The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2018

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2018.

Appeal Ref: APP/Q4625/W/17/3188046
Land at Grove Road, Knowle, Solihull B93 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Trustee of Mossie Ltd against the decision of Solihull Metropolitan Borough Council.
- The application Ref PL/2017/02190/PPOL, dated 17 August 2017, was refused by notice dated 11 October 2017.
- The development proposed is the erection of a single dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a single dwelling at land at Grove Road, Knowle, Solihull B93 0PL in accordance with the terms of the application, Ref PL/2017/02190/PPOL, dated 17 August 2017, subject to the following conditions:

   1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

   2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

   3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

   4) The development hereby permitted shall be carried out in accordance with drawing nos. 412/LOC, 412/01 and 412/02, but only insofar as regards the access details set out on those drawings.

   5) The development hereby permitted shall not commence until a scheme, which shall include drainage plans, for the disposal of foul and surface water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

Procedural matter

2. The application was made in outline with all matters other than access reserved for subsequent approval. I have dealt with the appeal on that basis, and have treated as indicative only all details other than the access on the submitted drawings.

Main Issue

3. The main issue is:

    - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework.

Reasons

Whether or not inappropriate development in the Green Belt

4. The National Planning Policy Framework ('Framework') sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate unless, amongst other things, it is limited infilling in villages.

5. Policy P17 of the Solihull Local Plan 2013 ('SLP'), which was published after the Framework, is consistent with the Framework's stance of not permitting inappropriate development in the Green Belt except in very special circumstances. It also states that limited infilling will not be considered inappropriate within the Green Belt settlements, providing that this will not have an adverse impact on their character. It continues that limited infilling shall be interpreted as the filling in of a small gap within an otherwise built-up frontage with not more than two dwellings.

6. The Council has drawn my attention to the justification for Policy P17 at paragraph 11.6.8 which sets out that limited infilling in villages will only be permitted in three specified settlements, which are washed over by the Green Belt, and that in the other Green Belt villages new building other than for agriculture and forestry, outdoor sport and recreation, cemeteries, and extensions, will be considered inappropriate.

7. This site comprises a slice of land, which the appellant describes as formerly used for grazing, which has some tall trees and hedgerows, including on its Grove Road frontage. It lies within the Green Belt, just beyond the settlement 'inset' boundary of Dorridge/Knowle, as identified on the SLP Proposals Map. Dorridge/Knowle is not one of those villages identified in SLP paragraph 11.6.8.

8. However, in his 29 October 2017 letter, and Planning Statement, the appellant refers to court and appeal decisions where village boundaries were held not to be determinative, and that a common-sense 'on the ground' view should be taken as to the physical extent of a village. Those include Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council 2015.

9. Whilst the site is beyond a settlement boundary, that boundary runs rather arbitrarily between houses a short distance to the west. Additionally, rather than falling within a Green Belt settlement, as referred to in Policy P17, it

seems to me that this site is within a ribbon of built development which extends out in a broadly continuous run from the centres of Dorridge/Knowle. It is easily accessible to a range of services and amenities as summarised at pages 3 and 4, and Appendix A, of the appellant's statement.

10. Given that context, and the site's proximity to local services, it is clearly physically and functionally related to Dorridge/Knowle. In such circumstances it would seem to me perverse to allow infilling in some smaller villages which are washed over by the Green Belt, but not to allow it in a ribbon of development which is also washed over by the Green Belt, but which extends out from two of the borough's larger and more sustainable settlements, which are excluded from it.

11. As this small site lies in an area of ribbon development, with a row of large houses set back from the road immediately to the east, and agricultural buildings together with dwellings closer to the road to the west and north-west, it is a small gap within an otherwise built-up frontage.

12. Consequently, from the evidence before me, and that of my visit, I conclude that the proposal would constitute limited infilling within a settlement, and that it would not be inappropriate development in the Green Belt. Having reached that conclusion it is neither necessary nor appropriate for me to consider the scheme's impact on the Green Belt's openness. For the above reasons the proposal would not conflict with SLP Policy P17 or the Framework.

Other matters

13. I have no evidence to conclude that this small slice of land, which is rather separated from the land behind, is necessary to be retained for agricultural purposes. Although it has been stated that it contains an ancient orchard, I have no cogent evidence before me that those trees are significant features which should be retained.

14. I understand that housing on the site was not accepted in the Council's Strategic Housing Land Assessment 2012. However, as set out in the Planning Practice Guidance, whilst such assessments are an important evidence source to inform plan making, they do not in themselves determine whether a site should be allocated for development.

15. The change from an open area of paddock to a dwelling within a domestic curtilage would alter the site's appearance. However, I am not persuaded that this small gap between buildings forms an essential component of the area's character. Subject to appropriate detailing and design, a dwelling here would fit in with its context.

16. Concerns have also been expressed that should the appeal be allowed, a precedent would be set, which could lead to further development including on land to the rear. However, I have dealt with this proposal on its merits and for the above reasons I am satisfied that a single dwelling here would be acceptable. An undesirable precedent would not therefore be set.

17. Access to the site would be from the outside of a bend on Grove Road. That road is fairly narrow and sinuous, and I have no reason to doubt that it is busy, especially during rush hours. However, the visibility at the access point is reasonably good, and the amount of traffic generated by a single dwelling would be modest. The Council raised no highway objections to the proposal,

and I have no reason to conclude that the scheme would give rise to significant highway safety concerns.

18. Severn Trent Water confirms that a public sewer crosses the site, but has raised no objections to the proposal subject to conditions, and I have no persuasive evidence to indicate that the sewer's presence would prevent the development taking place. Finally, the motivation of the landowner is not a relevant planning consideration.

Conclusions and conditions

19. I have found that the proposal would not be inappropriate development in the Green Belt. It is therefore unnecessary for me to go on to consider its impact on the Green Belt's openness, or whether there are other considerations in its favour. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that this scheme would accord with the SLP, as well as with the Framework. Having considered the other material considerations in this case, and with due regard to all other matters raised, the appeal will therefore be allowed.

20. Turning to the matter of conditions, the Council has not suggested any in the event that the appeal is allowed. However, I have imposed the standard time limit condition, and conditions regarding the submission and approval of reserved matters. I have also imposed a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as the access details which are not reserved for subsequent approval.

21. Drainage conditions are recommended by SMBC Drainage and Severn Trent Water. Having regard to the tests in the Framework, in the interests of providing a satisfactory means of drainage, as well as to prevent or to avoid exacerbating any flooding issues, and to minimise the risk of pollution, I have imposed a single, simplified, pre-commencement condition broadly as suggested.

22. For the above reasons, the appeal is allowed.

Chris Couper

INSPECTOR