



Appeal Decision

Site visit made on 22 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/Q4625/D/24/3348612

Cherrytrees, Windmill Lane, Dorridge, Solihull B94 6PT

- 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 Oliver Garner against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00393/MINFHO.
 - The development proposed is addition of outbuilding/garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.

Main Issues

3. 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 on the openness of the Green Belt; and

-Whether the 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

4. The appeal site comprises a dwelling situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence. 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. Development within the Green Belt is inappropriate with the exception of the types of development listed in Paragraph 154.
5. Policy P17 of the Solihull Local Plan- Shaping a Sustainable Future (2013) (LP) states that the Council will not permit inappropriate development in the Green Belt,

except in very special circumstances. There is no suggestion that this policy relates only to agricultural land and buildings. Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018–2033 (2019) (NP) states that national and LP Green Belt policies will be applied in the Green Belt.

6. The proposal comprises a detached garage/store. Neither national nor local policy make any specific reference to outbuildings as not being inappropriate development within the Green Belt. It is a matter of fact and degree as to whether outbuildings can be considered to be extensions of other buildings even when they may not physically be connected. In this case, the proposal would be located to the front of the dwelling. It would clearly be used in association with the main dwelling and would be located close to the host dwelling within its residential curtilage. Given this, the garage would be perceived as an extension to the dwelling.
7. Paragraph 154 of the Framework allows 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. It is necessary to consider whether the appeal proposal, in combination with any existing and consented extensions, would result in disproportionate additions over and above the size of the original building.
8. It is stated that the proposed garage represents 23.5% of the size of the original building. However, I have not been provided with any figures relating to the floor area of the original dwelling or the floor area approved under an extant permission for the remodelling and extension of the host dwelling¹. Given this I cannot be assured that the proposed outbuilding, in combination with consented extensions to the original building, would not be a disproportionate addition to the original dwelling. Thus, I cannot be assured that the extension would meet the exception set down in Paragraph 154c of the Framework.
9. The House Extension Guidelines Supplementary Planning Document (2010) (SPD) states that in the Green Belt the Council will limit extensions to any property to no more than 40% of the original habitable floor space measured externally to all properties outside settlements. The SPD states that this restriction is not applicable to properties within established ribbons of development but will be applicable to those properties on the ends of ribbons of development. The SPD defines a ribbon of development as a continuous run of dwellings, which closely relate to one another and are not sporadic.
10. The appeal site forms the end property in a small cluster of 4 dwellings. These dwellings closely relate to one another and are not sporadic. Based on the evidence before me approved dwellings between Willow and Windmill Lane and to the side and rear of Cherrytrees² are sited to the rear of the row of existing dwellings, and thus, once these dwellings are erected, the appeal property will remain the end property in this ribbon of development.
11. The appellant has referred to permissions for extensions to properties in the Green Belt³, which, it is stated, are similar to the appeal site. Two of the referenced applications are for a certificate of lawful proposed development and there are limited details regarding the planning applications at Kendalls Cottage, 290 Four Ashes Road and 50 Grove Road for me to give substantial credence to and thus I

¹ Application reference PL/2022/01692/MINFHO

² Applications PL/2023/01812/PNCUDW and PL/2022/02547/PPFL

³ Application references PL/2021/01616/MINFHO, PL/2021/02807/MINFHO, PL/2017/00154/MINFHO, PL/2022/00323?CLOPUD and PL/2017/01134/CLOPUD

am unable to draw comparisons between these applications and the appeal proposal. These decisions do not therefore lead me to conclude that the appeal site is located within an established ribbon of development, as opposed to forming a property on the end of a ribbon of development.

12. Even if I did agree with the appellant's assertion that the site is located within a ribbon of development where the SPD's 40% limit for extensions does not apply, I have not been presented with any evidence that the proposed extension, in combination with other consented extensions, would not comprise a disproportionate addition over and above the size of the original building. Given this there would still be clear conflict with the Framework's requirement that extensions to a building do not result in disproportionate additions over and above the size of the original building.
13. The updated Framework has introduced the concept of grey belt land. Grey belt land is defined in the Framework's glossary as land comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Framework Paragraph 143. In order to meet the exception to inappropriate development in Framework Paragraph 155, there must be a demonstrable unmet need for the development proposed. Whilst noting that the proposed outbuilding/garage might be desirable for the appellant, it has not been demonstrated that there is an unmet need for development of this type in the area. Therefore, even if I were to agree with the appellant that the site comprises grey belt land, the proposal would not meet the requirement of Framework Paragraph 155b and it would be inappropriate development under Paragraph 155 as a consequence.
14. It has not been demonstrated that the proposal, in combination with consented extensions, would not result in disproportionate additions over and above the size of the original building. Therefore, for the reasons given above, the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. The proposal would conflict with those aims of LP policy P17 and NP policy VC1 and would not be an exception to new buildings in the Green Belt under Paragraph 154 of the Framework. The Framework advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

15. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal would add increased bulk and massing to the appeal site. This would be visible from the road as well as from neighbouring land. In this regard the building would reduce the openness of the site. I attach moderate harm to the impact on the openness of the Green Belt resultant from the development. The Framework advises that substantial weight is given to any harm to the Green Belt. Therefore, although the effect is moderate this is to be given substantial weight.

Other considerations

16. There would be economic benefits during construction, however, given the scale of the development this carries limited weight.

Other Matters

17. The design of the proposed outbuilding would be consistent with that of the host dwelling. Nonetheless, compliance with the relevant development plan policies relating to design would be required in any case. Therefore, this matter weighs neutrally, rather than in favour of the proposal.
18. It is stated that the design, scale and siting of the proposal has been amended following the feedback from the Council during an earlier planning application. Nonetheless, for the reasons set out above, I consider that the proposal would comprise inappropriate development and thus would conflict with the Framework.
19. The appellant's comments regarding the lack of objections from neighbouring residents and consultees are noted. However, a lack of objection does not equate with a lack of harm.

Planning Balance and Conclusion

20. The proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
21. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
22. Consequently, for the reasons given, there would be conflict with the Development Plan when read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR