



Appeal Decision

Site visit made on 17 February 2025

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/Q4625/W/24/3353337

Eastcote Cottage, Barston Lane, Barston, Solihull B92 0JJ

- 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 Ken Flood against the decision of The Solihull Metropolitan Borough Council.
 - The application reference is PL/2023/01721/PPFL.
 - The development proposed is *“the redevelopment of 3No. outbuildings within the curtilage of Eastcote Cottage, to provide one new detached dwelling with associated access and landscaping. The total footprint of the three existing buildings proposed to be demolished is 140sqm, whilst the new dwelling has a footprint of 117.5sqm, so the overall footprint will be reduced from the existing buildings. The new dwelling is 1.5 storeys, with the majority of the building being a single storey at ground level”*.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of 3No. outbuildings within the curtilage of Eastcote Cottage, to provide one new detached dwelling with associated access and landscaping. The total footprint of the three existing buildings proposed to be demolished is 140sqm, whilst the new dwelling has a footprint of 117.5sqm, so the overall footprint will be reduced from the existing buildings. The new dwelling is 1.5 storeys, with the majority of the building being a single storey at ground level at Eastcote Cottage, Barston Lane, Barston, Solihull B92 0JJ in accordance with the terms of the application, reference PL/2023/01721/PPFL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The evidence is inconsistent as to whether the tree survey (TS) included within the appeal documents was before the Council when it determined the application. Nonetheless, the Council has had the opportunity to comment on the TS as part of the appeal process. I am therefore satisfied that no prejudice is caused in me taking it into account in my decision.
3. In order to overcome duplications in drawing numbers and titles, an updated roof plan was submitted during the appeal process. No changes were made to the plan other than its number and title. The Council has been provided with the opportunity to comment on the submission of the updated plan. Given the nature of the changes, there is no procedural unfairness in me accepting the plan.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issues

5. 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;
- whether the site is a suitable location for the proposed development, having regard to accessibility by sustainable travel modes; and,
- the effect of the proposal on the character and appearance of the area, including its effect on trees.

Reasons

Whether inappropriate development

6. The appeal site lies in the West Midlands Green Belt. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate, other than in a few listed exceptions including at paragraph 154 g): *“limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”*.
7. Policy P17 of the Solihull Local Plan Shaping a Sustainable Future (December 2013) (LP) also seeks to protect the Green Belt from inappropriate development. However, Policy P17 is not entirely consistent with the latest version of the Framework in that it provides a more stringent test when considering proposals that involve the re-use of land.
8. In the absence of substantive evidence to indicate otherwise, the appeal site is occupied by permanent outbuildings, hardstanding and garden areas within the curtilage of Eastcote Cottage, which would be redeveloped to deliver a new dwelling. Due to the site’s location outside of a built-up area, garden areas are not excluded from the Framework’s definition of previously developed land (PDL). The site therefore comprises PDL.
9. The proposed dwelling would have a smaller footprint than the outbuildings it would replace, and it would not exceed the maximum height of the tallest structure to be demolished. However, at 1.5 storeys, the dwelling would permanently increase the overall proportion of built development above ground floor level, and it would have a greater total volume than the existing buildings. Moreover, whilst there would be an overall reduction in hardstanding, the parking area and associated domestic paraphernalia would bring built form closer to the road on areas of the site that are currently laid to grass. Consequently, there would be some loss of openness in both visual and spatial terms.
10. Nonetheless, the site already has a domestic character and existing views through to the rear of the site from the road are limited due to the height, width and siting of the existing outbuildings. Moreover, there would be limited change in the amount of space to the side of Eastcote Cottage, and the low profile of the new building would largely retain the existing upward views towards the sky. When taken together with its deep setback and the areas of grass that would be re-provided

along the road frontage, the site would retain a degree of openness in-keeping with the existing character of the site. It follows that the harm that would be caused to the openness of the Green Belt would not be substantial.

11. On this basis, I conclude that the proposal falls within the exception set out in paragraph 154 g) of the Framework and therefore it would not be inappropriate development in the Green Belt. It follows that it is not necessary for very special circumstances to be present to outweigh the harm to Green Belt by way of inappropriateness and any other harm and, therefore, there would be no conflict with Policy P17 of the LP insofar as it is consistent with the Framework.

