



Appeal Decision

Site visit made on 25 September 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/Q4625/D/24/3343247

6 Pool Meadow Close, Solihull B91 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs T Akhtar against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/00789/MINFHO.
 - The development proposed is described as 'boundary brick wall which replaced an original brick dwarf boundary wall.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have omitted wording regarding the retention of the boundary wall from the description of development as the retrospective nature of the scheme is not a form of development. The description above alludes to the development having been carried out in any event and I was able to see on my site visit that it had been completed. I have proceeded on this basis.
4. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) was published. The changes therein, as far as they relate to the substantive matters of the appeal, have not however changed fundamentally. Both main parties acknowledge that the appeal site is within the Green Belt. The appellant's statement includes comments in this regard. I have therefore considered the appeal proposal against the Green Belt policies in the Framework. I am satisfied that neither main party or their respective cases would be prejudiced by this approach or proceeding without further consultation.

Main Issues

5. The main issues therefore are a) whether the boundary wall is inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt and c) the character and appearance of the area; and d) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other
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harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

6. The Framework establishes that development in the Green Belt is inappropriate unless a specified exception applies. These are listed by paragraphs 154 and 155. A building is development for these purposes and a building can be any structure or erection. Brick walls can thus be reasonably considered as buildings and therefore development for the purposes of the Framework.
7. Policy P17 of the Solihull Local Plan 2013 (LP) states that inappropriate development in the Green Belt will not be permitted except in very special circumstances. The policy goes on to list several provisions where a development would not be inappropriate in the Green Belt, however none of these provisions apply to the boundary wall.
8. The boundary wall is a building in its own right and does not constitute an extension to the existing dwelling. The wall therefore does not fall within any of the exceptions set out in the Framework. It is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance explains that openness can have spatial and visual aspects. The wall is an enclosing feature, and its presence has resulted in an unavoidable reduction in the openness of the Green Belt spatially. It is against a backdrop of surrounding residential buildings and isn't significant in height. The effect on the visual aspect of the Green Belt's openness is therefore tempered. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, any reduction to the Green Belt's openness would be harmful. This would be in addition to that caused by the inappropriateness of the development.

Character and Appearance

10. The appeal site comprises a large detached dwelling on a prominent plot in Pool Meadow Close, a group of dwellings situated behind a row of properties along Warwick Road. The houses are set back from the street with front gardens and driveways. Some of the front boundaries have low walls or hedging of varying heights, and in other cases they have nothing. Overall, the street scene is open, green and pleasant.
11. The wall itself is relatively modest in height. However, it is substantially higher than the dwarf wall at the adjacent property at 7 Pool Meadow Close which, when taken together with the considerable length of wall and the prominent position of the site, results in the wall being a dominant feature in the street scene which jars unacceptably with the open character.
12. The wall is adjacent a taller brick wall to the rear of 964 Warwick Road. This wall is next to the part of the road which passes between 964 and 966 which leads to the dwellings in Pool Meadow Close. As the wall at No 964 ends, the road forks and opens up, revealing the dwellings in Pool Meadow Close. There

is a marked difference in spaciousness when comparing the road between Nos 964 and 966 and the rest of Pool Meadow Close. As such the wall to the rear of No 964 does not justify the one at the appeal site.

13. The appellant states that the wall, gates and pillars are between 0.4m and 0.9m higher than that which would be allowed under permitted development. However, such a wall would be significantly lower than the existing and therefore would have less of an impact on the street scene. As such, the fallback position of a lower wall does not justify the current one.
14. For the reasons above, the development detracts from the character and appearance of the area. The wall therefore conflicts with LP Policy P15, insofar as it requires to conserve and enhance local character. The reason for refusal also cites a conflict with LP Policy P10, which has regard to the natural environment, including the green economy, woodland, landscape features, habitats and biodiversity. The Council's report includes no assessment of these matters or Policy P10. Based on the evidence before me I have no reason to find any conflict with this policy.

Other Considerations

15. The wall provides security for the site. Although given its modest height any security improvements would be limited.

Conclusion and Recommendation

16. The boundary wall causes harm to the Green Belt by way of inappropriateness and reducing openness as well as detrimentally affecting the character and appearance of the area. Substantial weight should be afforded to these matters. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Those I have identified would not attract sufficient weight to clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the boundary wall do not exist. As well as LP Policy P15, the boundary wall therefore does not accord with LP Policy P17, the aims of which I have set out above.
17. There are thus no material considerations, including the approach of the Framework and worthy of sufficient weight, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR