



Appeal Decision

Inquiry held on 2-4 and 9-11 December 2025

Site visit made on 10 December 2025

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th February 2026

Appeal Ref: APP/V4630/W/25/3369937

Land West of Longwood Lane, Walsall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by William Davis Homes Limited against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 24/0009.
 - The development proposed is for up to 115 dwellings with all matters reserved except for access position onto Longwood Lane, comprising of a mix of market and affordable dwellings, green infrastructure, and associated facilitating works.
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Decision

1. The appeal is allowed and planning permission is granted for up to 115 dwellings with all matters reserved except for access position onto Longwood Lane, comprising of a mix of market and affordable dwellings, green infrastructure, and associated facilitating works at Land West of Longwood Lane, Walsall, in accordance with the terms of the application, Ref 24/0009, subject to the 19 conditions in the attached schedule.

Preliminary Matters

2. The original application form dated 19 December 2023 sought full planning permission for the erection of 115 dwellings with associated infrastructure. However, a revised application form dated 17 December 2024 sought outline planning permission for development described in the banner heading above. Amended documents and plans were submitted at the same time and were subject to additional public consultation before the Council made its decision.
3. The revised application form states that all matters are reserved except for access. Approval is only sought at this stage for the access position onto Longwood Lane, the details of which are shown on a specific plan (ref 17-0596001 P09). A land use parameter plan (ref P23-0422_DE_013A) and a site location plan (ref P23-0422_DE_001) complete the formal plans for this proposal. All other matters relating to access would be determined at the reserved matters stage. I have had regard to the illustrative masterplan (ref P23-0422_DE_012F) and the illustrative landscape masterplan (ref P23-0422_EN_0002_H_0001), but consider that all details shown are indicative only, apart from the access position.
4. The Birmingham and Black Country Wildlife Trust (BBCWT) were awarded Rule 6 status early in the appeal process and took an active role at the Inquiry.
5. In addition to the accompanied site visit on 10 December 2025, I looked at the area surrounding the site on 1 December 2025 and observed traffic movements along

Longwood Lane and Sutton Road in the morning and evening peak hours on 1, 8, 9 and 10 December 2025. I also visited the services and facilities to the south of the site identified in Figure 2 of the appellant's transport proof of evidence.

6. A completed and executed Section 106 agreement (S106) dated 12 December 2025 was submitted shortly after the Inquiry closed. This is assessed below.
7. A draft update to the National Planning Policy Framework (NPPF) was published on 16 December 2025. The parties consider that the draft text should carry limited weight as it is subject to change. I concur with this position. The appellant has highlighted proposed amendments or additional text in the consultation draft, which I have noted. Nevertheless, the current NPPF remains the primary document for the purposes of this decision in terms of national policy matters.

Main Issues

8. The pre-Inquiry case management conference set out 8 main issues. Due to my findings on inappropriate development in the Green Belt, it has not been necessary to cover Green Belt openness and purposes and so this main issue has been omitted. Moreover, the appellant and the Council agree that infrastructure provision can be addressed by conditions and the S106 agreement. Therefore, the remaining main issues are as follows:
 - (a) the effect of the proposal on biodiversity, species and habitats, including the Wood End Farm Site of Local Importance for Nature Conservation (SLINC);
 - (b) the effect of the proposal on trees, including ancient and veteran specimens;
 - (c) the effect of the proposal on highway safety and capacity, including on the junction between Longwood Lane and Sutton Road;
 - (d) the extent of the shortfall in the Council's 5 year housing land supply;
 - (e) whether the proposal would be inappropriate development in the Green Belt, having particular regard to paragraph 155 of the NPPF and any relevant development plan policies; and
 - (f) the overall planning balance, having regard to any relevant material considerations including any proposed benefits.

Reasons

The site and its surroundings

9. The appeal site is located to the west of Longwood Lane and to the north of Sutton Road adjacent to suburban development. It contains a series of field parcels subdivided by fencing, trees and hedgerows along with an existing access point onto Longwood Lane. The parcel nearest to the road is used as a paddock for the adjoining stables, while those beyond are rougher grassland.
10. The site's eastern boundary borders the road and ribbon development of large houses on Longwood Lane and Sutton Road. The northern and southern boundaries are clearly defined by trees and hedgerows apart from the north-east corner where the land is more open around the paddock and access point. The western boundary is defined by post and wire fencing and scrub vegetation.

11. The pattern of field parcels continues to the north and east of the site across the countryside between Walsall and Aldridge. It also continues to the south in a small area of land bounded by the ribbon development on Sutton Road and the Rushall Canal. To the west of the site, beyond the canal and its embankment, is the large open space that forms Walsall Country Park and Arboretum extending around the north-east side of the town.

Biodiversity

Policy context and consistency

12. Policy ENV1 of the Black Country Core Strategy 2011 (CS) requires development to safeguard nature conservation by ensuring that, amongst other things, locally designated nature conservation sites (including SLINC) are protected from proposals which could negatively impact upon them. The third paragraph of the policy states that where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully mitigated. Compensation will only be accepted in exceptional circumstances, and a mitigation strategy must accompany relevant planning applications. The monitoring target supporting this policy, which is also noted in the Council's Natural Environment Supplementary Planning Document (SPD) 2013, seeks no net reduction in the area of designated nature conservation sites through development.
13. While CS Policy ENV1 is the principal policy in contention, Policy ENV23 of the Walsall Unitary Development Plan 2025 (UDP) follows a similar approach in seeking to safeguard features of value for wildlife and requiring mitigation and compensation measures where the loss or damage of such features is unavoidable. UDP Policy ENV24 looks to avoid development that would sever or unacceptably harm the integrity of a wildlife corridor. Policy EN1 of the Walsall Site Allocations Document 2019 (SAD) confirms the boundaries and extent of Walsall's nature conservation designations. It seeks to protect, manage and enhance them in accordance with the NPPF and relevant development plan policies, and requires mitigation or compensation if harm to biodiversity cannot be reduced or eliminated.
14. NPPF paragraph 187(a) seeks the protection of sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. NPPF paragraph 187(d) seeks net gains for biodiversity. NPPF paragraph 192(a) requires plans to identify, map and safeguard local wildlife-rich habitats and wider ecological networks, including locally designated sites of importance for biodiversity. NPPF paragraph 193(a) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then permission should be refused. NPPF paragraph 194(d) promotes improvements to biodiversity and measurable net gains.
15. While CS Policy ENV1 starts from a position of protecting local conservation sites from harm, it also recognises that the development of such sites might be necessary. The NPPF does not refer to a 'strategic benefits' balance, but the emphasis of paragraphs 187, 192 and 193 is about safeguarding biodiversity. Moreover, both the policy and paragraph 193(a) set out similar approaches to avoiding harm and mitigating effects. As for the approach to compensation, there is little difference in my mind between the terms 'last resort' and 'exceptional

circumstances'. Both indicate something that should only be done if it has not been possible to avoid or mitigate effects. Therefore, I consider that CS Policy ENV1 is broadly consistent with the NPPF.

Baseline

16. The site comprises around 48% of the Wood End Farm SLINC which also includes the fields to the south. The SLINC also forms part of a wildlife corridor that connects several designated sites within the borough including those along and adjacent to the canal. It was first designated in 1990 and has been subject to further surveys since then, with the most recent review in 2018. The citation for the SLINC notes the presence of horse grazed poor semi-improved grassland and set aside and unmanaged semi-improved neutral grassland with associated native hedgerows, field pond and streams. It also notes the presence of local bird and invertebrate populations. SLINC are local designations only and so have less protection in law or planning policy than a national or international site. Nevertheless, they have significance locally as part of a network of ecological sites and so have a moderate level of importance.
17. The 2018 review noted that tall herb and scrub habitat has colonised most of the SLINC. The review set out various recommendations such as active hedgerow and meadow management, invasive species removal, and regular surveys, but it is not clear if these have occurred. It is apparent from the evidence before me, including my site visit, that the SLINC continues to experience the encroachment of blackthorn and scrub. It is possible that deterioration of the SLINC could affect its conservation status. However, in the absence of any further review of the SLINC, I have proceeded on the basis that it remains designated and have relied on the evidence presented.
18. The appellant's ecological surveys, conducted over the past few years, have formed the baseline for this proposal. They indicate that while the northern field (known as SI4) comprises 'other neutral grassland' (ONG), the southern fields (SI5 and SI6) are a lower quality 'modified grassland' (previously classified as poor semi-improved grassland). This is based on the number of species found within a square metre. It is unfortunate that some of the quadrat data in the Ecological Impact Assessment (EclA) was presented as though it was 1m by 1m when it was 2m by 2m, as this indicated a more species rich location. However, 1m by 1m quadrats have been carried out for biodiversity net gain (BNG) purposes and these confirm that insufficient species are present in SI5 and SI6 to count as ONG.
19. The hedgerow surveys referenced in the EclA found more than 5 species in three specific hedgerows (H2, H3 and H4), but not within a single 30m stretch required to be classified as species rich. Again, it is unfortunate that the EclA was not clearer on these findings, but this does not alter the overall baseline.
20. Conversely, the line of trees along the site's road frontage (H1) could fairly be described as a species rich hedgerow with an uplift in the baseline value of around 1.3 units. Furthermore, the 274m of unsurveyed hedgerow along the site's northern boundary, generally agreed to be in a moderate condition, could reasonably be added to the baseline at around 3.7 units. There are several self-set trees within the site that could now be included in the baseline due to their diameter. Some are Hawthorns which are not counted as 'Trees' in the UK Habitats Classification (UKHC). However, this distinction is not made in the UKHC for Hawthorns under

‘Young Trees – Self-Set’, so it is not unreasonable to include all these trees in the baseline at approximately 2 units. These various additions would result in no more than a moderate uplift to the overall baseline.

21. Interested party evidence, in the form of academic journals and old maps, notes the presence of a historic landscape across the site and surrounding land. It is possible that this area experienced a pattern of medieval moats and assarts (clearances for agricultural purposes) separated by hedgerows, but it is difficult to be certain as the earliest maps date from the 18th century and the archaeological information is limited. It is apparent that the field pattern across the site is at least 200 years old and hedgerow boundaries may have changed little. However, while this evidence underlines the time depth of this location, it does not materially affect the baseline in terms of biodiversity values.

Effects of the proposal on biodiversity

22. While the masterplans are illustrative, the land use plan and the quantum of housing proposed means that built development would erode a large part of the existing fields within the site, including the one field agreed to be ONG, and reduce significantly the size of the overall SLINC. Even without any inclusions to the baseline, it is accepted by the appellant that (post-mitigation) there would be a net loss in habitats of 22.4 units. Therefore, the damage to the SLINC and the harm to biodiversity would be significant. This in turn engages the mitigation hierarchy in the third paragraph of CS Policy ENV1 and NPPF paragraph 193(a).
23. Dealing first with avoidance, the proposed retention of the remaining part of northern field as ONG, along with other existing features, would help to reduce the damage to biodiversity within the site. However, harm would not be avoided across the site having regard to what would be lost through this development.
24. It is conceivable, even without a 5 year housing supply, that alternative sites with less harmful impacts could exist elsewhere in the borough. Although this site was previously included as a housing allocation in the now-abandoned draft Black Country Plan, and other SLINC have been identified by the Council for potential allocation, it has not been demonstrated that the loss of nature conservation sites is inevitable to meet housing requirements. Only 10% of the borough is designated for nature conservation reasons. Neither the appellant nor the Council have highlighted any alternative sites and there is no requirement to carry out a sequential test on this matter. In the absence of such evidence, I am unable to conclude that the harm could be avoided. Therefore, it is necessary to consider whether the proposed mitigation would be sufficient.
25. The illustrative landscape masterplan and indicative landscape and ecological management plan (LEMP) show how the remaining area of ONG in the northern field could be better managed and enhanced with the development in place. The same could be achieved for retained hedgerows and other undeveloped parcels of land within the site, while the creation of new habitats and other measures would help to boost biodiversity and safeguard protected species such as bats and birds.
26. The proposal offers a ‘do something’ scenario. Although there are potential options for the improved funding and management of SLINC, it is difficult for the Council to compel a private landowner to better maintain a nature conservation site. The main parties disagree on whether a ‘do nothing’ scenario would lead to the SLINC deteriorating to the extent that it could no longer be designated. It is plausible that if

