

**2013/1396/S LAND OPPOSITE 26 HOUNDSFIELD LANE TIDBURY GREEN**

Application No: 2013/1396/S

Ward/Area: BLYTHE

Location: LAND OPPOSITE 26 HOUNDSFIELD LANE TIDBURY GREEN SOLIHULL

Date Registered: 20/08/2013

Applicant: MR RICHARD FOX

Proposal: DEMOLISH EXISTING STORAGE AND AGRICULTURAL BUILDINGS ON LAND OPPOSITE 26 HOUNDSFIELD LANE AND ERECTION OF DORMER BUNGALOW AND GARAGE.

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**Documents Online:**

<http://www.solihull.gov.uk/planning/dc/ViewAppDetail.asp?Y=2013&R=1396>

**PROPOSAL**

The application seeks full planning permission to demolish two buildings on land opposite 26 Houndsfield Lane and erect a dormer bungalow and detached garage with associated driveway and residential garden.

The proposed dwelling would be positioned more or less centrally within the application site and would have a rectangular footprint measuring 18m in width and 7.2. The building, which would have a hipped roof, would have an eaves and ridge height of 2.7m and 6.1m respectively. The dwelling would display an open porch with gable roughly to the centre of the front elevation with a large forward facing gable to the right hand side. Two dormer windows are proposed to the rear roof slope together with a chimney stack. There would also be a large detailed chimney stack to the left hand side roof slope when looking at the front of the dwelling.

Internally, the accommodation would provide a hall, study, living room, kitchen, utility, lounge, two bedrooms, a bathroom and a wc at ground floor and 2 bedrooms and 2 en-suites at first floor.

The garage, which would be detached from the house, would be sited in front of the house to the east. The garage building would measure 6m by 7.5m and would have an eaves and ridge height of 2.6m and 5.5m respectively, with a traditional gabled roof design.

Councillor Brown has requested the application be heard at Planning Committee.

## **CONSULTATION RESPONSES**

|                              |   |  |
|------------------------------|---|--|
| Highways                     | : | Require additional plans to illustrate visibility splays   |
| Landscape                    | : | Views awaited  |
| Ecology                      | : | Request preliminary ecological appraisal   |
| Severn Trent Water           | : | No objections subject to condition.  |
| Tidbury Green Parish Council | : | Object on the basis that construction of the proposed dwelling is on Green Belt land and is consequently inappropriate. No very special circumstances exist and there is no demonstration that benefits of development would outweigh the harm caused to green belt. If approved it would surely set a precedence for others buying Green Belt land with a view to developing. |
| Neighbours Notified          | : | 22/08/13   |
| Site Notice                  | : | 22/08/13   |

## **REPRESENTATIONS**

One representation received from Councillor Brown who supports the application for the following reasons:

- Proposed dormer bungalow will not hold light from homes on the opposite side of the road and will not overpower them;
- This type of building will not be out of character for the area;
- Site area is 0.12 hectares which is not a large development area;
- There are no flood risks specific to the area;
- Little continuity in the Parish Council's thinking as they did not object to the gypsy/traveller site in Dickens Heath Road which will be far more intrusive than this site and in the Green Belt;
- The current Government policy is for barns and sheds on agricultural land/Green Belt to be allowed to be developed and I would rather this development goes ahead than have an appeal or a large detached house proposed which would be overpowering and hold out light to properties on the other side of the road;
- Development would not add too much congestion to the road system already in place.

## **POLICY**

Solihull UDP (2006)

H3 Type of Dwellings  
H5 Density, Design and Quality of Development  
T1 An Integrated and Sustainable Transport Strategy  
ENV2 Urban Design  
ENV13 Wildlife Species  
ENV14 Trees and Woodlands  
C2 Control of Development in the Green Belt

#### Draft Local Plan (Submission Document – September 2012)

Work has reached an advanced stage on preparing a development plan that will replace the adopted UDP. The DLP was submitted to the Planning Inspectorate for examination in September 2012 and the hearings took place in January 2013. Emerging plans are a material consideration and should be taken into account in determining applications. The weight that can be given to emerging plans varies with (a) the stage of preparation – being at an advanced stage it can be given more weight, (b) the extent of unresolved objections – with such objections the plan carries less weight and (c) consistency between the DLP and the NPPF – as it is consistent with the NPPF it carries greater weight. In these circumstances it is appropriate to give the plan limited/moderate weight depending on the extent of unresolved objections. Where these are relevant they will be addressed in the following paragraphs.

P4 Meeting Housing Needs  
P5 Provision of Land for Housing  
P7 Accessibility and Ease of Access  
P9 Climate Change  
P10 Natural Environment  
P14 Amenity  
P15 Securing Design Quality  
P17 Countryside and Green Belt

#### Government Guidance

National Planning Policy Framework

#### SPG/SPDs

Planning Guidelines to Housing Development  
Housing in Context – Guidance for Windfall Development  
Countryside Strategy – First Review 2010-2020

#### Financial Considerations

The Localism Act makes provision for local financial considerations to be taken into account as a material consideration in determining a planning application. Such matters may include contributions as a result of section 106 agreements, as these are directly related to the development and necessary

to make the proposals acceptable, such considerations will carry significant weight. Other financial considerations, including the benefit as a result of an increased New Homes Bonus (paid to authorities based on the number of new dwellings provided), are more general and whilst are a factor in favour of the grant of permission will only carry limited weight (unless otherwise stated in the later paragraphs of this report).

### Planning for Growth

This Ministerial Statement advises that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

### Housing Land Supply

Relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites. In the context of the presumption in favour of sustainable development, an application should be approved if a plan is out-of-date unless specific policies in the framework indicate otherwise. This includes the Green Belt. At the present time there is no adopted development plan that identifies sufficient housing to meet identified requirements, whilst this will be addressed through the DLP it indicates that weight should be given in favour of sustainable development.

## **PLANNING HISTORY**

None relevant

## **SITE DESCRIPTION**

The application site is located on the southern side of Houndsfield Lane, approximately 60m west of the junction with Tilehouse Lane.

The site is approximately 0.12 hectares in area and is currently home to two buildings. It is unclear when the buildings were built. The building that is located centrally in the site is block built and low in height with corrugated sheeting on the roof. The second building, which is located in the south western corner of the site has a similar footprint to the first building but is taller in parts and of less substantial construction.

There is evidence of buildings once being present to the south of the site and there are also some pig stys. Much of the site is covered in hardstanding but the boundaries benefit from dense planting with some mature trees especially adjacent to Houndsfield Lane.

The site is surrounded by open fields which sit between the site and Tidbury Green Golf Club.

## **MAIN ISSUES**

- Principle of Proposed Development and Green Belt
- Impact on the openness and visual amenity of the Green Belt and surrounding area
- Neighbouring Amenity
- Landscape and Ecology
- Highway Considerations

## **APPRAISAL**

### **Principle of Proposed Development and Green Belt**

The National Planning Policy Framework sets out the Government's planning policies for England and is underpinned by a presumption in favour of sustainable development. Although it aims to boost significantly the supply of housing, great importance is attached to the design of the built environment. It advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The application site is an isolated site (albeit opposite a ribbon of development) that is located within the designated Green Belt. Paragraph 78 of the NPPF confirms that the government attaches great importance to Green Belts with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness.

Paragraph 79 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues to advise that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF states that 'a local planning authority should consider the construction of new dwellings as inappropriate development in the Green Belt'. However, Paragraph 89 offers a list of exceptions to this rule which includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in

continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Previously developed land is defined within the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds or allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The Supporting Planning, Access and Design Statement states that the application site contains two large buildings, one of which is in two parts, and with a set of pig sties. The agents also suggest that the buildings were formerly used to repair and maintain gliders although there is no planning history to support a change of use from agriculture. As there is no planning history to support a business use on the site and with little happening on site when your officers visited. Your officers are not convinced that the site falls within previously developed land as defined by the NPPF. Indeed at the pre-application stage, your officers made the agents aware of this stance and suggested that if the wished to pursue the argument that the land is previously developed then an application for a Certificate of Lawfulness of Existing Use or Development should be submitted first to demonstrate that the business use is lawful. No application has been forthcoming.

