



Appeal Decisions

Site visit made on 15 May 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 August 2025

Appeal A Ref: APP/Q4625/C/22/3311154

Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ian Moss against an enforcement notice issued by Solihull Metropolitan Borough Council.
 - The notice was issued on 11 November 2022.
 - The breach of planning control as alleged in the notice is Without planning permission: i) The unauthorised change of use of land from agricultural to a skip hire use and building waste recycling use;
 - ii) The unauthorised change of use of an agricultural building to a use in connection with a skip hire use; iii) The unauthorised storage of building materials, including tiles, slabs, bricks and wooden pallets on the land; and iv) The unauthorised erection of boundary fencing in the location marked in green on the attached plan.
 - The requirements of the notice are: i) Cease the use of the land marked red on the attached plan for skip hire use and building waste recycling use; ii) Remove all skips, hoppers or storage containers from the land; iii) Remove all building materials from the land, including tiles, slabs and wooden pallets; and iv) Demolish, take down, dismantle and remove the boundary fencing as shown marked green on the attached plan.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/Q4625/W/22/3311153

Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS

- 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 Ian Moss against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2021/01632/PPFL.
 - The development proposed is Continued use of existing agricultural building for offices and workshops for Dovetail Group with associated vehicle parking and storage in 4 containers and screen fencing; Continued use of existing yard and building for waste recycling and ancillary skip hire – C & R Lewis - part of Dovetail Group.
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Appeal C Ref: APP/Q4625/C/22/3311155

Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ian Moss against an enforcement notice issued by Solihull Metropolitan Borough Council.
- The notice was issued on 11 November 2022.
- The breach of planning control as alleged in the notice is Without planning permission: i) The unauthorised change of use of land from agricultural buildings to offices and workshops; and ii) The unauthorised change of use of an agricultural yard to vehicle parking, and storage of metal containers, both in connection with the unauthorised use referred to in paragraph 3(i).

- The requirements of the notice are: i) Cease the use of the land and buildings within the area marked red on the enclosed plan for the use of offices and workshops; and ii) Cease all vehicle parking in relation to the unauthorised use referred to in paragraph 3, upon the land marked in red on the enclosed plan.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal D Ref: APP/Q4625/C/22/3311058

Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ian Moss against an enforcement notice issued by Solihull Metropolitan Borough Council.
 - The notice was issued on 11 November 2022.
The breach of planning control as alleged in the notice is Without planning permission: i) Unauthorised operational development creating a hard surfaced access track and hard surfacing around the farmyard (hatched in black on the attached plan) with associated bunds (outlined in blue on the attached plan) and fencing (shown in green on the attached plan).
 - The requirements of the notice are: i) Remove the hard surfaced access track and all other hard-surfaced areas around the farmyard, as shown hatched in black on the attached plan, within the area marked red on the attached plan; ii) Cover the land referred to in steps (i) above in topsoil to match adjoining land levels and re-seed with grass; iii) Remove the earth bunds from the land, as shown coloured blue on the attached plan; v) Remove the fencing from the land, as shown coloured green on the attached plan; and v) Remove the materials arising from steps i) and iv) from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal E Ref: APP/Q4625/W/22/3311049

Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS

- 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 Ian Moss against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2021/01633/PPFL.
 - Retention of agricultural hardstanding and farm access tracks around farmyard area with associated bunds, fencing and landscaping.
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Decisions

1. In respect of Appeal A: The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. In respect of Appeal B: The appeal is dismissed.
3. In respect of Appeal C: The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
4. In respect of Appeal D: It is directed that the enforcement notice is varied by: omitting requirement i) of Section 5 of the Notice 'What you are required to do' and replace it with the following text
"i) Remove the hard surfaced area shown cross-hatched in black on the attached

plan, within the area marked in red on the attached plan”;
Remove requirement iii) and re-number requirements iv) and v) as requirements iii) and iv) respectively; and
Remove the plan attached to the notice and replace it with that attached to this decision.

Subject to the variations, the appeal is allowed in part on ground (a) insofar as it relates to the creation of a hard surfaced access track and bunds on land at Chestnuts Farm and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the creation of a hard surfaced access track and bunds on land at Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS.

Otherwise, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused for the creation of a hardstanding and erection of fencing on land at Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

5. In respect of Appeal E:

The appeal is allowed insofar as it relates to the hard surfaced access track, bunds and associated landscaping at Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, Solihull B92 0AS in accordance with the terms of the application, Ref PL/2021/01633/FUL, dated 31 May 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

The appeal is dismissed insofar as it relates to: the hard surfacing marked with an 'L' on Drawing No. 2021/91/01/H & CIRC and shown in the approximate position marked with cross-hatching on the plan attached to this decision; and the fence marked with an 'Q' on Drawing No. 2021/91/01/H & CIRC and shown in the approximate position marked by a green line on the plan attached to this decision.

Procedural Matters

6. As set out above, this decision letter relates to three appeals made under s174 of the 1990 Act, against enforcement notices issued by the Council, and two appeals against the Council's refusal to grant planning permission, made under s78 of that Act. The sites of the various appeals are sited close together and there are various themes common to all of them. Therefore, I have dealt with them in a single decision letter, to avoid duplication. However, I have considered each proposal on its individual merits.
7. Appeal B relates to an application for planning permission for two different developments on two separate and severable planning units. The developments in Appeal B correspond to the development alleged in the enforcement notices in Appeals A and C. In the circumstances, it makes sense to determine Appeals A and C with the corresponding part of the development referred to in Appeal B.
8. After the parties had made their submissions, in December 2024, the Government published a revision to its National Planning Policy Framework ('the Framework'). I contacted the parties and asked them if they wished to update their submissions, based on the revision.

9. The Council's response was that "it is not considered that the recent changes to the NPPF affect the material planning issues pertinent to this case. The Council therefore has no further comments to make". In his response, the Appellant agreed with the Council that the changes to sections 6 and 13 of the Framework are limited. Save for this and reiterating his view that the Framework supports his proposals, he made no comment. I have taken these comments into account in making my decisions.

The Appeal Sites and their Environs

10. Chestnuts Farm is an arable and livestock farm that lies in the open countryside, about 0.75km to the south of the centre of the village of Hampton-In-Arden. It is set in a gently rolling landscape, with large fields bounded by natural hedgerows and earth banks with hedgerow species growing from them. It has a quiet, peaceful character.
11. The nearest dwellings are found on Eastcote Lane, a distance I estimate at about 300m to the west of the farm. Access to the farm complex from Eastcote Lane is via a private lane. The locations for the various appeals are in and around the farmyard. Where appropriate, I shall describe the various appeal sites in more detail when assessing the individual appeals.

Planning Policy

12. The sites of the five appeals in this decision letter lie within the Green Belt ('GB'). The reasons for the issuing of the enforcement notices and the refusal of planning permission all refer to the inappropriate nature of the developments in the GB and their effects on it. To avoid repetition, I set out the national and local GB policies at this point.
13. Chapter 13 of the Government's National Planning Policy Framework, December 2024 (the 'Framework') sets out the Government's policy aims for land within the GB. It attaches great importance to it and its fundamental aim is to prevent urban sprawl by keeping land permanently open.
14. Paragraph 153 states that when considering any planning application, decision-makers should ensure that substantial weight is given to any harm to the GB, including harm to its openness. It states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. Further, it sets out that very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 154 sets out that development in the GB is to be considered inappropriate, unless it is one of its listed exceptions. Paragraph 155 sets out that commercial development should not be regarded as inappropriate where various criteria are all met.
15. The principal policy of the Solihull Local Plan 'Shaping a Sustainable Future', December 2013 ('SLP') in respect of GB issues is Policy P17; this broadly accords with the Framework. However, it contains no reference to the concept of 'grey belt land', which was introduced in the 2024 version of the Framework.
16. Grey belt land is defined as land in the GB "comprising previously developed land ['pdl'] and/or any other land that, in either case, does not strongly contribute to any

of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

17. The Council has referred to other policies in its reasoning for issuing notices and refusing planning permission. Where appropriate, these will be returned to in my reasoning for those cases.

Appeals A and B ('Waste Recycling and Skip Hire')

Ground (a), the Deemed Application and the s78 Appeal

18. An appeal made under Ground (a) is that, in respect of the breach of planning control alleged in the notice, planning permission ought to be granted.
19. Whilst there is some difference in the wording of the reasons for issuing the enforcement notice and those for refusing to grant planning permission, they are very similar and both appeals require the same approach.

