposed is the conversion of former stables to a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of former stables to a single dwelling at Stables, Norton Green Lane, Solihull B93 8PJ, in accordance with the terms of the application Ref PL/2023/02254/PPFL and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr John Davy against Solihull Metropolitan Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. An amended block plan was submitted with the appeal documentation. It seeks to reduce the width of the proposed access track and therefore the site edged red, to address the concerns of the Council with regard to the suggested inappropriateness of the proposed development. In doing so it reverts back to previous dimensions for the track considered by a previous Inspector¹. The amendment seeks a reduction in the width of the proposed access track, there are no interested party representations and the Council has had the opportunity to comment on this matter during the appeal process. Thus, I am satisfied no party would be prejudiced in the acceptance of this drawing. For the avoidance of doubt, I have determined the appeal against drawing number 476.03B proposed elevations, floor plans and site plan.
4. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). The parties were asked for their views on the amendments and I have taken the responses received into account in coming to my decision.

¹ As shown in drawing number 101 74 02 Rev E as considered during the determination of planning appeal APP/Q4625/W/16/3160260.

5. Having regard to the stage of preparation of the emerging plan and in the absence of specific details regarding relevant policies and whether there are any unresolved objections or proposed modifications to them, I attach limited weight to the Local Plan Review.

Main Issues

6. The main issues in relation to this appeal are;
- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the delivery of housing and accessibility to services and facilities; and
 - Whether any harm by reason of inappropriateness and any other harm would be outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

Reasons

Inappropriate Development

7. The appeal site is located within the Green Belt to which the Government attaches great importance. Policy P17 of the Solihull Local Plan; Shaping a Sustainable Future (SLP) 2013, advises that inappropriate development will not be permitted except in very special circumstances. It goes on to state that the re-use of buildings or land 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.
8. The Framework at paragraph 155(d) advises that the re-use of buildings; or (e) the material change of use of land, would not be inappropriate in the Green Belt provided that the proposal preserves openness and would not conflict with the purposes of including land within the Green Belt; and provided that the buildings are of permanent and substantial construction.
9. The main parties agree the appeal building is of a permanent and substantial construction and based on my observations, I find no reason to disagree. Whether the proposal would be inappropriate development is therefore contingent on the openness of the Green Belt being preserved and not conflicting with the purposes of including land within it. Openness can be perceived both visually and spatially.
10. The proposal includes the formation of a new access track from the lane leading to a gravelled area for car parking and turning adjacent to the existing building. A small area of garden would further be enclosed by new post and rail fences, along with a hedgerow of mixed indigenous species.
11. The Council suggests that the proposed parking, garden and provision of domestic paraphernalia such as bin storage would result in a more intensive use of the land. I accept that the area immediately around the building would have a more domestic character. However, the occupation of the building due to its size is likely to be limited such that there would be only 1 or 2 parked

cars, that would themselves be transient. I am mindful that vehicles, including horse boxes are likely to attend the stable building if used for its original purposes. The track being of twin-wheelings and laid on the relatively flat ground, would not erode the spatial openness of the Green Belt.

12. My attention has not been drawn to any particular public vantage points including footpaths from which the appeal site would be seen. There is no evidence before me that the track to Blue Lake Cottage is publicly accessible. I observed that the appeal site would be glimpsed from the end of the track where it adjoins Norton Green Lane and even then, the building is set well back into the rear corner of the field. Hedgerow planting would soften and filter views, such that the proposed car parking area and track would not be readily visible. I am satisfied that the proposed external works would be the minimum necessary for their intended purposes and that the openness of the Green Belt would be preserved. In this regard I agree with the findings of the previous Inspector².
13. The Council suggests that drawing number 10174 01 Rev B was the red line plan of the original application for the conversion of this building to a dwelling³. However, the appellant points out that drawing number 10174 02 Rev E was referenced on the Council's decision notice and this plan was considered by the Inspector in the subsequent appeal. There is no substantive evidence before me to suggest that the amended track is materially different to that considered by the previous Inspector.
14. Even if the proposed access track and therefore the site edged red was marginally wider, it would not have any materially greater impact on the openness of the Green Belt. Although the Council suggests that the proposed curtilage would be larger, no compelling evidence has been presented to indicate that it would be sufficiently different from the previous scheme to warrant now being considered as inappropriate development.
15. Paragraph 155 of the Framework advises that the development of grey belt land would also not be regarded as inappropriate, in addition to the exemptions set out in paragraph 154. The parties dispute whether the appeal site would constitute grey belt land⁴. Even if I could conclude that it did not meet the definition set out in Annex 2 of the Framework, I have found that the proposal would not harm the openness of the Green Belt which by implication means, that it would not be inappropriate development. The issue of grey belt land would not change this position and it is not therefore determinative.
16. For the above reasons, the proposed development would not amount to inappropriate development in the Green Belt. Consequently, the proposal accords with the Green Belt aim of the Framework and Policy P17 of the SLP.

Suitable Location

17. Policy P7 of the SLP seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. It sets out numerical accessibility criteria for the location of housing development in relation to specified services and facilities. The provisions of Policy P7 are not a useful guide, they are adopted policy.

