

Our Ref: 18005 230627 LPA  
Planning Portal ref: PP-12272904

Development Management  
Solihull Metropolitan Borough Council  
Council House  
Manor Square  
Solihull  
B91 3QB

29 June 2023

Dear Sir/Madam,

**Householder Planning Application for Alterations and Extensions to Existing Dwelling  
Benton Lane Farm, Benton Green Lane, Benton Green, Berkswell, CV7 7AY**

1. We are today submitting a planning application via the Planning Portal in respect of the above on behalf of Mr & Mrs Bird, the owner of this property. The family is quite large and requires more living accommodation.
2. The proposal is for alterations and create a larger kitchen and family room.
3. This submission comprises:
  - Planning Application Form and Certificates
  - CIL Additional Information Form
  - Covering Letter with Explanatory Commentary (this letter)
  - Planning Application Drawings:

Reference	Title
18005(10)M-101	Location Plan
18005(20)0-201	Ground Floor Plan - As Existing
18005(20)1-201	First Floor Plan –As Existing
18005(25)M-201	Elevations –As Existing
18005(25)M-202	Elevations –As Existing
18005Ph4(10)M-P01-(10)M-401	Block Plan –As Proposed
18005Ph4(ALL)-P01-(20)0-401	Ground Floor Plan –As Proposed
18005Ph4(ALL)-P01-(25)M-401	Elevations –As Proposed
18005Ph4(ALL)-P01-(25)M-402	Elevations –As Proposed

4. The planning application fee for a householder application is £206.00 and has been paid directly to the Planning Portal.

## Explanatory Commentary

5. Previous applications have included
  - a. PL/2023/00242/CLOPUD, approved 23 June 2023 - Certificate of Lawful Development for proposed two-storey rear extension and addition of rooflights
  - b. PL/2022/02666/PNH, Prior Approval not required 26 January 2023 –Prior notification for a ground floor rear extension measuring 7.8m beyond the original rear wall, at a maximum height of 4m, and measuring 2.6m at the eaves  
*Please note that this application has been assigned to Benton Green Lane Farm on the Council's Planning Portal; the approved Location Plan confirms that the application relates to the applicant's property at Benton Lane Farm.*
  - c. PL/2022/01238/MINFHO, approved 9 December 2022 –Extension to the side of the existing house, adding layer of insulation and new brick finish to some elevations, enlarging window openings with new windows and amending dormer windows
  - d. PL/2021/01975/CLEUD, approved 16 September 2021 –Certificate of Lawful Development for existing land used as a garden for a continuous period of over ten years.
  - e. PL/2001/00166/FULL, approved 14 January 2002 - Planning Permission for rear ground floor extension for dining room, rear first floor extension for two bedrooms and sitting room and new front porch.
6. It is acknowledged that the approved extensions (a to c above) will take the additions to the original dwelling over the 40% extension limit normally allowed on properties in the Green Belt. Consequently, very special circumstances are required to support such a departure. The applicants recognise the need to make a case that the Authority can support. The family want to live together at the family home that they have lived in for many years and where the family grew up. They do not want to have to move and they would rather have accommodation that is suitable for them all.
7. In looking at the options, it has been determined through the Prior Approval process (PL/2022/02666/PNH, approved 26 January 2023) that a ground floor extension of 7.8m deep by 7.4m wide to the rear of the existing property fell within the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended) (the GDPO).
8. Whilst it is an option available to the applicants to build that extension without the need for planning permission, as confirmed by the Prior Approval, the applicants are keen to explore the possibility of an alternative arrangement that would better meet the family's needs.

Proposed

9. The proposed development seeks permission for an alternative extension to the rear of the property and porch to the front, the details of which are set out in the Block Plan (drawing 18005Ph4(10)M-P01-401), Floor Plan (drawing 18005Ph4(ALL)-P01-(20)0-401) and Elevations (drawings 18005Ph4(ALL)-P01-(25)M-401 and 18005Ph4(ALL)-P01-(25)M-401).
10. The proposed development would essentially replace the rear extension as confirmed as falling within Permitted Development, application PL/2022/02666/PNH, 26 January 2023.
11. When comparing the approved rear extension with that which is now proposed, the relevant calculations are:

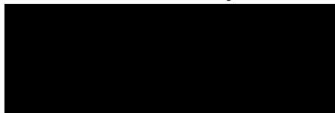
Element	GIA (m <sup>2</sup> )
Extensions approved under PL/2022/02666/PNH, Prior Approval not required 26 January 2023	50.00 m <sup>2</sup>
Extensions proposed subject to this planning application	49.60 m <sup>2</sup>
<b>Difference</b>	Less 0.4 m <sup>2</sup>

12. Accordingly, the difference between the approved scheme and that now proposed is a slight reduction in floorspace. Furthermore, the proposed rear extension, being narrower and longer than the approved scheme would provide a more compact arrangement, with less incursion of the built form into the garden and thereby have a lesser impact on the openness of the Green Belt.
13. In our view the Prior Approval represents genuine fallback position and is a material consideration in the planning balance.
14. To give comfort to the Authority that the property will not be further extended, should the Authority be minded to support the application, the applicants would be happy to accept the imposition of a suitably worded Condition removing permitted development rights under the GDPO, Schedule 2, Part 1, to further extend the property (in addition those already confirmed as acceptable), excluding Class E, incidental buildings, as that class does not provide for any house extension. They are prepared to accept this restriction in light of the genuine need for the proposed development to provide accommodation to support the whole family residing together.
15. It is acknowledged, the proposal that is before the Authority is somewhat beyond what would normally be allowed under Policy, albeit we do believe that it has been accepted elsewhere within the Borough, and it is our submission that the suggested approach would provide the Authority with a justification to support the proposal without the risk of further proposals for additions coming forward. Furthermore, it is accepted that such a scenario would clearly be unacceptable in Green Belt policy terms; however, we consider that the proposed restrictions on the ability to further extend the house that would flow from the imposition of a Condition, would provide sufficient and enforceable safeguards to preclude this occurrence.

16. Given the above circumstances, it is considered that sufficient special circumstances and mechanisms are available to the Authority to allow this proposal to progress to positive determination.

Please let us know if you require any additional information or clarification.

Yours faithfully,



**Alan Tyler** BA(Hons) MA CDipAF MRTPI  
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