Main Issues

20. The main issues are:

- Whether the proposal would be inappropriate development in the GB having regard to the National Planning Policy Framework and relevant development plan policies.
- The effect of the proposal on the openness and purposes of the GB.
- The effect of the proposal on the character and appearance of the area.
- Whether this is a suitable location for a waste recycling facility in the light of development plan policies.
- 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

The Site

21. The plan attached to the Notice in Appeal A differs from that the location plan submitted with the application in Appeal B. Both include an open-fronted shed facing onto a concrete yard area within the farm complex. However, the plan in Appeal A also includes an area of open yard immediately to the north. The yard is surrounded by walls built from large concrete panels and a steel palisade gate. The Appellant refers to this site as the C & R Lewis site ('CRL') after the company operating from it.
22. Two open bays have been formed on either side of the shed, between it and the boundary walls, using the same concrete panels. At the time of my visit, there was green waste, rubble, timber and skips in the shed and bays.
23. The area of land to the north of the enclosed yard was not being used for the purposes alleged in the Notice at the time of my site visit. No challenge has been

made under Grounds (b) or (c) regarding the use of that land, so I assume that it had occurred before the Notice in Appeal A was issued, but had since ceased. The enclosed yard was being used to store and park vans, a lorry, skips of varying sizes and a variety of trailers.

Whether Inappropriate Development

24. As the site is or was last occupied by agricultural buildings, it does not accord with the definition of pdl in the Glossary to the Framework. The land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, as: it does not check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; nor does it preserve the setting and special character of historic towns, respectively. As the Council highlights, in the Officer report to the Planning Committee, its strong contribution is to purpose c) - to assist in safeguarding the countryside from encroachment. The land is not amongst the areas or assets in footnote 7, which is referred to in paragraph 143.
25. Therefore, it is grey belt land. Following the terms of paragraph 155, given the limited scale of the development, I am satisfied that it does not fundamentally undermine the purposes of the GB, taken together, across the area of the SLP.
26. The Appellant has provided information in respect of the benefits of the development to both CRL and the Dovetail Group ('DTG') that operates from adjacent land. The latter land is the subject of the other part of Appeal B and Appeal C. The benefits are discussed, below. However, this information does not demonstrate that there is an unmet need for the development, as required by the second criteria in paragraph 155.
27. I have been given no evidence relating to any mode of transport available to the site's users, save for private car travel. My attention has not been drawn to a bus stop near the site, in Eastcote Lane, nor did I see one. I did, however, see bus stops and a train station in Hampton-in-Arden. Notwithstanding that there is a footway as far as that part of Eastcote Lane that has the line of houses along it, much of the road from the village to Chestnuts Farm is unlit. Given the nature of the roads and the distance involved, it is unlikely that people working at the site would choose an alternative to car travel as far as the village and then walk from there. However, it is not a route that would be daunting to cyclists. Overall, my finding is that this is not a sustainable site, as described in paragraphs 110, 115 and 150 of the Framework.
28. As the development does not accord with all three criteria in paragraph 155, it is inappropriate development within the GB.

Effect on openness

29. The Government's Planning Practice Guidance ('PPG') sets out that openness can be assessed both visually and spatially, and that factors such as the duration of the development, its remediability and level of activity can all be taken into account¹.
30. Self-evidently, the storage use within the shed on this part of the site does not affect openness.

¹ Paragraph: 013 Reference ID: 64-013-20250225

31. The use of the yard area does have an effect on openness. Vans, a lorry and trailers associated with the business were parked in the yard when I visited. Given that the appeals seek permission for a skip hire business, it will be likely that there will be a considerable number of skips on the land at times. In this regard, I note the photograph in section 3 of the Appellant's Grounds of Appeal for Appeal A that shows a number of skips of differing sizes and colours on the site.
32. I have not been told that materials brought to the yard for recycling would only be stored inside the building, and it seems unlikely that this would be the case. I saw that green waste on the site was not confined to the end pen and ran along the inside of the site's boundary wall. This storage affects openness, too.
33. Given the screening effect of the boundary walls, the effect of the vehicles, skips and materials on the site is largely in respect of spatial openness. These walls also have an adverse effect on the openness of the area; though, this is less spatial than visual.
34. Therefore, the openness of the GB is not preserved. The effect of the development on this is, given its context, moderate.

Character and Appearance

35. From the footpath that runs north-south across fields to the east of the site, the high concrete boundary wall were clearly seen. Notwithstanding its height, the lorry and skip in the yard were also visible. The wall is not a feature that one would expect in a farmyard; it is incongruous and has an adverse effect on the character and appearance of the landscape.
36. Although I did not see any of these movements at my visit, vans and lorries loaded with waste, or carrying skips so loaded, would be similarly incongruous in this agricultural landscape. Their passage along the roads and site access would be readily apparent and would add to the ill-effects on the area.
37. The uncontrolled storage and the parking of non-agricultural vehicles and equipment in the yard area would be likely to cause harm to the area's character and appearance. Whilst it was suggested that the use of conditions to control these activities might overcome those adverse effects, I was not given wording of any such condition. Given the visibility of the site and vehicles on it, I am not convinced that the harm I have identified would be overcome.
38. For the reasons given above, the use of the land causes significant harm to the character and appearance of the area. It is contrary to those terms of SLP Policies P3 and P15 that require developments to be appropriate to an area's character and do not harm its landscape quality.

Location for Waste Recycling Facility

39. The principal policy relating to the location of waste facilities within the Borough is SLP Policy P12. Amongst its terms, the policy requires those proposing waste management sites to consider consolidating or expanding the use of certain named sites. When it is not possible to provide them in this manner, developers shall consider the potential of sites within the Area of Search ('AoS') for waste management facilities in the SLP Proposals Map. The site does not lie within the AoS. The policy then lists a number of criteria that are to be taken into

consideration in the assessment of the suitability of sites proposed for waste management.

40. The Appellant has provided scant information to show that he has followed the approach required by Policy P12. In the absence of such evidence, I find that allowing the appeal would significantly undermine the Council's considered policy approach to waste management in the Borough. The development, therefore, runs contrary to SLP Policy P12.

Other Considerations and Very Special Circumstances

41. The use of the building that is described as redundant brings in a new revenue stream for the farm. It is the Appellant's intention to invest in new farm buildings and considerably build up his herd of cattle, using the income derived from the uses in Appeals A, B and C. For this reason, the Council does not dispute that this is a scheme that amounts to farm diversification.
42. Paragraph 88 of the Framework offers support for the development of agricultural diversification schemes. In addition, SLP Policy 3 offers support for the creation of small and medium sized enterprises, such as this. However, policies from both documents need to be read in the context of the whole document, and not individually. Amongst their terms, both require there to be no harm to an area's character and appearance. As I have found there to be such harm, I give limited weight to the benefits of farm diversification in these appeals.
43. DTG owns CRL. Amongst other things, DTG runs rural maintenance operations and maintains key infrastructure. It has relied on third-party waste transfer sites in the past, but this has been problematic - including when material collected on its behalf was later fly-tipped. To gain the required reliability, to reduce costs and increase sustainability, it purchased CRL and, as DTG was based at the farm, it moved CRL to the adjacent site at the farm.
44. Although I can understand that there are benefits to both DTG and CRL, the Appellant does not define what is meant by the "significant sustainability benefits" and the reduction in the "businesses' carbon footprint associated with additional journeys to third party waste transfer stations". That 9 people are employed at CRL is a readily appreciable benefit, however.
45. The proposal would result in benefits to the farm and to the two businesses and their employees. Third party correspondence says that other businesses also benefit from the development; though no examples are given, I can understand, for example, how businesses in the nearby village might be supported by custom from workers going to and from the site. These are factors in favour of granting planning permission. I give them moderate weight in my assessment.
46. Third party correspondence in support of the Appellants' positions is germane to all of the appeals before me. Whilst I specifically refer to it here, I have taken this into account in all of my decision-making. Most of the points that are raised are addressed elsewhere in my reasoning. I address those that have not here. The comment that a new approach should be taken to development proposals post-pandemic is reflected in the revised Framework; furthermore, as here, all decisions have to be taken in accordance with the terms of the development plan and material considerations. There is no evidence to support the contention that the

Council's actions are part of a vendetta against the Appellant. I have no reason to doubt that the Appellant and his wife are very hard-working and I understand that they support events on the land, such as those related to the Heart of England Pony Club.

Green Belt Balance

47. That the development is inappropriate and that there is harm to the openness of the GB carries substantial weight in my assessment of the development. In addition, I have found that there is significant harm to the character and appearance of the area.
48. On the other side of the balance, there are moderate benefits arising from the development.
49. Therefore, I find that the benefits arising from the other considerations in this case do not clearly outweigh the harm identified.

Do very special circumstances exist?

50. As the benefits arising from other considerations do not clearly outweigh the totality of the harm, the very special circumstances that are required to justify the development do not exist.

Conclusion on Appeal A, Ground (a), the Deemed Application and Appeal B ('Waste Recycling and Skip Hire')

51. The development, by reasons of its being inappropriate development and its effect on openness, causes harm to the GB. I attach substantial weight to this. Therefore, the development is contrary to the terms of SLP Policies P3 and P17 and the Framework that seek to protect the GB from inappropriate development. In addition, the development harms the character and appearance of the area, contrary to the terms of SLP Policies P3 and P15, and undermines the Council's policy approach to the location of waste management facilities contrary to the terms of SLP Policy P12. There are social and economic benefits arising from the development, but they do not outweigh the harm that I have identified.

Conclusion

52. For the reasons given above, I conclude that Appeal A and that part of Appeal B relating to the waste recycling and skip hire use should not succeed. I shall uphold the enforcement notice in Appeal A and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended and dismiss that part of Appeal B relating to the waste recycling and skip hire use.

Appeals C and B ('Offices and workshops')

Appeal C Ground (a), the Deemed Application and the s78 Appeal

53. There is some minor difference in the wording of the reasons for issuing the enforcement notice and those for refusing to grant planning permission. However, again, they are very similar and require the same approach.

Main Issues

54. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies.
- The effect of the proposal on the openness and purposes of the Green Belt.
- The effect of the proposal on the character and appearance of the area.
- 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.

The Site

55. The offices and workshop are located in a large former agricultural building that is located directly ahead of where the private access track enters the farmyard. The front of the building, which faces towards the site access, is where the office accommodation is set over two floors. Whilst the windows that have been installed in it suggest its office use, it has the form of an agricultural building. Access to the workshops can be gained through the office part of the building or from three large doors at the rear of the building, facing into the farmyard and the CRL site.
56. The area where vehicles are parked and storage containers are sited lies to the front of the building, running gently downhill, northwards, away from it.

Whether Inappropriate Development and Openness

57. The use of the building does not affect openness. Therefore, this part of the proposal accords with the terms of paragraph 154 h) and should not be regarded as inappropriate development. However, the business run from the building is reliant on the use of a large area of land used for the parking of a large number of vehicles and the siting of storage containers. This part of the use of the site causes substantial harm, both spatial and visual, to the openness of the GB. Therefore, when assessed against the terms of paragraph 154 of the Framework, the use is inappropriate development in the GB.
58. The circumstances in which commercial development in the GB might not be regarded as inappropriate set out in paragraph 155 of the Framework have been set out earlier in this decision letter.
59. For the same reasons given for the waste transfer and skip hire business, this land, too, should be regarded as grey belt land. Again, given its limited scale, I am satisfied that it does not fundamentally undermine the purposes of the GB, taken together, across the area of the SLP, so that paragraph 155a is met.
60. Paragraph 155b requires that a demonstrable unmet need for the development is shown. Given that the use of the building is supported by paragraph 154, this requirement only applies to the parking of vehicles relating to operations offsite, rather than for those working in the building. Although the Appellant has set out the benefits of DTG's use of the site, he has not demonstrated the unmet need, as required and the evidence suggests that this part of the development might be carried out from many other locations.

61. Paragraph 155c requires a sustainable location. I have explained, above, that this is not a sustainable location. However, in respect of the use of the building I take into account the support given in paragraphs 88 and 110 of the Framework. The former gives support to the conversion of rural buildings, and the latter sets out that there will be different factors to be assessed in rural and urban areas. On balance, I find that the use of the building is compliant with paragraph 155c.
62. The parking of vehicles relating to operations offsite entails quite large numbers of people driving to the site, leaving their vehicles, transferring to business vehicles to drive to work locations and doing the reverse at the end of the day. As the need for this has not been demonstrated, to my mind, this is not sustainable and, therefore, does not accord with paragraph 155c.
63. As it accords with all three criteria in paragraph 155, I find that the use of the building, of itself, is not inappropriate development. Having said this, this use is inextricably linked to that of the parking area. I do not have evidence of the parking requirements of the users of the building, nor details of the Council's parking requirements. It seems that only a small proportion of the overall parking area would be required for the office use, but I simply do not know what should be allowed nor how its effects might be suitably mitigated. In the absence of this information, I cannot determine that the office use, overall, would not be inappropriate development.

Effect on openness

64. My findings on the effects of the development on openness are given in my reasoning on whether the development is inappropriate, above.
65. The openness of the GB is not preserved; the effect of the development on it is, given its context, moderate.

Character and appearance

66. The use of the building, and the minor changes that have been made to its external appearance, do not have an adverse effect on the character and appearance of the area.
67. The large car parking area is totally at odds with this rural location. The high fence that has been erected along its western side does screen the vehicles and storage containers; however, it has ill-effects on the area's character and appearance.
68. The Appellant describes the use as having "rural roots". Although the business does carry out operations within rural areas, it does this in urban areas, too. It is not a business that necessarily requires a rural location. The parking of quite a large number of vehicles, both private and commercial, on the land throughout the day, together with the siting of the containers, has an urbanising effect on the landscape that is quite at odds with its rural character and appearance.
69. The manner in which the land is used results in a quite high number of traffic movements into and out of the site. Whilst one expects traffic movements related to the agricultural activities at the farm, that associated with the proposed development would, by reason of the number of movements, and the type of vehicle, be of a different nature. It is at odds with the overwhelmingly rural character of the area

70. As it has not been demonstrated why much of the parking area is needed here, and I have no details of what might be appropriate and acceptable to serve the use in the building, I find that the harm to the area's character and appearance from it and the associated traffic movements as being substantial. Therefore, the development is contrary to those terms of SLP Policies P3 and P15 that require developments to be appropriate to an area's character and do not harm its landscape quality.

Other Considerations and Very Special Circumstances

71. Chapter 6 of the Framework sets out the Government's support for a prosperous rural economy. It advocates sustainable growth of all types of businesses in rural areas and refers to the conversion of existing buildings and cites the role that the diversification of agricultural businesses can play.
72. In total, the company employs 69 people. Of these, 16 are based in the offices at Chestnuts Farm. The other 53 are operational staff, of whom 25 regularly visit the site to collect the company's vehicles and the remaining 28 work remotely with occasional visits to the site.
73. There can be little doubt that the staff employed by DTG provides great benefits, both socially and economically. However, the evidence before me points to only 16 of them are employed in the building; the remainder use the site as a base for parking and exchanging vehicles. Therefore, I attribute moderate weight to these benefits.

GB Balance

74. For very special circumstances to exist, the benefits arising from the scheme must outweigh the totality of the harm, which is to say to the GB and to other non-GB factors.
75. The Framework sets out that where, as here, there is harm to the GB, this is to be given substantial weight in the balance. Here, the development taken as a whole harms openness and is inappropriate development in the GB. The harm that it causes to the character and appearance has to be added to this.
76. There are social and economic benefits arising from the DTG business, although these are limited by reason of the relatively small number of people who are employed at the site. Furthermore, I take the benefits to the company of centring its operations, including those of CRL, on the land into account.
77. Those benefits, as I have explained above, do not outweigh the harm that I have identified. Therefore, the very special circumstances that are required for the approval of the development do not exist.

Conclusion on Appeal C, Ground (a), the Deemed Application and Appeal B ('Offices and workshops')

78. The development, by reasons of its being inappropriate development and its effect on openness, causes harm to the GB. I attach substantial weight to this. Therefore, the development is contrary to the terms of SLP Policies P3 and P17 and the Framework that seek to protect the GB from inappropriate development. In addition, the development harms the character and appearance of the area, contrary to the terms of SLP Policies P3 and P15, and undermines the Council's

policy approach to the location of waste management facilities contrary to the terms of SLP Policy P12. There are social and economic benefits arising from the development, but they do not outweigh the harm that I have identified.

Conclusions

79. For the reasons given above, I conclude that Appeal C should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
80. For the reasons given above and taking account of all matters raised I conclude that, in respect of the office and workshop use, Appeal B should be dismissed.

Appeals D and E

Ground (a), the Deemed Application and the s78 Application

81. The development consists of a 4.5m wide, track that runs from the entrance to the DTG site in a northerly direction before turning eastwards. For the most part, it encloses the farmyard on its north and west sides. It gives access to an 'internal' track in the farmyard that runs to the rear of the DTG site and to the CRL site, as well as other buildings and yard areas on the farm and fields to the east of the farmyard.
82. An area of hardstanding has been formed on the north side of the track where it turns from a northerly to a easterly direction. This is quite extensive and appeared to be largely being used for the storage of agricultural equipment, silage and some livestock. Agricultural storage was also taking place along part of the track running north to south.
83. Both the track and hardstanding are surfaced in what appeared to be compacted gravel and road planings.
84. Flanking much of the western side of that part of the track that runs north to south and the hardstanding are earth bunds. The evidence suggests that this was initially greater than 2m in height, but it appeared to be lower than this when I visited. Hawthorn had been planted along it, which had become well-established by the time of my visit, as had grass and other vegetation along its sides.
85. A close-boarded timber fence reported to be 2.4m high has been erected between the track and the DTG site.
86. The elements are clearly severable from one another, so I shall assess them individually.