Whether a suitable location

12. Amongst other criteria, Policy P5 of the LP states that new housing will be supported on unidentified sites in accessible locations. The policy also 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 is poor. Policy P8 of the LP also seeks to promote and encourage the use of sustainable modes of transport, namely walking, cycling and public transport.
13. Accessibility criteria for developments is set out in Policy P7 of the LP, which includes maximum walking distances to specific services and facilities. However, Policy P7 states that residential development proposals for fewer than 3 dwellings in rural settlements will be exempt from the criteria.
14. I have not been directed to a definition of “rural settlement” in the LP and there is no such definition in the Framework. Therefore, it is ultimately a matter of planning judgement as to whether or not the site lies within a rural settlement. However, in forming a judgement on this matter, I have had regard to the fact that settlements come in a range of sizes and not all settlements contain services and facilities.
15. Although loose knit in places, the dwellings along this part of Barston Lane are clearly formed as a ribbon development, with an intensification of built form and activity near to the Barston Lane/Knowle Road crossroads. Here, there are some proximate services and facilities, including a private health facility, a nursery school, and a public house. Taken together, the area comprises a collection of dwellings with some services and facilities formed in a group, and it therefore has the character of a small rural settlement that would be exempt from the specific accessibility requirements set out in Policy P7 of the LP.
16. Nonetheless, whilst the appeal site is within a short walking distance of the aforementioned facilities, future occupants would need to travel further afield including to Knowle, Hampton-in-Arden, and Solihull to access a wider range of services, employment opportunities, and public transport connections. Given the short distance from the appeal site, future occupants would have the option to cycle to Hampton-in-Arden from where there are onward services by bus and rail, including to major urban centres. It could also be feasible to cycle to Solihull. However, this would entail a longer journey and would likely require travel along highly trafficked roads with fast moving vehicles. For this reason and given the absence of consistent street lighting along Barston Lane and Knowle Road, future residents could be deterred from cycling, particularly during hours of darkness and in inclement weather.

17. I have not been directed to any bus services from Eastcote. Therefore, in all reasonable likelihood, future occupiers of the dwelling would be heavily reliant on the use of the private car to meet their daily needs. Whilst some of these journeys could be undertaken by electric vehicles, this could not be guaranteed.
18. Due to the absence of a bus service, the distance to the nearest service centres, and the absence of segregated and lit walking and cycling routes, there is limited opportunity for sustainable travel modes to be prioritised. Therefore, the site has poor connectivity to services and facilities by sustainable travel modes, and it does not have the character of an accessible location. Consequently, even if the appeal site is exempt from the specific accessibility criteria in Policy P7 of the LP, the development would fail overall to accord with the accessibility requirements of Policies P5 and P8 of the LP.

Character and appearance

19. The appeal site lies at the edge of a linear development of detached dwellings. Whilst there is a degree of variety in the spacings between the existing dwellings, the appeal site has the character of an infill plot due to its proximity to both Eastcote Cottage and the nearest building within the adjacent retirement village. The footprint of the proposed dwelling would be similar to other dwellings along the road, and it would occupy a plot of comparable dimensions. Moreover, there would be no increase in the number of vehicle access points from the lane because the primary vehicle entrance to Eastcote Cottage would be relocated to an existing access off Wood Lane.
20. There would inevitably be an increase in the amount of hardstanding within close proximity to Barston Lane along with the domestic paraphernalia associated with an additional family. However, the site already has a domestic character owing to the presence of the existing outbuildings and boundary treatments, and the appearance of the built form along the site frontage would be softened by grassed areas and landscaping. Moreover, at 1.5 storeys high and with a modest footprint, the building would have a low profile and a relatively discrete presence, particularly given it would be observed in context with the large adjacent care home building. Therefore, the proposal would safeguard the rural character of the area.
21. I have not been provided with a Character Assessment for the locality. However, there is wide variety in the external appearance of existing buildings, due to the mix of red-brick and painted houses and the cream cladding that characterises the adjacent care home buildings. Therefore, whilst the natural timber-clad exterior of the proposed dwelling would add further to this mix, it would not be unsympathetic to its context. Furthermore, the dwelling would be set well-back from the street such that longer views of it would be largely restricted by the building line of Eastcote Cottage and frontage trees. Nonetheless, and notwithstanding the submitted plans, the external materials could be secured through condition, which would enable the Council the opportunity to ensure they are appropriate to the local context.
22. The site has a verdant character owing in part to the tree-lined boundary with the adjacent care home. The TS identifies that most of the trees along the boundary are located on the far side of a ditch, on third party land. Due to the distance between the trees and the proposed dwelling, as well as the intervening ditch, I

have no reason to doubt the conclusions of the TS that no harm would arise to those trees as a result of the development.

23. Three trees within the site boundary are proposed for removal, which are identified within the TS as either not suitable for retention or low quality. Given the condition of the specimens to be removed, their loss would not result in harm to the collective amenity value of the trees on and adjacent to the site.
24. As set out in the TS, retained trees could be safeguarded during the construction process through appropriate tree protection measures, which could be secured through condition.
25. Overall, I conclude that no harm would be caused to the character and appearance of the area, including through the effects of the proposal on trees. It follows that there would be no conflict with Policies P10, P14 and P15 of the LP, which expect development to conserve and enhance local character and to safeguard important trees and landscape features.