² Appeal decision APP/Q4625/W/16/3160260.

³ Planning application reference PL/2015/00192/FULL.

⁴ As set out in emails from the Council and appellant dated 2 January and 3 January 2025 respectively.

18. The appellant has suggested that Policy P7 in the Submission Local Plan Review (SLPR) 2020, has removed the requirement for sites to meet the specified distances. However, I have already explained that as I do not know the degree to which there are any unresolved objections or proposed modifications to the emerging plan, I am unable to attach anything more than limited weight to the SLPR.
19. The Braintree judgement advised that the word isolated in the Framework's phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement⁵. There are a number of other homes along Norton Green Lane. Nonetheless, built development near to the appeal site is sporadic, analogous to its countryside setting. On the evidence that is before me, the appeal site does not fall within a rural settlement or an urban area west of the M42.
20. Fields separate the appeal site both visually and physically from the built-up areas of Dorridge and Knowle. This would remain the case even if the proposed KN2 allocation were to come to fruition in the future. The road network surrounding the appeal site is unlit and without pavements such that walking would not feel safe particularly for those with small children or mobility concerns. No mention is made of any local bus services. Inevitably most journeys by the future occupants of the proposed dwelling would be by private car and in this regard, I concur with the findings of the previous Inspector⁶ that the appeal site is isolated from a settlement.
21. Notwithstanding the above, I am mindful that paragraph 108 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-making.
22. The appeal site is in relative proximity to the settlement boundary. Journeys to access services and facilities within Dorridge and Knowle by car, including supermarkets and primary schools, would be very short and little more than a few minutes in duration. The future occupants of the proposed dwelling would therefore help to enhance or maintain the vitality of rural communities. Undisputed by the Council, the appellant advises that frequent train services to Birmingham and London operate from Dorridge Station such that there would be a degree of choice to travel by more sustainable transport modes, even if they are initially accessed by a short car journey. I find the appeal site would be sufficiently close to the neighbouring settlements that it could be considered to be a well-connected location for a rural context.
23. Whilst the appeal site would not be as accessible as urban areas or meet the distances prescribed for any of the listed facilities in Policy P7(a)(i) of the SLP, it nonetheless allows for exceptions, where justified by local circumstances a matter to which I now turn.

Heritage Asset

⁵ Paragraph 31 of the Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

⁶ Appeal decision APP/Q4625/W/16/3160260.

24. Paragraph 84 of the Framework permits isolated homes in the countryside where the development would represent the optimal viable use of a heritage asset (84(b)), irrespective of whether it is designated⁷.
25. Although the parties have not used the precise wording, it is clear that they agree that the building is of heritage value and it should therefore be considered as a non-designated heritage asset (NDHA). There is no statutory listing process for NDHA's, nor any formal definition of them in the Framework. The Planning Practice Guidance (PPG) indicates that NDHA's are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Although the Council's officer report did not conclusively determine whether the appeal building could be considered as a heritage asset, it provides positive confirmation in its appeal statement.
26. Based on the evidence before me, including the OS plan extract from 1905, and my own observations on site, I consider that the appeal building merits consideration as a heritage asset. Its significance is mainly derived from its age and attractive decorative brick construction, stable door openings and linear plan form. Despite once being part of a larger complex of buildings and now standing alone, the appeal building retains much of its traditional character, illustrative of 19th century equestrian architecture. Consequently, it contributes positively to the rural character of the area.
27. Although the Warwickshire County Council Archaeologist has suggested that the proposal would alter, damage or obscure elements of the historic building fabric, they have not explained why they have reached this conclusion. Moreover, they have not objected to the scheme and have recommended that a photographic record be secured by condition if permission is granted. It seems to me that the proposed development seeks to make minimal changes to the external building fabric and does not propose any extensions, which I note was acceptable to the planning officer. In this regard, whilst the use of the building would change, its external appearance would remain largely the same as at present. I acknowledge, that internally the floor would be covered over and the feeding troughs removed. However, such changes would not undermine the significance of the building overall.
28. The assessment therefore hinges on whether the proposal would represent the optimal viable use of the heritage asset. The Council has suggested that there are many other land uses that the building could be put to, that would have a lesser impact on the openness of the Green Belt. It has not specified what alternative uses these might be, nor directed me to specific policies that would support other forms of development in this context. In contrast, the appellant has provided evidence to demonstrate that the stables do not meet modern size requirements for equestrian use, such that they are unlikely to be used for their original purpose⁸.
29. The building is limited in size which naturally reduces the number and type of uses it could reasonably be put to. In the absence of any compelling evidence to the contrary, I find that a residential re-use would be the optimal viable use

⁷ As set out at paragraph 84(b) and according to the definition of a heritage asset as confirmed within Annex 2 of the Framework.

⁸ Paragraphs 3.26-3.30 of the appellant's supporting statement dated October 2023.

of the NDHA. In reaching this view, it follows that the proposal would comply with paragraph 84(b) of the Framework. This matter does not appear to have been before the previous Inspector at the time of his decision⁹, which justifies a different conclusion.

Conclusion – Suitable Location

30. The proposal would re-use a heritage asset, which is supported by the Framework and the location of which is already established. For a rural context the appeal site is sufficiently well-connected to services and facilities that car journeys would be short. In the absence of any compelling evidence to suggest otherwise, it seems to me that this would constitute justified local circumstances.
31. I find that the proposed development would be in a suitable location having regard to local and national policies for the delivery of housing and accessibility to services. The proposed development therefore complies with the aims of Policy P7 of the SLP and chapters 6 and 9 of the Framework as set out above.

Other Considerations

32. As I have found that the proposal would not be inappropriate development in the Green Belt, a case for very special circumstances is not required.

Other Matters

33. The submitted preliminary roost assessment indicated the presence of bats in the stable building. Bats are a species protected under the Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations). Due to the potential effects on the protected species, a licence would be required from Natural England.
34. A further Bat Roost Characterisation Surveys and Mitigation document (BRCSM) was submitted alongside the appeal which did not identify any bats emerging from or entering the building. The Council had the opportunity to comment on the BRCSM during the appeal process. Its statement does not go into detail about the impact of the proposal on bats but suggests that the outstanding matters can be dealt with by planning condition. I have considered the tests under Regulation 9 of the Habitats Regulations and in light of the proposed mitigation, I have no reason to doubt that a mitigation licence would not be issued and that bats would not be safeguarded.
35. I am aware that the Council cannot demonstrate a 5-year housing land supply. However, given that I have found the development to be compliant with the development plan I am not required to consider this further.

Conditions

36. The Council's suggested conditions have been considered and the wording and order varied where necessary, to ensure precision and compliance with the PPG and paragraph 56 of the Framework. Along with the standard time limit and to list the plans in the interests of certainty, conditions are imposed to require the submission of external facing repair materials and the submission

⁹ Appeal decision APP/Q4625/W/16/3160260.

and implementation of a landscaping scheme in the interests of consistency of appearance.

37. Consultation responses indicated that prior to commencement conditions would be necessary to secure a foul and surface water drainage scheme and a photographic survey of the existing stable building. Additional conditions are required regarding the submission of a bat licence or further ecological report to indicate that one is not required, along with the provision of bat roost mitigation to safeguard protected species.
38. The Council whilst not providing suggested wording of such conditions was given the opportunity to comment on these matters during the appeal process. In the absence of any response, I am satisfied that these conditions are reasonable, necessary and relevant to the development permitted in the interests of ensuring adequate drainage, providing prior recording of the heritage asset and safeguarding protected species.
39. The removal of permitted development rights for extension and alterations would be justified in this instance given the consideration of the host building as a heritage asset, its small scale and its sensitive location within the Green Belt. This is not a means to preclude all future development, rather it is a means of controlling any alterations to ensure they are appropriate to the heritage value and context of the building. The appellant has confirmed acceptance of all of the suggested conditions, including those that are pre-commencement¹⁰.

Conclusion

40. The proposal would not amount to inappropriate development in the Green Belt and it would accord with the development plan. There are no other material considerations, including the provisions of the Framework which override this finding or indicate that my decision should not be otherwise than in accordance with the development plan. Indeed, the provisions of the Framework in relation to a NDHA would support the optimal re-use of a heritage asset, even where it is located in a countryside location. For the reasons set out above, the appeal is allowed.

M Clowes

INSPECTOR

¹⁰ Appellant's email to the Planning Inspectorate dated 23 January 2025.

***** Schedule of Conditions *****

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;

Site location plan
Proposed elevations, floor plans and site plan drawing number 476.03B.
3. No development shall commence until a detailed photographic record of the interior and exterior of the existing building has first been made and submitted to the local planning authority for written approval, in consultation with the Warwickshire County Council Archaeological Information and Advice team.
4. No development shall take place until a scheme for foul and surface water drainage and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme should be in accordance with the sustainable drainage hierarchy. Development shall be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied.
5. No development shall commence until either of the following have been submitted to and approved in writing by the local planning authority:
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead in relation to impact on bats and bat roosts; or
 - b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence in relation to impact on bats and their roosts.
6. The bat mitigation as outlined in the Bat Roost Characterisation Surveys and Mitigation document by Martin Ecology dated 2 July 2022 shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.
7. No works above damp-proof course shall take place in the implementation of the development hereby permitted, until samples of all facing materials to be used in the repair of the roof and external elevations of the existing building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
8. The development hereby approved shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; driveway, car parking layouts and circulation areas; hard surfacing materials; bat friendly lighting and retained historic landscape features and proposals for restoration. Soft landscape works shall include the identification of trees to be retained and means for their protection in accordance with BS 5837; planting plans; written specifications (including cultivation and other operations associated with plant establishment)

and numbers/densities where appropriate; implementation programme. The works shall be carried out in accordance with the approved details and retained as such thereafter.

9. All hard and soft landscaping works shall be carried out in accordance with the details approved by condition 4. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has first been submitted to and agreed in writing by the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E & G of Part 1 of Schedule 2 and Class A of Part 2 to the Order shall be undertaken.