Main Issues

87. The main issues for each element are:
- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies.
 - The effect of the development on the openness and purposes of the Green Belt.

- The effect of the development on the character and appearance of the area.
- 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.

Track

Inappropriate Development and Openness

88. The creation of the tracks appears to have involved scraping back the soil on the land before the land was surfaced to much the same level. Rather than being agricultural, as claimed, I find that the track has a dual-purpose. It is, in part, agricultural, as it provides access from the entrance to the farm around and into the farmyard, as well as to the fields to the east. However, it also has the purpose of providing access to the workshops at the rear of the DTG building and for vehicles accessing the CRL site. This being the case, it has not been demonstrated that it might have been created under the agricultural permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
89. Its construction was not an agricultural building operation of the form described in paragraph 154h) ii, as is claimed, but was an engineering operation to serve a dual purpose.
90. Given that the track appears to have been laid to the original ground level, there is no effect on spatial openness. However, as it has introduced development into an area of the GB that was previously undeveloped, it has affected visual openness. It is, therefore, inappropriate development in the GB.

Character and Appearance

91. The track is a feature that one would commonly find on a farm and it has no adverse effect on the area's character and appearance. Whilst I have found that the non-agricultural traffic going to and from the DTG and CRL sites has an ill-effect on the character and appearance of the area, the use of the track by agricultural traffic going to the farmyard or fields along the track does not have those ill-effects.
92. Having found against the non-agricultural developments in Appeals A, B and C, the track would be used for agricultural purposes only. In the circumstances, it would have no ill-effect on the area's character and appearance. To this extent, the track accords with the terms of SLP Policies P15 and P17.

Whether very special circumstances exist

93. The effect of the track on the openness of the GB is very limited, though I still have to attach substantial weight to this finding. However, given my findings on Appeals A, B and C, the track would be used solely for agricultural purposes and I have no doubt that this would be of great benefit to the farm enterprise. This benefit represents a very special circumstance.

Green Belt Balance

94. As the track is inappropriate development in the GB, I have to attach substantial weight to this. The harm caused to openness is very limited and I find that the

benefit to the farm enterprise of the track serving the yard and fields to the east to outweigh that harm.

Conclusion

95. For the reasons given above, I find that the retention of the track would accord with the terms of the Framework and SLP Policies P15 and P17. Given that the track has been created and is acceptable, there is no need to attach any conditions to the grant of planning permission.

Bund

Whether Inappropriate Development and Effects on Openness

96. The bund results, again, from an engineering operation rather than an agricultural building operation. It is a fairly long feature that, for both spatial and visual reasons, fails to preserve the openness of the GB. It is, therefore, inappropriate development in the GB.

Character and Appearance

97. The evidence suggests that when the bund was first created, it was a stark feature that had an adverse effect on the character and appearance of the area. Its effect has changed over time. By the time of my site visit, the hawthorn planting on top of the bund had become firmly established; it was several feet high and quite thick.
98. The success of the assimilation of bunds into the landscape is, in my experience, mixed. Some appear at odds with the landscape, even years after their creation. That is not the case here, as the bund has successfully integrated into the landscape. It has the appearance of a traditional hedgerow in views from the public footpath running north to south across a field to the west of the farm. Due to the size of some of its buildings, the bund does not wholly screen development in the farmyard on its east side. However, it and its vegetation provides a substantial 'green' foreground that helps mitigate the effect that the yard has on the landscape. Furthermore, from what I saw, it is likely that there are some ecological benefits arising from the habitat that its vegetation has created, albeit these would be quite limited.
99. For these reasons, in particular for its screening qualities, I find that the bund has a positive effect on the landscape and this is a matter that I give substantial weight to.

Whether very special circumstances exist

100. In respect of the bund, I find that the harm to the openness of the GB is relatively modest. From the nearest public vantage point it appears as a traditional hedgerow feature, and it has benefits to the landscape in terms of the mitigation that it gives to the effect of the farmyard beyond. The substantial weight I attribute to this outweighs the harm that I have identified and I find that the very special circumstances that are required for its retention do exist.

Conclusion - Bunds

101. In respect of the bunds, I find that the development conserves and enhances the local character and landscape quality and, thus, represents high quality design as required by SLP Policy P15. Although it affects openness within the GB, the

adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and, thus, it accords with both the Framework and SLP Policy P17. Given that the bunds have been created and are acceptable, there is no need to attach any conditions to the grant of planning permission.