Your officers are therefore not satisfied that the application site falls within previously developed land as defined by the Local Planning Authority and the proposed development is, therefore, considered inappropriate development within the Green Belt, which is harmful by definition.

#### Impact on the openness and visual amenity of the Green Belt and surrounding area

Notwithstanding the above, the existing buildings on site are very low key and the site has a very sylvan character. There is also a large amount of hardstanding throughout the site which appears to be the bases of former buildings that have long been demolished. Whilst dormer bungalows are common features on the northern side of Houndsfield Lane, the southern side where the application sits is open in character. The proposed dormer bungalow and detached garage would be of a much greater scale than the existing buildings which with its associated garden, driveway and other residential paraphernalia would introduce a very urban development that would be much more intrusive in this open setting than the existing buildings which, in my opinion, would cause unacceptable harm to the openness of the Green Belt and the purposes of including land within the Green Belt.

Furthermore, the proposed garage building appears unduly large in comparison with the main building with a ridge height that is nearly as tall as the dwelling itself.

The applicant makes reference to other cases within the Borough, including Potters Chicken Farm and Woolman's Nursery where dwellings have recently been approved on Green Belt sites where existing buildings were to be demolished. Whilst each case should be considered on its own merits, in these two instances, the buildings that were to be demolished were of a significantly larger scale/size and of a greater commercial scale than the buildings on this application site.

Therefore, your officers are strongly of the opinion that the proposed dwelling and associated infrastructure would have a significantly greater impact on the Green Belt than the existing buildings and hardstanding.

- Very Special Circumstances

The applicant maintains that the proposed development is not inappropriate and accords with paragraph 89 of the NPPF. Whilst no very special circumstances have been submitted the supporting Planning, Access and Design Statement does quote the recent changes to the General Permitted Development Order (GPDO) in May 2013 which allows for a change of use of existing agricultural buildings to uses including shops, financial and professional services, cafes, offices, storage and assembly and leisure uses. The statement also makes reference to the potential additional changes (subject to consultation) which may result in a further amendment to the GPDO to allow changes of use of agricultural buildings to residential units subject to certain criteria.

Conversion of the existing buildings would not necessarily be inappropriate development and indeed is an exception that is permitted under paragraph 90 of the NPPF provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

The Planning Statement also makes reference to the lack of 5 year housing supply.

- Balancing Exercise

The proposal would constitute inappropriate development in the Green Belt and it is therefore necessary for the applicant to demonstrate that there are very special circumstances, which are of sufficient weight to outweigh the harm by way of inappropriateness and any other harm.

Your officers give limited weight to the argument that the applicant's agent has put forward as indeed the conversion of existing buildings is not necessarily inappropriate as described by paragraph 90 of the NPPF. As has already been explained the existing buildings are low key whereas the

proposed building is much taller and bulkier than the two existing buildings which would have a much greater presence within this rural landscape.

In response to the lack of 5 year housing supply your officers would not consider the provision of 1 isolated dwelling to contribute so significantly toward housing supply that it should override the presumption against inappropriate development within the Green Belt and any other harm.

In order to demonstrate the existence of very special circumstances necessary to justify inappropriate development, the harm must be clearly outweighed by the benefits. This is a demanding requirement and I have concluded that in this case that limited weight should be given to the potential ability to convert existing redundant agricultural building to other uses and that the benefits of the scheme toward the lack of 5 year housing supply would not outweigh the detrimental harm that the proposed development would cause to the Green Belt and any other harm identified.

#### Neighbouring amenities

Policy ENV2 of the Solihull UDP (2006) seeks to protect and enhance the amenity of existing occupiers.

The nearest residential properties to the site are located on the opposite side of Houndsfield Lane. These dwellings are set well back from the road itself and there would be a separation distance of at least 40m between the front elevations of the existing properties and that of the proposed dwelling. Whilst the proposed garage would be located forward of the front wall of the proposed dwelling this separation distance is considered wholly adequate to not cause any undue harm to the amenities of these existing residents by way of loss of light, loss of privacy or any overbearing impact in accordance with Policy ENV2 of Solihull UDP.

#### Landscape and Ecology

Policy ENV14 relates to 'Trees & Woodlands' and seeks to safeguard important trees, hedgerows and woodlands, encourage new and replacement tree and hedgerow planting, which is further re-iterated in Policy P15 Securing Design Quality within the Solihull Draft Local Plan.

Policy ENV13 states that developments likely to cause harm to any protected species, species identified as uncommon, declining or under threat in the Warwickshire Local Biodiversity Action Plan, or its habitats will be permitted only if the developer agrees to take appropriate steps to secure its protection.

There are a number of trees and mature hedgerows along the boundaries of the site. The proposed buildings themselves would be sited well away from the boundaries and thus unlikely to cause harm to any of the existing landscape features. At the time of the pre-application enquiry an assessment was undertaken on the trees which established that the trees were not worthy of protection.

Should the development be approved a visibility splay would be required which would involve the some pruning works to the mature hedgerow that runs parallel to Houndsfield Lane. Your Landscape Architect has been consulted on the application and at the time of writing the report their views are awaited and you will be updated on this matter at your meeting.

With regard to the ecological aspect of the proposal your Ecologists note that the site is in a rural area with connectivity between habitats with potential scrub habitat which may be suitable for protected species such as nesting birds, reptiles and amphibians. There are also several ponds in the nearby surrounding area and there are records of bats, badgers and amphibians in the surrounding area. Your Ecologist therefore requires a preliminary ecological appraisal prior to the determination of the application. This has been requested and is due to be submitted imminently and the conclusions of this appraisal together with the comments from your Ecologist will be reported to you at your meeting.

### Highway Considerations

Policy T1 of Solihull UDP requires all development proposals that generate traffic to contribute positively towards the safe, efficient and easy movement of people and goods throughout the Borough in order to create an integrated and sustainable transport network for Solihull.

Your Highway Engineer has been consulted and has not raised any 'in-principle' objections to the proposed development, however, he has requested additional information regarding visibility details for the site access. This has now been provided and the comments of your Highway Engineer have been sought and you will be updated on this matter at your meeting.

### **CONCLUSION**

In Conclusion, the application site lies within the Green Belt where there is a general presumption against development, except for certain criteria. The application proposes to demolish the existing buildings on the land and provide a detached dormer bungalow with detached double garage and associated driveway and private garden. The proposed development represents inappropriate development in the Green Belt which is harmful by definition. The proposed development would introduce an urban form of development with buildings of a significantly greater size and scale than those existing which would cause detrimental harm to the openness of this part of the Green Belt and would also fail to assist in safeguarding the countryside from encroachment. Very special circumstances have not been demonstrated which would outweigh the harm caused. The proposal is therefore, contrary to the provisions of C2 of Solihull UDP 2006, Policy P17 of the Draft Local Plan and guidance contained within the National Planning Policy Framework.

Notwithstanding the above, the proposed development is considered acceptable from a highway safety point of view and there would be no adverse impact on trees or neighbouring residential amenities.

### **RECOMMENDATION**

For the reasons outlined above the application is recommended for refusal for the following reason:

1. The application site lies within the Green Belt where there is a general presumption against development, except for certain criteria. The application proposes to demolish the existing buildings on the land and provide a detached dormer bungalow with detached double garage and associated driveway and private garden. The proposed development represents inappropriate development in the Green Belt which is harmful by definition. The proposed development would introduce an urban form of development with buildings of a significantly greater size and scale than those existing which would cause detrimental harm to the openness of this part of the Green Belt and would also fail to assist in safeguarding the countryside from encroachment. Very special circumstances have not been demonstrated which would outweigh the harm caused. The proposal is therefore, contrary to the provisions of C2 of Solihull UDP 2006, Policy P17 of the Draft Local Plan and guidance contained within the National Planning Policy Framework.

NOTE: For the avoidance of doubt this decision refers to the plans as follows:  
Plan Number(s): 277 01B; RF/RGC/01; RF/RGC/02