Planning Balance

26. The proposal would comply with development plan policies in respect of the Green Belt and the character and appearance of the area, including trees. However, the site would have poor accessibility to employment centres and services and facilities, which brings the proposal into conflict with Policies P5 and P8 of the LP and therefore with the development plan when read as a whole. In these circumstances, proposals should normally be refused unless material considerations indicate otherwise.
27. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites as is required by the Framework. I have not been provided with an update on the housing land supply position since the application was determined, at which point the Council stated it had a supply of 4.64 years. Whilst this is a reasonably modest shortfall, it nonetheless evidences that additional housing is needed in the local area.
28. In this circumstance, paragraph 11 d) of the Framework states that permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
29. I have found the proposal would not be inappropriate development in the Green Belt. Therefore, paragraph 11 d) i. of the Framework does not apply, and the proposal falls to be considered under the test set out in paragraph 11 d) ii.
30. The Framework does not preclude housing in rural areas, particularly where it would support the vitality of rural communities. It also makes the point that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst the site is not served by public transport, and opportunities for walking and cycling would be limited, private car journeys from a single

additional dwelling would be low in number. Moreover, given the short distance to Hampton-in-Arden in particular, car journeys would be brief, and they would enable future residents to undertake onward journeys to higher order settlements by bus and train. In these circumstances, the poor accessibility of the site carries moderate negative weight.

31. Set against this, I attach substantial positive weight to the value of making more effective use of this brownfield site, which would deliver an additional housing unit whilst also maintaining the rural character of the area. Moreover, whilst the social and economic benefits of a single dwelling would be limited, I nonetheless attach moderate positive weight to housing delivery given the shortfall in the housing land supply.
32. Overall, in the specific circumstances of this case, I conclude that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to the key policies listed in footnote 9 of the Framework in combination. It follows that the presumption in favour of sustainable development applies, which leads me to a decision otherwise than in accordance with the development plan.

Conditions

33. The Council did not provide a list of suggested conditions as part of the appeal. However, I have had regard to the conditions suggested in consultation responses to the Council during the application process. Both parties have been provided with the opportunity to comment on the conditions and I have taken the comments received into account.
34. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
35. A pre-commencement condition is required to secure a programme of archaeological works, to ensure that harm to potential archaeological remains is mitigated, and any assets are recovered, before the site is developed. A separate condition is included to secure the reporting and publication of the archaeological findings in the interests of recording the heritage asset.
36. In order to safeguard the character of the area, I have included conditions requiring the protection of trees, the submission of details of external materials, landscaping, hard surfacing materials and boundary treatments. The surfacing details for the site access are also necessary in the interests of highway safety.
37. It is necessary to include a condition securing biodiversity enhancements to ensure the proposal enhances biodiversity.
38. It is necessary to secure the delivery of the site access and visibility splays to safeguard highway safety.
39. There is no substantive evidence before me to indicate the site is likely to be contaminated. Therefore, it is not necessary to include precautionary conditions relating to contaminated land.

Conclusion

40. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

E Catchside

INSPECTOR

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 the following drawing nos: EX_100 Rev 00, GA_200 Rev 01, GA_201 Rev 01, GA_202 Rev 02, GA_210 Rev 01, GA_300 Rev 01, and GA_301 Rev 01.
- 3) No development shall take place until a programme of archaeological investigation has been undertaken in accordance with a Written Scheme of Investigation that has first been submitted to and approved in writing by the local planning authority.
- 4) Within six months of the completion of the archaeological investigation carried out pursuant to condition 3, a final archaeological report shall be submitted to and approved in writing by the local planning authority. The report shall include any post-excavation analysis, a full site archive, and proposed details of publication of the report. The approved report shall thereafter be made available for publication in accordance with the approved details.
- 5) The demolition and construction works hereby permitted shall be carried out in complete accordance with the tree protection measures set out in the Tree Survey entitled BS 5837 (2012) Survey Tree in Relation to Design, Demolition and Construction dated 1 February 2024.
- 6) Notwithstanding the details shown on the approved plans, no development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 7) No development above slab level shall take place until a fully detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) The details of existing planting to be retained and removed;
 - b) Details of all proposed planting, seeding, and turfing; and

c) A maintenance strategy for all retained and proposed plants and trees.

The approved landscaping scheme shall thereafter be implemented in its entirety in the first planting season (September to March) following the occupation of the dwelling or the completion of the development, whichever is sooner. Any trees or plants which, within a period of 5 years from 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.

- 8) No development shall take place above slab level until details of all boundary treatments and hard surfacing materials, including the site access, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 9) No development above slab level shall take place until a biodiversity enhancement scheme, to include the details of at least one swallow nest box, has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for the implementation of the biodiversity enhancement measures. The approved biodiversity enhancement scheme shall thereafter be carried out in accordance with the approved details.
- 10) The development shall not be occupied until the access, parking, and turning arrangements have been provided as shown on the approved plans.
- 11) The development shall not be occupied until visibility splays have been provided from a point 0.6 metres above carriageway level at the centre of the site access and 2.4 metres back from the near side edge of the adjoining carriageway (measured perpendicularly), for a distance of 120 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. The visibility splays shall thereafter be retained as constructed and kept free from obstruction.

END OF SCHEDULE