



Appeal Decision

Hearing held on 17 October 2024

Site visit made on 17 October 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/Q4625/W/24/3338384

Land adjacent to Bradmoor, Eaves Green Lane, Meriden CV7 7JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Laura Jayne Carroll against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/00983/PPFL.
 - The development proposed is change of use from equine to C3 dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from equine to C3 dwellinghouse at Land adjacent to Bradmoor, Eaves Green Lane, Meriden CV7 7JN in accordance with the terms of the application, Ref PL/2023/00983/PPFL, subject to the conditions in the schedule below.

Preliminary Matters

2. It was agreed during the hearing that the spelling of the adjacent property, which is referenced in the site address, should be spelt as in the banner heading above.
3. During the course of the appeal the Council have withdrawn its Local Plan Review from examination. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The main parties were given the opportunity to comment on these changes, and their implications for the appeal scheme, prior to the hearing and the responses received have been taken into account. For the avoidance of doubt, references to the Framework in this decision are to the December 2023 version unless specifically stated otherwise.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies and including the effects on the openness, and;
 - Whether the site is suitably located for new housing, with particular regard to its accessibility by sustainable means of transport.

Reasons

Whether Inappropriate

5. The Framework, at paragraph 142, identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 154. Paragraph 155 lists other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. Policy P17 of the Solihull Local Plan 2013 (the LP) relates to the countryside and Green Belt. Among other provisions, it reiterates that inappropriate development in the Green Belt will not be permitted except in very special circumstances, and lists criteria applicable to development in the Green Belt which should be read in addition to national policy. This includes a provision for the re-use of buildings and states that the re-use of buildings and any associated use of land surrounding the building, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and purposes of including land within it. It adds that the form, bulk and general design of the buildings shall be in keeping with their surroundings. I also note a Green Belt Assessment of 2016 provided by a third party which finds this area to perform highly against four of the Green Belt purposes and contributes to the Meriden strategic gap.
7. The appellant considers the proposal would fall under two exceptions to inappropriate development set out in the Framework. These are paragraph 154g), which relates to the redevelopment of previously developed land, and/or 155d) relating to the re-use of buildings. I shall consider each of these in turn. The consideration of the effects of the proposal on openness are integral to the assessment of whether the proposal would meet those exceptions to inappropriate development.
8. Paragraph 154g) of the Framework includes the redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The main parties do not dispute that the site is previously developed land as defined by the Framework, and I have no strong reason to reach a different view.
9. My attention has been drawn to a condition of an earlier planning permission relating to the appeal site which granted planning permission for change of use from agriculture to equine and erection of a stable block¹. This required that, should the use of the stable block and hardstanding for the purposes of equine use permanently cease, the stable block and hard surfacing shall be removed. However, I have no reason to believe that the stable block would not otherwise remain in situ and I observed during my site visit that the stable block is of a permanent nature, having a concrete base, brick footings and a timber frame. The Council similarly accept the building to be of permanent and

¹ Condition 8 of PL/2015/51953/PPFL

substantial construction. Having regard to the wording of that condition and the findings of my site visit, I do not consider the stable block to be a temporary building for the purposes of assessment against paragraph 154g) of the Framework. Neither does the condition prevent the site from conforming to the definition of previously developed land, given it relates only to the stable block and hard surfacing, and the condition does not prohibit my consideration of the appeal scheme.

10. The ability of the proposal to fall under exception g) therefore relies on its impact on the openness of the Green Belt. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect². Therefore the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt and a number of factors are capable of being relevant in its assessment.
11. The appeal relates to part of a long and narrow site which extends southwards from Eaves Green Lane towards the A45. An existing cluster of predominantly timber buildings line the north western side of the site, set among areas of hard surfacing, parking areas and varying boundary treatments providing enclosures. The activity to the northern part of the site gives it a more vibrant character, which gives way to the open grassland on higher ground to the south. There is therefore a lesser sense of openness at the front of the site as a result of its existing characteristics and also its proximity to other residential properties along Eaves Green Lane to the east.
12. The Council accept that the alterations to the building itself would have a neutral effect on openness. The building would remain of the same scale and height, but with windows and doors added to its inward facing elevations. Given the scale and flush nature of the rooflights, they would similarly not cause a reduction in openness, either in spatial or visual terms.
13. The way in which the external spaces are used would, however, change as a result of the proposal. The front of the site is currently used for the parking of vehicles by the appellant while visiting the site. Based on the evidence, this occurs several times throughout the day and sometimes for extended periods. I observed various other paraphernalia on the site arising from its existing use, including pallets, storage of feed and means of enclosures, seating, as well as children's play equipment on the grass. While not all typically associated with an equine use, this paraphernalia clearly arises as a result of the way in which the appellant currently uses the site.
14. By contrast, the proposal would introduce permanent residents to the site who would use the spaces around the building as their private outdoor amenity space. This may entail the introduction of paraphernalia including furniture and play equipment, as well as car parking, as required by future occupants. However, this would be tightly contained to the front part of the site and the red line boundary to which the residential use would relate. The nature of paraphernalia could be somewhat different to the existing, however, having regard to the existing circumstances set out and the characteristics of the appeal site, the proposal would not cause an erosion of the Green Belt's openness in spatial terms.

² Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

15. In terms of the visual effects, views into the site are limited to those from Eaves Green Lane from the access and in glimpses from the road through the hedgerow, from where the existing buildings are visible. Some visibility into the site is also possible from the rear garden of Bradmoor. Given the existing character of the front part of the site and the nature of the changes as set out above, the visual aspect of the Green Belt's openness would be preserved. Overall, the proposal would not have a greater impact on the openness of the Green Belt than the existing development, and would meet the exception to inappropriate development at paragraph 154g) of the Framework.
16. Even if there were dispute as to whether the conversion would constitute redevelopment for the purposes of paragraph 154g), given it would reuse the existing building, the proposal could alternatively be considered under paragraph 155d) of the Framework. It is accepted that the building is of permanent and substantial construction and, based on the findings of my site visit I have no strong reason to doubt that it is capable of conversion. For the reasons set out, the proposal would preserve the openness of the Green Belt. Given the proposal would reuse an existing building and given the scale of the site, neither would there be conflict with the purposes of including land in the Green Belt. For these reasons together, the proposal would also adhere to the exception to inappropriate development at paragraph 155d) and the provisions given by Policy P17 of the LP.
17. In conclusion on this main issue, the proposal would not be inappropriate development in the Green Belt, and would comply with Policy P17 of the LP and the Green Belt provisions of the Framework. Accordingly, it is not necessary to consider whether other considerations exist to amount to very special circumstances for Green Belt purposes.

Location for Housing

18. Policy P7 of the LP states that all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. It sets out criteria which development is expected to meet, which include specified distances to services and facilities for housing development, unless justified by local circumstances. Policy P5 of the LP relates to the provision of land for housing, and states that unless there are exceptional circumstances, new housing will not be permitted in locations where accessibility to employment, centres and a range of services and facilities is poor.
19. The appeal site is approximately 2km from Meriden to the west, which is a village containing some services and facilities including shops and a school which is served by several bus routes. Meriden therefore has the ability to serve many of the day to day needs of future occupants of the proposal. Allesley similarly exists approximately 5km to the east. However, based on the evidence the distances to services and facilities would be beyond those stipulated in Policy P7.
20. The nearest bus stop to the site is adjacent to the bridge over the A45 which is served by two bus services providing services towards Birmingham and Coventry, which in turn provide good onward transport links. This is a relatively short walk and I observed other dog walkers using the road and occasionally the grass verges along this route. However, the route is unlit and there are no footpaths for much of the route. Parts of the road are very

narrow and tightly enclosed by hedgerows, which results in the need for pedestrians to walk on the road and in the path of traffic, including around the bend of Lodge Green Lane, where there is limited visibility of on-coming vehicles. While road signage encourages vehicles to slow while driving passed the houses, the route provides potentially hazardous conditions for pedestrians. The evidence of road traffic collisions on this stretch of road adds further to these concerns.

21. The routes to the nearest settlements are relatively flat and may appeal to some cyclists at certain times of year, and the evidence suggests the road is sometimes used by recreational walkers. However, for the above reasons the route to the nearest bus stop would be unattractive for pedestrians throughout the year to carry out day to day functions, particularly during dark hours. This would be even more so for those with children or mobility impairments.
22. Pedestrian routes towards Meriden are likely to be unattractive throughout the year for similar reasons, given the distance involved and due to the lack of a designated pedestrian environment and lighting, as well as stretches of fast moving traffic. The regular flooding evidenced on Eaves Green Road would also act as a further deterrent for pedestrians wishing to use that route.
23. As a consequence, while some more sustainable travel options do exist, it is highly likely that future occupants of the proposed development would be heavily reliant on car use. The site is not one which can be described as being in an accessible location, neither can the site be considered as being within a rural settlement, given the attributes of the small cluster of homes to which it would be adjacent. There is not substantive evidence of any other particular local circumstances, nor exceptional circumstances at this stage to suggest compliance with policies P5 or P7.
24. The appellant has referred to the provisions of the Framework relating to rural housing. However, given the distances involved it is not apparent that the provision of housing in this location would necessarily assist in supporting the nearby village rather than other settlements further afield. While the proposal would add an additional home to this small cluster of dwellings, there is not evidence of facilities or services within this cluster which the residents of the proposal would reasonably be expected to use and support. Accordingly, it would not enhance or maintain rural communities. The Council accept the site is not an isolated one for the purposes of the Framework and I have not considered those provisions further.
25. In conclusion on this main issue, the site is not suitably located for new housing, having poor accessibility to services and facilities by sustainable means of transport. The proposal would conflict with policies P5 and P7 of the LP summarised above and would not align with the provisions of the Framework in respect of rural housing.

Planning Balance

26. The Council accept that it cannot demonstrate a five year supply of deliverable housing sites and state that it had a 3.6 year supply in 2021, although accepting that figure is now several years old. As such the Council accept that the provisions of paragraph 11d) of the Framework are relevant to the appeal. In this case, the application of policies in the Framework which protect the Green Belt do not provide a clear reason for refusing the development

proposed. As such, paragraph 11d)ii comes into play and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

27. The adverse impact has been identified as the unsuitability of the site for housing, given its poor accessibility to services and facilities and reliance of future occupants on private cars. This presents conflict with the development plan and aspects of the Framework as set out. To this harm I ascribe considerable weight.
28. Turning to the benefits, the proposal would provide a new home, which would contribute as a windfall site to alleviating the deficit of new homes. While only providing one unit, cumulatively such sites can make an important contribution to the housing requirement, and the proposal could be built out relatively quickly. This benefit is of particular importance here given the absence of an appropriate land supply for housing and the significant uncertainty surrounding the Local Plan Review, its ability to deliver housing and its timescales. While I note the comments of the Leader of the Council regarding the importance of the Green Belt and development in sustainable locations, there is nonetheless significant uncertainty as to where new housing in the Borough will be located in the future. The proposal would accord with the Framework's objective to boost the supply of homes and related proposals contained in the draft changes to the Framework as well as the Written Ministerial Statement which is an expression of Government policy and describes support of brownfield development to deliver homes. In addition, there would be some economic benefits of the proposal arising from the construction process and on going expenditure by future residents, albeit these would be limited by the scale of the proposal. Nonetheless, taken together, these benefits similarly attract considerable weight.
29. I note the benefit the proposal would bring to the appellant and her family including her child's health. Despite the presence of their existing home a short distance away and established place within a local school, their ability to relocate to the appeal site would be a benefit of some importance. The appellant has put forward other considerations which could also amount to benefits of the proposal. There would be some security benefits as well as benefits to the welfare of animals through having a permanent occupation of the site, although it is not apparent that the appeal scheme is necessary to achieve those benefits. The proposal would enable the appellant to live at the site and reduce the need to travel from their current home. However, there would be other vehicle movements associated with the residential use of the site and the day to day activities of future occupants. As such I am not satisfied that a reduction in vehicle movements overall would be secured. Based on the evidence before me, together these benefits attract little weight.
30. The development could be a self-build home, which would contribute to addressing the acknowledged shortfall in the Borough. However, it is not apparent how this would be secured and I am not satisfied, based on what I have seen, that a condition could reasonably be imposed for this purpose in this case. Therefore this does not weigh in favour of the development.
31. Having considered the above factors, despite an adverse impact having been identified, this would not significantly and demonstrably outweigh the benefits,

