



Appeal Decision

Site visit made on 4 April, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/Q4625/W/24/3356067

West Warwickshire Club Ltd, Grange Road, Solihul B91 1DA

- 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 Mr Peter Gordon/Game4Padel Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/01241/PPFL.
 - The application is for proposed 3 No. Padel tennis courts (with canopy and internal lighting) and 1 No. uncovered Padel court (with lighting) to replace 2 No. existing synthetic surfaced, floodlit tennis courts.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 May 2025.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the character and appearance of the Olton Conservation Area.

Procedural Matter

3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 (updated 7 February 2025) whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

4. The appeal site forms part of the West Warwickshire Club which occupies a large site within the Olton Conservation Area (CA). A sports club of some kind has been located on this site since around 1892 when the area of land was used as a cricket club. From around 1919 the site was used as a tennis club and has been in a similar use ever since with the sports of tennis and cricket still being played within the site.
5. Although the area of Olton has earlier Medieval origins the development of the cricket club largely reflects the later Victorian and Edwardian development of

the Olton Conservation Area which is largely defined by the early suburban development of houses seemingly inspired by the Arts and Crafts and the Garden Cities movements. As such the houses are often grand but reflect traditional vernacular forms in their use of Mock Tudor detailing, traditional materials, brick, tile and render. Most houses stand within generous plots often behind robust frontage landscaping and those houses along St Bernards Road are particularly good examples of this character where the combination of residential suburb and surrounding open space forms a delicate and positive contribution to the overall character.

6. The former cricket ground was contemporary with the earliest houses in this new suburb at the time and originally consisted of two tennis courts, a bowling green, pavilion and cricket ground. The site has developed extensively since this time and although the cricket ground is still in existence the site and buildings have expanded considerably downhill towards the Olton Mere reservoir where enclosed hard surface tennis and football courts have developed. Tennis courts currently exist upon the location of the appeal site and are bounded by 3m high mesh fencing along with 15m high netting that is supported on posts presumably to prevent balls entering the cricket pitch. These courts are also lit by 17m high lighting columns.
7. The proposal before me seeks permission to develop some of these courts further and to effectively make them all-weather courts under a bulbous polycarbonate structure. As a result, the very high 15m mesh fencing would be removed as would the 17m high lighting columns. These would be replaced by a curving roofed building that would reach to around 6.2m to its eaves with an increase to around 9.3m at its highest point. Although, unhelpfully, there is no site elevation of this proposal that shows the adjoining club house building in context to this proposal, the overall height is stated to be slightly lower than the ridge of this building. The courts within would be lit until around 10pm and only when in use.
8. In considering this appeal I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of The Olton Conservation Area. This is reflected in The National Planning Policy Framework (The Framework), which states that 'Great Weight' should be given to the heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.
9. Alongside the great weight to be given to the historic environment, the Council also have a Policy P20 which recognises the importance of multi functional sports facilities and this policy promotes the improvement of such facilities. The Council have applied moderate weight to this policy and I see no reason to differ from this.
10. The contribution of this site to the CA is largely one of openness to the principal road that is St Bernard's Road and for a backdrop to the cricket ground that has been in this location for over 100 years. This is significant and is partially defined by the openness and longer distance views that give the cricket ground, despite later development around its edges, a more informal, semi rural feel. Although bounded by high, partially evergreen hedging there are

views and glimpses over the cricket ground towards the hillside trees that demark the far extremity of the CA around the Olton Reservoir. Such views are recognised within the CA appraisal¹ to be of importance and reflect the origins of the suburb whereby views were obtained over the cricket ground to the landscape beyond.

11. Although this view and openness is now partially obscured by the existing netting and the lamp columns that surround the existing courts, the perception of openness is still available and the tree line around the reservoir still clearly visible. In contrast the proposal before me would introduce a building here which, although being slightly lower and of a translucent material, would introduce a structure of considerably more permanence and solidity.
12. Regarding this I do not readily accept the opinion of the Appellant's consultants that this building would somehow appear transparent to such an extent as to have an insignificant effect upon these views. I cannot see this as being a credible assessment and it fails to take into account the inevitable tarnishing of the polycarbonate material or the likely glare, reflection or night time lighting that would occur and give the building more perceived solidity and stature.
13. Ultimately, this proposal continues the development of this site with more physical infrastructure. Moreover, this development would be constructed to the upper levels of this site rather than further down the hill, away from St Bernard's Road where many of the most positive buildings within the CA are located. There is therefore a greater potential for such development to affect the areas of most importance in understanding the significance of this part of the CA.
14. As such, and in the absence of any further visuals to persuade me otherwise, I consider that, although this building would not extend and cover the whole outlook over the cricket ground, it would still significantly alter this outlook from key viewpoints along both St Bernard's Road and from within the cricket ground itself. Although there is little evidence to enable me to visualise the effect at night, when assessed with regards the likely glare of internal lighting, albeit occasional, and the likelihood of reflection upon and glow from within the structure, the scheme would undoubtedly result in less than substantial harm at the lower end of the scale both in the daytime and, potentially, at night.
15. The Appellant has advanced several public benefits that they consider are sufficient to outweigh this harm. These include the economic benefits of this scheme as well as the potential of the proposal to encourage more people to become active and involved in sports, especially those younger people. These benefits however could exist even if the scheme was developed upon a different location and, as such, even when allowing for the moderate weight in applying Policy P20 this does not outweigh the balance and the weight to be given to the historic environment.
16. Ultimately, this is a finely balanced decision. However, I have no evidence before me as to why this scheme could not occur to a less intrusive part of the site and the assessment of visual impacts or the submitted plans are not

¹ The document The Olton Conservation Area – Analysis of its Character and Appearance was formerly adopted on 12 October 2005. Section 9 refers explicitly to the long distance views from St Bernard's Road over the cricket ground as being significant.

sufficient to convince me that such a structure would have such a negligible impact upon the character and appearance of the Conservation Area within which it sits.

17. Ultimately therefore, the proposal before me would not contribute in a positive manner to the character and appearance of the area and would not preserve or enhance the CA, it would therefore be contrary to the Policy requirements of Policies P15 and P16 of the Solihull Local Plan and the aspirations for good design as advanced within the Framework itself.

Conclusion

18. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR