

APPEAL SYNOPSIS

Planning Inspectorate Reference: APP/Q4625/W/19/3230932

Location: Depot adjacent to Mayfield, Clock Lane, Bickenhill, Solihull B92 0DX

Planning Application Number: PL/2019/00395/PPFL

Appeal Decision notice date: 8 October 2019. Appeal Dismissed

This appeal related to the Council's decision to refusal planning permission for the change of use of a site used as an existing haulage contracting business and storage of vehicles (including the maintenance and repair of vehicles), to a site to be used for private car parking purposes. The site is located in the Green Belt and outside of the grounds of the airport.

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, including its effect upon openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the proposal is in a suitable location to provide car parking having regard to local policy;
- The effect of the proposal in terms of transportation;
- The effect of the proposal on the living conditions of residents in Clock Lane;
- The effect of the proposal on the character and appearance of the area; and
- If inappropriate, 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.

The Inspector opined as follows:-

Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt. The location of the proposal would conflict with the development plan policy and SPD approach to the provision of car parking for the Airport and NEC. Harm would arise from the transportation impacts of the proposal, to the character and appearance of the area and to the living conditions of residents at an adjacent property. These factors attract substantial weight.

The other considerations put forward by the Appellant regarding the historic use as a haulage yard in this case did not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development did not exist. Therefore, the proposal would be contrary to the Framework and to policy P17 of the LP which, amongst other matters, seeks to protect the Green Belt from inappropriate development.

For these reasons the appeal was dismissed.