when assessed against the policies in the Framework taken as a whole. It is therefore a material consideration that the proposal benefits from the presumption in favour of sustainable development set out in the Framework. I consider that this amounts to a material consideration of sufficient weight to outweigh the conflict found with the development plan.

Other Matters

32. There is evidence of a considerable number of road traffic accidents, as well as near misses, on the roads local to the appeal site and there are clearly existing safety concerns relating to this stretch of road. However, my considerations are limited to the effects of the appeal scheme and it would not itself cause harm to highway safety, nor unacceptably add to these existing problems given its scale and the number of movements involved. The proposal would also use the existing and established point of access onto the highway. I note the comments of the Secretary of State regarding the impacts associated with a scheme for gypsy and traveller accommodation on a larger site along Eaves Green Lane, which I understand encompassed the current appeal site (the 2011 decision³). Indeed that Inspector noted inadequacies of the road network and quantum of local road traffic accidents. Nonetheless the resulting traffic impacts would have been materially different for that scheme, serving eight pitches and involving larger vehicles.
33. A map forming part of the Meriden Parish Neighbourhood Plan 2021 identifies land to the south and west of the appeal site as accommodating protected species of amphibians and reptiles. This is consistent with the findings of the 2011 decision, where some harm was identified to Great Crested Newts (GCNs) given the proximity of a number of ponds. Nonetheless, this related to a larger site and many years have passed. I observed a narrow water course running under part of the appeal site from the boundary with Bradmoor to the road edge. However, water levels were low and I have no strong reason to believe that this accommodates GCNs. In the absence of other substantive evidence relating to their habitats or presence which would be affected by this particular development, I do not consider that harmful effects would arise. Similarly, while there are characteristics in the surrounding area which may support bat populations, there is not substantive evidence to suggest that these would be affected by the proposed development. I observed that the existing building appeared sealed and there is not evidence which would lead me to conclude that it accommodates bats. I therefore find the proposal acceptable in this regard.
34. While acknowledging concerns for the road conditions outside the site, the proposal would provide an acceptable standard of accommodation for future occupants and include suitable areas of outdoor amenity space. While there would be a change to the way in which the site was used, the proposal would not cause harm to the character of the area, particularly given its proximity to other residential uses and as it would reuse an existing building. Given its scale, relationship to the nearest properties, and attributes of the existing use, neither would there be unacceptable harm to the living conditions enjoyed by occupants of neighbouring properties.
35. The site is identified as one at high risk from surface water flooding and there is substantial evidence of localised flooding along Eaves Green Lane to the

³ APP/Q4625/A/10/2133561 24 October 2011

west. The Lead Local Flood Authority were consulted on the proposal and recommended that the appellant be advised of generalised measures to provide resilience. I have no strong reason to believe they could not be achieved. The proposal before me would not reduce the permeability of the site and I am satisfied that the proposal would not harmfully increase the risk of flooding on the site or beyond the site's boundaries.

