



Appeal Decision

Site visit made on 7 January 2025 by A Khan BSc (Hons) MA MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/Q4625/D/24/3352303

Little Croft, Back Lane, Meriden, Solihull CV7 7LD

- 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 Paul Ingram against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2024/00588/MINFHO.
- The development proposed is erection of gate and two brick piers.

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. The revised National Planning Policy Framework (Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, considered the appeal, having regard to the revised Framework.
4. The development as described above has been carried out. As part of my site visit, I was also able to observe that a wire fence and timber posts have been installed in front of the existing hedge. Furthermore, an extended parking area has been constructed, as shown on a proposed site plan included within the appellant's submissions, which did not form part of the original planning application. Having regard to the Wheatcroft principles¹, the revised details were not considered by the Council in their determination of the planning application and were not subject to a period of public consultation.
5. Furthermore, the Planning Appeals: Procedural Guide makes it clear that the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. I do not know the circumstances which led to the construction of this extended parking area, but this does not form part of the proposal before me. My findings therefore relate to the scheme as determined by the Council.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Main Issues

6. The main issues are:

- i) whether the proposal is inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies,
- ii) the effect of the proposal on the character and appearance of the area,
- iii) the effect of the proposal on highway safety, and
- iv) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether inappropriate development and openness

7. The appeal site lies within the Green Belt. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. The appeal scheme includes a new gate and two brick piers on either side, which is not included as one of the exceptions stated in the Framework as permissible within the Green Belt.
8. The site previously comprised two driveway openings, which have been replaced by hedging on one side and the gate with its associated piers on the other. This has resulted in the introduction of a solid barrier where there was previously none, causing harm to the openness of the Green Belt, both in visual and spatial terms.
9. The proposal does not represent a type of development permitted in the Green Belt with regard to Paragraph 154 of the Framework. The appeal scheme therefore constitutes inappropriate development in the Green Belt and results in a loss of openness of the Green Belt. The development is therefore contrary to the Green Belt safeguarding aims set out in Policy P17 of the Solihull Local Plan [December 2013] (LP).

Character and appearance

10. The appeal site lies within a quiet, residential area with dwellings spaciouly set apart along the road. Dwellings are typically set back from the road and have open frontages, low front boundary treatments and/or greenery. The spacious feel of the area combined with the greenery contribute to its pleasant open and rural character.
11. By reason of their excessive height and inappropriate design, the gate and two brick piers introduce a harsh, dominant feature that appears at odds with the existing open frontages characteristic of the area. The development dominates the entrance and thus unduly stands out as an incongruous addition which detracts from the open character of the area.
12. A nearby property, Holly Nook, also features brick pillars and metal gates. However, I do not have the full details of this particular scheme and cannot therefore be certain that a direct parallel can be drawn with the appeal before me, notably in respect of the policies that applied at the time it would have been considered by the Council. In addition, the Holly Nook gate is located further away from the public highway and is not directly comparable. In any case, it is essential

to assess the design and impact of this feature in relation to the specific context of the appeal site.

13. The appeal scheme is located closer to the road and does not align with the predominant low-level features that contribute to the area's open and rural character. The uniqueness of this example underscores the harmful effect of the development on the established character and appearance of the street scene. The gates and brick pier design appears in stark contrast to the prevalent low front boundary treatments and greenery found in the surrounding area. Although the development is set back from the road, the distance is not sufficient to mitigate the harm caused by its unduly dominant visual presence.
14. Consequently, the development significantly harms the character and appearance of the area. The proposal is therefore contrary to LP Policy P15, which states that development will be expected to conserve and enhance local character, distinctiveness and streetscape quality. In addition, the proposal is contrary to the Council's House Extension Guidelines Supplementary Planning Document [Adopted February 2010], which notably seeks to ensure that boundary walls and fences adjacent to the road harmonise with the character and local distinctiveness of the street scene. I however find no conflict with LP Policy P10, which focuses on the protection of the natural environment and is therefore of limited relevance to the appeal scheme itself.

Highway safety

15. The site benefits from an existing vehicular access onto Back Lane, which can be described as a rural, relatively narrow carriageway. The previous arrangement with two ungated access points enabled vehicles to enter and exit the site in a forward gear. However, due to their excessive height, the brick piers now significantly impede sightlines for traffic on Back Lane.
16. This is particularly critical, given the 40mph speed limit of this road, and that no evidence has been presented by the appellant to demonstrate that drivers do not adhere to the posted speed limit. Whilst the site may be large enough to accommodate the provision of parking and turning areas, thus enabling vehicles to leave the site in a forward gear, this would not eliminate the risks associated with inadequate visibility when exiting the site access. The combination of high speed traffic and limited sightlines create a potentially dangerous situation which compromises highway safety.
17. In addition, the gate is set back less than 5 metres from the edge of the highway, contrary to the requirements of Solihull Design and Adoption Guide. The gate's lack of sufficient offset from the highway can lead to hazardous situations where vehicles are obstructing the highway whilst the gate is opening or closing. This increases the risk of the free flow of traffic being obstructed, and the safety of road users being compromised.
18. Given the above, the development has an unacceptable impact on highway safety and is contrary to LP Policy P8, which states that development resulting in a reduction in safety for any highway users will not be permitted. It also conflicts with paragraph 116 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other considerations

19. Paragraph 153 of the Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
20. The appellant has highlighted safety and security concerns regarding their parked vehicles within the appeal site, which are supported by detailed evidence. I have sympathy for the difficulties which the appellant has experienced and accept that a tall electric gate may improve safety and security, but there may be other measures that could potentially assist with achieving this. In the absence of further evidence to demonstrate that there are no other, less harmful alternatives or mechanisms which could deliver similar outcomes, this consideration can only hold modest weight.
21. The appellant mentions that if the gates were 1 metre or less in height, they would fall under permitted development rights. However, this does not justify the current development, which exceeds this height significantly. I have therefore afforded very little weight to this argument.

Conclusion and Recommendation

22. The appeal scheme constitutes inappropriate development in the Green Belt and reduces openness. I ascribe substantial weight to the harm caused to the Green Belt and openness. Moderate weight is given to the harm which the development causes to the character and appearance of the area and highway safety. The proposal therefore conflicts with national and local planning policies. Other than the modest weight which I have ascribed to improved safety and security, I have afforded very limited weight to other considerations presented in favour of the development.
23. The harm caused by the development is not clearly outweighed by the other considerations advanced in support, whether taken individually or cumulatively. Consequently, the very special circumstances required to justify inappropriate development in the Green Belt do not exist.
24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Edwards

INSPECTOR