



Appeal Decision

Site visit made on 19 February 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/Q4625/W/24/3356863

65 Wood Lane, Earlswood, Solihull B94 5JH

- 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 Mr Mark Evans against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/01093/PPFL.
 - The development proposed is change of use from existing outbuilding to separate dwelling with associated changes in fenestration. Access remains the same.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from existing outbuilding to separate dwelling with associated changes in fenestration. Access remains the same at 65 Wood Lane, Earlswood, Solihull B94 5JH in accordance with the terms of the application, Ref PL/2024/01093/PPFL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.
3. The appeal site is in the Green Belt. The Framework confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Council state that the proposal would not compromise the openness of the Green Belt. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with the guidance set down in the Framework on this matter.

Main Issue

4. The main issue is whether the proposal is in a suitable location for housing with regard to the Council's spatial strategy and access to services.

Reasons

5. The appeal site comprises a detached outbuilding which is set back from Wood Lane in line with the host dwelling and has a separate access from Wood Lane.

The dwellings on Wood Lane are detached from the nearby settlement of Earlswood. It is proposed to change the use of the outbuilding to a 3-bedroom dwelling.

6. The Solihull Local Plan (2013) (SLP) establishes the Council's approach to the distribution of development. This seeks to focus development within its most accessible locations to enhance accessibility levels. SLP Policy P7 sets out numerical accessibility criteria for the location of housing development in relation to specified services and facilities. Earlswood is well supported by facilities including a restaurant, shop, post office and public house and there is no evidence that routes to Earlswood would be unsuitable for journeys on foot or by bicycle. Additionally, nearby train stations and bus stops in Earlswood offer a degree of choice as to the mode of travel. Nonetheless, the proposal would not meet the distances prescribed for the listed facilities in SLP policy P7. Therefore, conflict arises with the Council's spatial strategy and those aims of SLP Policy P7 as set out above.

Planning Balance

7. The Council accepts that it is unable to demonstrate a 5-year housing land supply. Paragraph 11 d) of the Framework indicates that, in such circumstances, 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 taken as a whole.
8. Given the location of the site beyond the settlement boundary I have found conflict with the Council's spatial strategy as set out in the SLP. However, there remains a pressing need for housing to address the deficit in the borough. The site has reasonable access to facilities in Earlswood, meaning that future occupiers would not necessarily be reliant on the private vehicle without reasonable and genuine alternatives. In these circumstances, I afford limited weight to the conflict with SLP Policy P7 which determines the location and related accessibility of development.
9. The dwelling would make a small yet meaningful contribution towards the area's housing supply and there would be benefits to local services following the occupation of the development. Given the supply shortfall, the provision of housing to meet the identified need attracts substantial weight in favour of the appeal. Given this, and the limited weight to be afforded to the conflict with the spatial strategy, I find that the adverse impacts identified would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development, as set out in the Framework, applies. Given this, there are material considerations that indicate that the proposal should be determined other than in accordance with the development plan.

Conditions

10. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance, without altering their fundamental aims.
11. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the

interest of certainty. A condition relating to the provision of bin storage facilities is necessary to ensure the provision of this necessary residential facility. A condition concerning the removal of permitted development rights is necessary in order to ensure that extensions and alterations to the dwelling do not result in harm to the openness of the Green Belt.

Conclusion

12. The proposed development would conflict with the development plan. However, in this case material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved drawings: 6088.01, 6088.02, 6088.04.
- 3.) Prior to the first occupation of the development hereby approved, a refuse collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The refuse collection strategy shall provide details of refuse storage and collection. The approved strategy shall be implemented prior to the first occupation of the development hereby approved and shall thereafter be retained for the lifetime of the development.
- 4.) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E & G of Part 1 of Schedule 2 and Class A of Part 2 to the Order shall be undertaken.