Hardstanding

Whether Inappropriate Development and Effects on Openness

102. This engineering operation does not fall within one of the exceptions to development being inappropriate in the GB listed in paragraph 154. Applying the tests in paragraph 155, as the land does not contribute strongly to purposes a, b or c in paragraph 143 of the Framework this is grey belt land. Its development would not fundamentally undermine the purposes of the remaining GB across the area of the plan. Thus, it accords with paragraph 155a.
103. Paragraph 155b requires it to be demonstrated that there is an unmet need for the development. This has not been done. Indeed, as I have found against the use of that part of the farmyard for waste and recycling purposes, I see no reason why it might not be used for the agricultural storage purposes that the hardstanding is used for.
104. The other two criteria in paragraph 155 are irrelevant to this part of the development; however, as all of its relevant criteria have not been met, the development should be regarded as being inappropriate in the GB.
105. The creation of the hardstanding where there was no development has had a minor effect on openness, primarily visually, but, as it appeared to stand proud of the previous level of land at its lower end, also spatially to a small degree.

Character and Appearance

106. The developed area around the farm has expanded slightly as a result of the works. However, given its limited size and its agricultural use, I find that the effect on the area's character and appearance to be very limited.

Whether very special circumstances exist

107. Given that it is being used for the storage of agricultural vehicles and equipment and for young livestock, there has to be some benefit to the running of the farm arising from the creation of the hardstanding. However, given that land has been 'freed up' within the farmyard as a result of other decisions I make in this decision letter, this benefit is very limited. It does not outweigh the harm that arises from its being inappropriate development in the GB.

Conclusion - Hardstanding

108. The hardstanding has an effect on the openness of the GB, though it does not harm the character and appearance of the area. As such, its retention is contrary to the terms of the Framework and SLP Policies P15 and P17 which seeks to protect the GB.

Fence

109. The fence that runs along the eastern side of the north to south track is 2.4m high and is formed from vertically aligned timber boards, which are set close together to form a solid boundary. It has clearly been installed to delineate the DTG site from the other land at Chestnuts Farm; as the Appellant puts it, it provides a definitive boundary with the operational farmyard.

110. For both spatial and visual reasons, it fails to preserve the openness of the GB. It is, therefore, inappropriate development in the GB. I find that the effect on the openness of this part of the GB to be minor.

Character and appearance

111. Timber fences are not an uncommon feature in farmyards and agricultural settings. However, this one, by reason of its length and height has a far more urban than rural appearance to it. It is incongruous in this setting and has a jarring effect on its setting.

Whether very special circumstances

112. As I have found, in Appeals B and C, that the development on the DTG site does not accord with the terms of the development plan and the Framework and have dismissed those appeals, so the reasoning to retain the fence to create a definitive boundary with the operational farmyard is lost.

113. In the circumstances, there are no very special circumstances that might outweigh the harm to the openness of the GB and the character and appearance of the area that I have identified.

Conclusion - Fence

114. The fence has an effect on the openness of the GB, and harms the character and appearance of the area. As such, its erection is contrary to the terms of the Framework, SLP Policy P17, which seeks to protect the GB and the countryside in general, and the requirements of SLP Policy P15 that require good quality design that conserve or enhance local character.

Conditions – Appeals D and E

115. Those parts of the proposed developments that I am allowing are completed and are acceptable in their present forms. Given this, and as no conditions were proposed by either party, there is no need to attach any conditions to the planning permissions.

Conclusion Appeals D and E

Appeal D

116. For the reasons given above I conclude that the Ground (a) appeal should succeed in part only, and I will grant planning permission for the creation of a hard surfaced access track and bunds at Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, Solihull B92 0AS, but otherwise I will uphold the notice with variations and refuse to grant planning permission in respect of the creation of hard surfacing shown cross-hatched on the plan attached to this decision. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.

Appeal E

117. For the reasons set out above, I conclude that the appeal should be allowed insofar as it relates to the farm access tracks, bunds and associated landscaping and dismissed insofar as it relates to the agricultural hardstanding and fencing.

R Curnow

INSPECTOR



Plan

This is the plan referred to in my decision dated: 4 August 2025

by Roy Curnow MA BSc(Hons) DipTP MRTPI

Land at: Chestnuts Farm, Eastcote Lane, Hampton-In-Arden, SOLIHULL, B92 0AS
References: APP/Q4625/C/22/3311058 and APP/Q4625/W/22/3311049

Scale: Not to scale

