

APPEAL SYNOPSIS

Planning Inspectorate Reference: APP/Q4625/W/19/3223846

Location: Barn 2, Fernhill Barns, Fernhill Lane, Balsall Common, Solihull, CV7 7AN

Planning Application Number: PL/2018/02733/PPFL

Appeal Decision notice date: 26 September 2019. Appeal Dismissed

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Appeal Decision: Dismissed

This Appeal relates to the Councils decision for the conversion of a barn to a dwelling, with associated residential curtilage, parking and access drive.

The appeal site itself is part of Fernhill Barns, which were formerly agricultural buildings associated with Fernhill Farm. Prior approval was granted (ref: PL/2015/50724/PNCUDW) for the change of use from an existing agricultural building to residential use forming three two storey dwellings and ancillary curtilage. A subsequent application was made (ref: PL/2017/02165/VAR) to create three separate dwellings, this was refused, but permission was subsequently granted for two of the units (ref: PL/2017/03375/PPFL), known as plots 1 and 3, which have been largely completed as separate dwellings. This appeal related to plot 2 (barn 2) and proposed the retrospective retention of a 4 bedroomed dwelling which the Council maintain had been rebuilt as a new dwelling in the Green Belt and where Green Belt policy applies including;

- (1) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
- (2) The effect on the openness of the Green Belt; and
- (3) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Following the Inspector's site visit the Inspector concluded barn 2 (as built) constituted a new building, and that Local Authorities should regard the construction of new buildings in the Green Belt as inappropriate development and given it would not fall into any of the exceptions outlined in the NPPF it constituted inappropriate development in the Green Belt.

The Inspector therefore opined that barn 2 was inappropriate development in the Green Belt, which is by definition harmful and attributing substantial weight given to this harm. Minimal weight was attached to the considerations on the social and economic benefit of the proposal and its contribution to the housing supply. Consequently, the very special circumstances necessary to justify the development did not exist. The proposal would conflict with the development plan and there are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and the framework.

On this basis the appeal was therefore dismissed.

This is a very useful appeal decision for both officers and Members alike to help them understand Green Belt policy. In this instance there was a building on the site that had been demolished and replaced with another of a similar size etc. However, irrespective of what previously stood on the site, the proposal was for a newly constructed building and on that basis alone it represented inappropriate development in the Green Belt. The fact that a building previously occupied the site has no bearing whatsoever on this ruling.