36. There may be emissions arising from vehicle movements associated with the proposal, however I do not have evidence to suggest this would be substantial nor that the proposal would conflict with policies regarding climate change. There may be additional information which local residents may have found useful to understand the proposal. However, I have found the extent of information and drawings submitted to be adequate to assess the appeal scheme.
37. Concerns are raised in respect of fire risk given the proximity of the building to the boundary, however given the distance involved this does not amount to a reason to withhold planning permission. Neither am I able to speculate regarding future proposals for the site, given the considerations of this appeal are limited to the description of development sought. I have had regard to the other comments made by the appellant, for example regarding the consistency of the development plan with the Framework, however it is not necessary to consider these matters further since they would not alter the outcome of the appeal.

Conditions

38. A list of conditions agreed between the main parties has been provided and additional conditions were also discussed during the course of the hearing. I have considered these in light of the Planning Practice Guidance (PPG).
39. In addition to the standard time limit condition, a condition is necessary to list the approved drawings to provide certainty to the parties. Given the policy requirement for biodiversity net gain in Policy P10 of the LP, details of such enhancements should be secured by condition and this is integrated with the condition relating to details of hard and soft landscaping which is necessary for visual reasons. Similarly for visual reasons, details of external lighting on the appeal site should be subject to a condition.
40. Conditions were discussed relating to the roadside hedge, which is an important feature of the rural landscape. However, given the scale of the works, and distance of the stable building from it, a condition to protect the hedge during construction would not be necessary to make the development acceptable. As the majority of that hedgerow lies outside the scope of the appeal site, neither would it be necessary or reasonable to condition its retention, since this would be outside the appellant's control. A condition to link the appeal site to the land to the south does also not meet the test of necessity. It is relevant that access to that land is via the appeal site and that land would be outside the change of use to which this decision relates.
41. As above, given the nature of the proposed development and findings in respect of protected species, details of construction management for environmental purposes, including surveys and mitigation, would not meet the tests of necessity or reasonableness. Neither is the acceptability of the

proposal reliant on the particular circumstances of the appellant and a condition restricting occupancy to the appellant is also not necessary.

Conclusion

42. The appeal scheme would not adhere to the development plan taken as a whole but material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, for the reasons given, and having regard to all other matters raised, the appeal is allowed.

C Shearing

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Green	Green Planning Studio
Laura Jayne Carroll	Appellant

FOR THE COUNCIL

Rebecca Matravers	Senior Development Officer, Solihull Metropolitan Borough Council
Lawrence Osbourne	Planning Officer, Solihull Metropolitan Borough Council

INTERESTED PARTIES

Peter Tufnell	Tufnell Town and Country Planning
David McGrath	Local Resident
Mike Buy	Local Resident

DOCUMENTS SUBMITTED DURING THE HEARING

- Signed copy of the Witness Statement of Ms Laura Jayne Carroll- replicating the draft copy appended to the appellant's Statement of Case;
- Copy of Figure 33 of the Meriden Neighbourhood Development Plan 2021- containing a map showing the Character Areas of Million's Wood and Eaves Green;
- Emails of 15 and 16 October 2024 containing representations made in favour of the proposal.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 001 Rev.P01, 002 Rev.P01, 003 Rev.P01, 004 Rev.P01, 005 Rev.P01.
- 3) Prior to the first occupation of the dwelling hereby approved, details of a scheme of hard and soft landscaping for the site shall be submitted to, and approved in writing by, the local planning authority. This shall include details of biodiversity enhancements. The development shall be carried out in accordance with the approved details and the approved biodiversity enhancements shall be installed in full not later than 6 months following the first occupation, and shall be maintained at all times.
- 4) All planting forming part of the approved soft landscaping scheme shall be carried out in the first planting season following the first occupation of the development and any trees or plants which, within a period of two years from their planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 5) External lighting shall not be installed to the site unless details have first been submitted to, and approved in writing by, the local planning authority. External lighting shall be installed only in accordance with the details approved.

End of Schedule