



Appeal Decision

Site visit made on 23 March 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/Q4625/W/20/3262161

Land adjacent to the east of 351 Lugtrout Lane, Catherine-de-Barnes, Solihull B91 2TW

- 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 Mrs Caroline and Michelle Dowling against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01821/PPOL, dated 5 August 2020, was refused by notice dated 7 October 2020.
 - The development proposed is 2 detached self-build dwellings with associated amenity space and creation of a new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters except the proposed means of access reserved and I have determined the appeal on that basis. I have, however, had regard to the plans showing an indicative site layout and the appearance of a residential development.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development

Reasons

Whether inappropriate in the Green Belt

4. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the appellants draw my attention to Paragraph 145 e) in relation to limited infilling in villages.

5. Policy P17 of the Solihull Local Plan Shaping a Sustainable Future [2013] (SLP) states that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In relation to limited infilling, it states that it will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on their character. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings. Paragraph 11.6.8 of the SLP identifies the settlements within the Green Belt where some limited infilling might be permitted.
6. The site lies between a row of houses extending into the adjacent settlement area of Catherine de Barnes and a large detached bungalow some distance from the settlement boundary and detached from it. The land is open grassland and fronted by a line of trees and understory vegetation close to the carriageway of Lugtrout Lane.
7. The site is bordered by open field areas to the front and rear. It lies on a section of the road which is characterised by mature vegetated field boundaries, rural style fencing and an absence of footways. This provides an open rural aspect which contrasts sharply with the rows of consecutive houses set behind footways, formal boundaries and garden areas on either side of the road in the nearby built up area. The site's characteristics ensure that it appears as part of the wider countryside area about, and distinct from, the settlement area. The facts on the ground lead me to the conclusion the site lies outside of the village for the purposes of Paragraph 145.
8. According to the Council, the site frontage is approximately 60m wide. In the context of the adjacent settlement area, this distance would be capable of accommodating a conservative estimate of 5 dwellings across its width in order to reflect the character of development within the village. Although the proposal illustrates development limited to two dwellings, this would be a significant contrast to the prevailing pattern of development within the nearby village.
9. Whilst it would reflect the dispersed and spacious character of development outside of the settlement and could be designed to a high standard, even if I were to conclude the land formed part of the village, the site could not be construed as a 'small' gap against the prevailing pattern of built development. For those reasons, I conclude that the proposal would conflict with Policy P17 of the SLP as an inappropriate form of development in the Green Belt.
10. The proposal would introduce development on to a site that is currently substantially free from buildings and structures except for some boundary fences, a gated access and some loose chippings. By their presence, the erection of houses and formation of hardstandings would cause a loss of spatial openness. Furthermore, although any retained trees or hedging outside of the access visibility splays and new landscaping could provide some screening, views of the development would be apparent from the road and some areas of the surrounding landscape. This would cause a moderate loss to the visual openness of the site.
11. In addition, the erection of houses and formation of domesticated land about them would cause a form of encroachment into otherwise undeveloped parts of the site which present as open countryside. This would conflict with the stated

purpose of including land in the Green Belt to assist in safeguarding the countryside from encroachment (Paragraph 134c of the Framework).

12. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with one of the purposes of including land within it. As such it would be contrary to Policy P17 of the SLP which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

Other considerations

13. In support of the development the appellants indicate that the land scored poorly against the purposes of including land in the Green Belt in 2016. Nevertheless, I am not directed to any evidence indicating that the site's status in that respect is likely to change. It is therefore a matter of negligible weight.
14. The parties agree that the Council does not have a 5-year housing land supply and that the proposal would contribute, in a limited way, to the delivery of housing within the borough, some of which is anticipated to arise from small and medium sized windfall sites. Although the presumption in favour of sustainable development in Paragraph 11 of the Framework does not apply to development in Green Belt locations, the delivery of housing and attendant economic and social benefits, particularly in the context of the economic effects of the Covid-19 pandemic, are benefits of moderate weight in favour of the development.
15. The site lies within walking distance of a pub and convenience store on Hampton Lane. However, it fails to perform well on other accessibility criteria as set out in Policy P7 of the SLP, including access to frequent public transport services. In the absence of proposals to improve local public transport, cycling or walking measures, I find the site's location in terms of accessibility to services is not a benefit in favour of the development.
16. The appellants indicate that the proposal would be a self-build scheme. However, there is no substantive information submitted to demonstrate that the appellants, or the intended occupiers, are on the Council's register of individuals and associations seeking to acquire serviced plots under the terms of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Whilst the Act seeks to encourage contribution to housing supply from self-build and custom housebuilding sectors, such provision is not without due regard to the local development plan. Accordingly, in the absence of evidence to demonstrate that the Council is not meeting the registered demand for such plots, this is a matter of negligible weight.
17. The appellants state that the land is underutilised by them. Whilst I have no reason to doubt that might be the case, there is little evidence before me to demonstrate why it is restricted from being utilised by them, or others, in a productive manner consistent with its Green Belt status. In that context, I am not persuaded that the development of the site for 2 houses promotes the most effective use of the land. Accordingly, this is a matter to which I attribute minimal weight.

18. The absence of conflict with some (but not all) reasons for including land in the Green Belt and the support for the proposed location of the access are not benefits of the development.

Conclusion

19. The erection of dwellings on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to the openness of the Green Belt and conflict with its purpose of safeguarding the countryside from encroachment.
20. The considerations presented by the appellants with regard to delivery of housing, the social and economic benefits, self-build housing and the alternative use of the site, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR