



Appeal Decision

Site visit made on 20 May 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/Q4625/Y/25/3358998

**Barn, Barretts Lane Farm, Barretts Lane, Balsall Common,
Solihull CV7 7GB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Brendan Connor against the decision of Solihull Metropolitan Borough Council.
 - Listed building consent Ref PL/2023/02648/LBC was granted on 16 July 2024 subject to conditions.
 - The works proposed are Change of use of barn, together with the addition of extensions (Previously approved under PL/2015/51111/PPL, PL/2017/02826/PPFL and PL/2020/01647/PPFL).
 - The condition in dispute is No.6 which states that: *Notwithstanding the approved plan number 087-23-HBA-DR-15 the photovoltaic panels are not approved and shall not be installed on the garage.*
 - The reason for the condition is: *To ensure that the character and appearance of the building is preserved in accordance with Policy P16 of the Solihull Local Plan 2013.*
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Decision

1. The appeal is allowed and the listed building consent Ref PL/2023/02648 for change of use of barn together with the addition of extensions, granted on 16 July 2024 by the Solihull Metropolitan Borough Council, is varied by deleting Condition 6.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published¹. The document has not raised any new matters which are determinative to this appeal, hence I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
3. There is a difference in spelling of 'Barretts'. The statutory address of the listed building refers to Barratts Lane Farm and Barratts Lane. The appellant and Council refer to Barretts Lane, as does the Ordnance Survey map extract for the site location. However, it is clear that it is the same lane and same building.

Background and Main Issue

4. There have been various listed building consents and planning permissions for residential conversion of the Grade II listed building², known as the "Barn at Barratts Lane Farm" (hereafter referred to as the Barn), including extensions and the erection of a new garage building, that is attached to an already completed new neighbouring garage to the south west side of the listed Barn. The new

¹ December 2024

² National Heritage List for England: list entry number 1075970

garage building is freestanding and detached from the listed building. On my site visit I saw that building works were still being carried out to both the Barn and the garage building.

5. This appeal relates to a condition that was imposed on the listed building consent (the LBC) which restricts the installation of photovoltaic panels (PV panels) on the appellant's part of the new garage roof that were shown on the approved plans.
6. According to the Council's evidence, there is also an associated planning application that has been approved and the same condition was imposed on the planning permission. However, there is no appeal against the condition on the planning permission.
7. The main issue in this appeal is, therefore, whether Condition 6 is reasonable and necessary, having regard to the Barn's status as a Grade II listed building.

Reasons

8. Section 7 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) outlines the restrictions on works affecting listed buildings which are for any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest.
9. Section 17 of the Act describes the power to impose conditions on the grant of LBC. Conditions may be included with respect to the preservation of particular features of the building, either as part of it or after the severance from it; the making good, after the works are completed, of any damage caused to the building by the works; and the reconstruction of the building or any part of it following the execution of any works, with the use of the original materials as far as is practicable and with such alterations of the interior of the buildings as may be specified in the conditions. Conditions can also be imposed requiring specified details to be approved subsequently.
10. Section 19 of the Act allows for the variation of conditions attached to a LBC, provided it does not vary a condition to extend the time within which the works must be started or discharge such a condition.
11. Condition 6 was imposed for works to the garage, which is a new freestanding building detached from the listed building. Although the new garage building lies within the curtilage of the listed Barn, the garage building did not exist before 1st July 1948. Therefore it does not form part of the listed Barn nor is it a 'curtilage listed building' as defined in section 1(5) of the Act.
12. As the PV panels are not proposed to be installed on the listed building itself, the provisions of section 17 of the Act do not allow for the imposition of Condition 6 on the grant of LBC. Furthermore, Condition 6 is not relevant to the works granted to the listed building, nor is it necessary. Hence it does not accord with the tests in paragraph 57 of the Framework or the Planning Practice Guidance. In short, the provisions of section 17 of the Act do not allow for the imposition of Condition 6 on the grant of LBC and therefore the condition can be removed.
13. Given the above, I have not considered the planning or conservation merits of the proposal.

Other Matters

14. As the new detached garage building is within the curtilage of a listed building, the proposed PV panels cannot be installed on the garage roof under permitted development³. In addition, a condition was attached to the planning permission to restrict the installation of the PV panels on the new garage roof as part of the associated planning permission. A fresh planning application will need to be submitted for any PV panels on the new garage roof. In exercising any subsequent planning functions, Section 66(1) of the Act places a duty on the decision-maker to have special regard to the desirability of preserving the [listed] building or its setting. Hence, the planning and listed building merits would need to be considered as part of this process.

Conditions

15. By allowing the appeal I am varying the original permission by removing Condition 6. The original LBC and this decision should therefore be read together.

Conclusion

16. For the reasons set out above I conclude the appeal should be allowed.

K Stephens
INSPECTOR

³ Schedule 2, Part 14 A.1.(e) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).