



Appeal Decision

Site visit made on 25 September 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/Q4625/W/24/3341872

Land at Hodgetts Lane, Burton Green CV8 1PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Berkswell Charities CIO against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01310/PPFL.
 - The development proposed is described as the conversion of an agricultural building to one dwelling and other associated building works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Prior to the making of this recommendation, a revised National Planning Policy Framework (the Framework) was published. Both main parties have had the opportunity to comment on the changes, and I have taken any made into consideration in my assessment.

Main Issues

4. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) the effect of the proposal on ecology and biodiversity; and c) if it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

5. The Framework establishes that development in the Green Belt is inappropriate unless a specified exception applies. Paragraph 154 (c) allows for 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, and paragraph 154 (h) (iv) allows for the re-use of a building provided that the building is of
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permanent and substantial construction and that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Since the appeal scheme is both a conversion and an extension, it is reasonable to consider its merits under both exceptions.

6. In terms of the latter, there is nothing to suggest that the appeal building is not of permanent and substantial construction. Openness is an essential characteristic of the Green Belt and Planning Practice Guidance explains that openness can have spatial and visual aspects. The re use in this case relies on extending the building from two elevations. Whilst I shall come onto the substance thereof, it would not be possible for built form to exist where it did not previously and preserve openness in the spatial sense. The preservation of openness is a binary test in this respect. Whilst owing to the location of the building and surrounding development and landscaping the effect of the proposals on the visual aspect of the Green Belt's openness might be tempered, this would not be sufficient to make the scheme acceptable. Thus, it would not satisfy paragraph 154 (h) (iv) of the Framework.
7. Turning to the former, the extensions proposed would be substantial in land take, scale and mass in the context of the original building and its immediate surroundings. Even taking account of what is proposed to be removed, the eventual building would be, both on paper and in reality, significantly larger, taking up a far more than a marginally greater presence in the Green Belt. To the extent that I could describe the extensions as no less than disproportionate additions over and above the size of the original building. The appeal scheme would therefore not satisfy paragraph 154 (c) of the Framework.
8. Overall, and taking into account one of the fundamental aims of Green Belt policy being to keep land permanently open, the appeal scheme would unacceptably reduce the openness of the Green Belt. For this and the above reasons, the appeal scheme would be inappropriate development which is, by definition, harmful to the Green Belt. It would thus conflict with the Framework in the aforementioned terms. Policy P17 of the Solihull Local Plan 2013 (SLP) refers, amongst other things, to the national policy position on development in the Green Belt. By virtue of the above therefore, the appeal scheme would conflict with Policy P17 and its aims to restrict inappropriate development in the Green Belt in the above interests.

Ecology and Biodiversity

9. The appeal scheme concerns a building of the type and historic use, as well as location given surrounding landscaping and semi rurality, where there may be a greater propensity for protected species being present either through habitat or general environment. Policy P10 of the SLP commits to ensuring that the effects of development on the natural environment are taken account of and suitably avoided, mitigated against or some form of betterment provided.
10. In the absence of any detailed survey information addressing the above, it would be difficult, taking a precautionary approach, to be satisfied there would be no adverse effects. I note that hedgerow will be retained which would be welcome in the above policy context, as would the planting of further. However, I am unsure based on what has been submitted if whether any works taking place at the site would have an effect, on what and where precisely. I appreciate one could use conditions to seek further details but surveys and ecological assessments to satisfy such may reveal matters which could affect

the development for which a planning permission would have already been granted. This would not therefore be an approach that could, reasonably speaking, satisfy the aims of Policy P10 which I have set out above. Ultimately, I cannot be certain that the appeal scheme would not have an adverse effect on ecology and biodiversity.

11. Without the details of the now lapsed prior approval scheme before me (addressed in more detail below), I cannot be sure that it considered matters under this main issue. That said, and even if some work was done in that respect, some time has passed and situations, habitats or environments could have changed in the interim. This appeal concerns a fresh scheme seeking express planning permission which not only has no extant fallback position at this time but also falls to be considered under more issues than one seeking prior approval.

Other Considerations

12. The appeal building did benefit from prior approval¹ for conversion to a dwelling under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of the building to a dwelling. The evidence suggests that this scheme lapsed on 9 February 2025. Whilst it therefore fails to now be extant and be a fallback position for the appeal scheme at the time of this decision, it would have been limited to the confines of the original building since the aforementioned legislative provisions do not allow for extensions beyond it.
13. The Council's House Extensions Guidelines Supplementary Planning Document 2010 does set out a theoretical maximum increase of 40% of the original habitable floorspace for the extension of dwellings in the Green Belt. Firstly, this is guidance and not part of the policy, so the satisfaction thereof or otherwise is not determinative. It also applies to dwellings which the appeal building is not and since the lapsing of the aforementioned prior approval scheme cannot now be.
14. If the prior approval scheme was still extant and the extensions proposed, minus that which was due to be taken away, fell under the 40% allowance this 'fallback' would be predicated on an assumed planning permission which would need to be applied for and granted. I appreciate that the Council do not offer any objections to aspects of the scheme broadly under those matters that such an application would be assessed, but this is not a sufficient guarantee that a planning permission would be forthcoming, taking into account other inputs such as public consultation and other ways in which planning applications before Council's can be determined.

Conclusion and Recommendation

15. The proposed building would cause harm to the Green Belt by way of inappropriateness, to which substantial weight should be afforded. There would also be harm in ecology and biodiversity terms. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Those I have identified would not attract sufficient weight to clearly outweigh the totality of the harm for the reasons I

¹ Planning application ref. PL/2021/03222/PNCUDW

have set out. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

16. The evidence suggests that the Council is currently unable to demonstrate the supply of housing sites required by the Framework. Should that be the case or there are other reasons why the most important policies might be considered out of date, I would be taken to paragraph 11. Owing to the specific circumstances of this case however, I would refer to paragraph 11 (d) (i) and policies in the Framework that protect areas of particular importance. Green Belts are one such area and as I have explained, the harm that would be caused thereto would not be outweighed in the manner required. This would, as per paragraph 11 (d) (i) provide a clear reason for refusing the proposed development.
17. With this and the above in mind, there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR