

## **APPEAL SYNOPSIS**

**Planning Inspectorate Reference: APP/Q4625/W/19/3232478**

**Location: Brailes Farm, Fillongley Road, Meriden, Solihull CV7 7JX**

**Planning Application Number: PL/2019/00353/PPFL**

**Appeal Decision notice date: 27 September 2019. Appeal Dismissed**

This appeal related to the Council's decision to refusal planning permission for a construction of a private way and alteration of an existing access.

The main issue was the Council's interpretation and application of Green Belt policy regarding:-

- whether the proposal would be inappropriate development in the Green Belt and
- if the proposal 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 very special circumstances to justify it.

The Inspector agreed with parties that the proposed access track would be an engineering operation as referred to by paragraph 146(b) of the NPPF which is acceptable provided it preserves the (1) openness of the Green Belt and went on to assess the impact on openness and whether it would result in (2) encroachment into the countryside and went on to agree with the Council;

Regarding (1) openness, the proposed track would bisect a field and would include the creation of a wide concrete entrance and new gate, the latter of which would urbanise the site, not preserving the openness of the site resulting in moderate harm to the openness of the Green Belt. With regard to (2) encroachment, the urbanising effect of the proposed access track would have a harmful effect on the open and relatively exposed field resulting in encroachment into the Green Belt, contrary to policy P17 of the LP. The proposal would consequently fail to preserve the openness of the Green Belt and was therefore inappropriate development in the Green Belt.

Regarding the existing Walsh Lane access it was not adequately explained why the existing access points could not be improved. There is therefore limited evidence to illustrate that the existing access points are unsafe.

Paragraphs 143 and 144 of the NPPF set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances (VSC's). VSC's to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In summing up, the Inspector said the VSC's identified, including the access benefits to the farm holding, slightly improved highway safety and benefits to the business were of only moderate weight in favour of the proposal. As such the harm to the Green Belt was not clearly outweighed by the other considerations identified and therefore the VSC'S necessary to justify the development did not exist.

On this basis the Appeal was dismissed.