left to its own devices, the SLINC would continue to evolve with the further encroachment of scrub vegetation and the increased risk of invasive species. However, whether that would lead to the loss of the SLINC as a designation remains to be seen, as it would depend on the mix of species present.

Furthermore, as the landowner of the site, the appellant has direct control over its current condition. Therefore, I give little weight to the argument that a 'do nothing' scenario would be worse than the proposed development.

27. Housing developments and ecological management can co-exist notwithstanding potential tensions between recreation and conservation. There is little reason to doubt the extent and effectiveness of the proposed mitigation, even if the measures take time to come to fruition and the LEMP is limited to 30 years. Nevertheless, the proposals would not fully or adequately mitigate the harm and so it is necessary to consider whether compensation can be achieved.
28. The statutory requirement for 10% BNG does not apply due to the date of the planning application. However, even with the moderate uplift to the baseline, the proposal would be capable of delivering an overall BNG of 10% through the purchase of off-site credits at the Buzzards Valley Nature Reserve to support grassland habitats. Although the full details and costs have not been provided, it is probable that the delivery of this level of BNG can be secured by condition. However, the nature reserve is located outside the borough and the Black Country near to Tamworth. No compensation sites within the borough have been identified by any party. Thus, there would be a net reduction in nature conservation sites within the Black Country.
29. On the one hand, the nature reserve is nearer to the site than some parts of the Black Country, while a recent appeal decision in Derbyshire¹ accepted off-site mitigation in a different planning authority area. Additionally, NPPF paragraph 193(a) does not stipulate that compensation should be provided locally within the area covered by the relevant development plan. However, the rationale behind BNG is to address a national problem of biodiversity decline, and the metrics allow off-site provision to occur anywhere (albeit that the further away from the site, the greater the provision is likely to be).
30. Moreover, CS Policy ENV1 focuses on the Black Country with a supporting monitoring target of ensuring no net loss in the area of designated sites. Although this target is not in the policy wording itself, the objective of the policy is to safeguard nature conservation inside and outside the boundaries of the Black Country through protecting designated sites and only permitting their loss if a mitigation hierarchy can be satisfied. It does not envisage that a designated site can be compensated for through provision beyond the plan boundary. Therefore, while the off-site compensation would be compliant with BNG requirements and national policy, it would not resolve the conflict with CS Policy ENV1.
31. Turning briefly to the matter of wildlife corridors, over half of the SLINC would remain and the land use plan would keep built development away from the western side of the site nearest to the canal. Thus, the proposal would not sever or unacceptably harm the wildlife corridor and so would not conflict with UDP Policy ENV24. Neither would the proposal significantly impede the West Midlands Local Nature Recovery Strategy which covers a large geographic area. A condition

¹ APP/F1040/W/25/3358723

requiring archaeological assessment to be conducted before any works commence would identify, record and potentially protect any historic landscape features.

Conclusion on biodiversity

32. The proposal would cause significant harm to biodiversity, species and habitats, including the Wood End Farm SLINC. It is possible that the strategic benefits of the development could clearly outweigh the importance of the SLINC. However, it has not been demonstrated that the harm could be avoided or that the damage would be minimised. Neither has it been shown that the development could be adequately or fully mitigated. Compensation and net gains can be achieved such that it would comply with NPPF paragraphs 187(d), 193(a) and 193(d), but it would not accord with CS Policy ENV1. By association, there would be conflict with UDP Policy ENV23 and SAD Policy EN1, and NPPF paragraphs 187(a) and 192(a).
33. The Council's reason for refusal refers to UDP Policy ENV18 and NPPF paragraph 193(c), but these are more relevant to the next main issue relating to trees. The reason for refusal also refers to NPPF paragraph 194(c), but this relates to nationally and internationally important habitat sites which are not applicable here.

Trees

Policy and site context

34. UDP Policy ENV18 seeks the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees protected by a Tree Preservation Order (TPO) or hedgerows of significant landscape, ecological or historical value unless the loss would be in the interests of good arboricultural practice and there would be no unacceptable adverse impact on wildlife, or the desirability of the development would significantly outweigh the ecological or amenity value of the woodland, trees or hedgerows. The second part of the policy states that the developments should minimise the loss of trees or hedgerows and provide appropriate planting of commensurate value involving native species where possible.
35. The site contains many trees and hedgerow specimens along the boundaries of the various field parcels as well as along the road frontage with Longwood Lane. The Council made an area-based TPO in September 2025 covering the site and land to the north and south. An area-based TPO protects all trees within the defined boundary and is normally intended as a short-term measure as it does not identify specific trees. Nevertheless, while the value of individual trees and hedgerows might vary across the site, collectively they form an important feature in both biodiversity and character terms. For the latter, they give the site its sense of enclosure and rurality. Most specimens are not visible from public viewpoints, but the line of trees along the road frontage is well-established and part of an attractive green boundary along Longwood Lane.

Ancient and veteran trees

36. The Woodland Trust maintains a national Ancient Tree Inventory (ATI). Specimens considered to be ancient or veteran trees can be put forward by volunteers and are then independently verified by the Woodland Trust. There are 14 trees within the site that are on the ATI (4 ancient and 10 veteran) ranging from Oaks, Elders and Field Maples to Hawthorns and Wild Apples. The trees are all found within or

adjacent to the hedgerow boundaries across the site. The parties disagree whether these trees are ancient or veteran, with a particular focus on two trees in the north-west corner of the site, namely an Alder (ATI reference 262231) and a Hazel (ATI reference 262264).

37. The NPPF glossary defines an ancient or veteran tree as “a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value”. The consultation draft NPPF proposes amending the definition to “age, size or condition” which indicates that a tree would no longer have to meet all three criteria to be classified as ancient or veteran. However, as noted at the start of my decision, the draft is subject to change and carries little weight at this stage. Thus, I have applied the current definition.
38. There is no change between the current and draft NPPF that ancient and veteran trees comprise irreplaceable habitats, currently defined as “habitats which would technically be very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity”. NPPF paragraph 193(c) states that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The consultation draft uses very similar wording in draft NPPF policy N6(2).
39. While the ATI methodology has not been fully set out, there is no reason to doubt that trees are verified by qualified experts. Nevertheless, there is an apparent difference between the ATI and the NPPF in terms of how an ancient or veteran tree is defined. There is also a bespoke methodology that has been developed in line with the NPPF definition known as the Recognition of Ancient, Veteran and Notable Trees (RAVEN2) along with a recording tool for veteran trees known as the Specialist Survey Method (SSM). Therefore, it is necessary to assess specific trees based on the information and methodologies before me.
40. The disputed Alder is a short tree with stem failure on one side of the trunk and a large burr on the other. These features make it difficult to measure the girth at the generally accepted height of 1.3 to 1.5m above the ground. The appellant has recorded the girth as 1.5m but notes it might have been 2.1m before the stem failure, which would indicate a locally notable rather than veteran tree using RAVEN2. It is not clear whether the stem might have been more than 2.1m. However, the tree’s condition meets two of the primary features in RAVEN2 (extensive decay and hollowing) and four of the secondary features that would suggest at least veteran status. Under the SSM approach, the tree is also identified as a transitional veteran. Thus, given uncertainties regarding its size, I have taken a precautionary approach and assumed the Alder is an ancient or veteran tree.
41. The disputed Hazel is described on the ATI as multi stem, with several smaller stems emerging from a root bowl potentially due to coppicing. This makes standard girth measurement at 1.3 to 1.5m difficult as there is no single trunk to measure at this height. The appellant has recorded the girth as 1.2m which does not even meet locally notable under RAVEN2. Conversely, the ATI notes a girth of 5.6m at 0.85m above ground due to the root bowl. On site, it was difficult to judge whether there was a single root bowl due to vegetation growth. No RAVEN2 primary features have been identified in terms of condition, and only one secondary feature (bark loss). The tree is not considered to be veteran under the SSM approach either. However, there is evidence of lichen and ivy along with insect holes. While these

features may not be in significant quantities, it indicates that the tree provides habitat opportunities. Thus, given size uncertainties again, I have taken a precautionary approach and assumed the Hazel is an ancient or veteran tree.

42. The Alder and the Hazel are located where the illustrative masterplan shows an access point through to a pumping station and attenuation basin in the site's westernmost field. There is an existing gap at this point to access the field, but it would need widening for vehicular access. The arboricultural impact assessment notes that the Alder would need to be removed to facilitate the development. The Hazel is not recommended for removal but would be close to the access point. Its roots may not be sufficiently protected which could lead to decay or loss.
43. As an outline proposal with all matters reserved apart from the access point, the internal layout is not yet finalised. The land use plan would only fix those areas for residential development, public open space, and a landscape buffer, and would not fix the location of the pumping station. The attenuation basin would likely remain in the westernmost field, but the pumping station and its access could be moved. There is nothing before me to suggest that the pumping station and its access must be provided as shown on the illustrative masterplan.
44. It would have been helpful to receive an amended masterplan showing an alternative layout. One could have been provided in enough time for the Inquiry. However, this is not essential at the outline stage given the scope to adjust the internal layout and access routes as part of the reserved matters process. Furthermore, it is possible to impose a condition on the grant of outline planning permission requiring the retention of the Alder and the Hazel (and any other ancient or veteran tree). This would require any detailed layout, landscaping and access arrangements to safeguard both trees from loss or deterioration. Thus, I am satisfied that the quantum of development sought can be delivered within the parameters of the permission.
45. None of the remaining disputed ancient or veteran trees are likely to be directly affected by the development given their location within existing boundary vegetation and the ability to avoid them at the reserved matters stage. Therefore, it has not been necessary to consider if these remaining trees are ancient or veteran.

Effects on other trees and hedgerows

46. As for the boundary vegetation itself, while the illustrative masterplan locates buildings and hardsurfacing close to some sections of hedgerow, this can be amended as needed at the reserved matters stage without affecting the number of houses sought. Adequate tree protection can also be secured by condition.
47. Elsewhere, the proposal would result in the loss of two mature Oaks and a group of Ash, Hawthorn and Oak trees along the road frontage of the site. The siting of the access point here and the need for adequate visibility splays means that the trees would have to be removed. The proposed landscaping strategy includes replacement planting set further back from the road frontage with a mix of native trees and shrubs. However, this is likely to take many years to fully establish, with even the appellant's Year 15 visualisations showing a less dense vegetation boundary than existing. Leaving to one side the accuracy of the visualisations, there would be an adverse effect along Longwood Lane in the medium term from the loss of mature trees.

48. The proposal would result in the loss of some individual trees and groups of trees within the field parcels along with short sections of boundary vegetation if housing and the internal access road were laid out as shown on the illustrative masterplan. However, these affected trees are typically younger and/or in poor condition. The loss of boundary vegetation would be kept to a minimum with existing gaps utilised where possible. Thus, while all trees are protected by the area-based TPO, the only harm to arise would be from the loss of the road frontage specimens.

Conclusion on trees

49. The proposal would have an adverse effect on trees along the road frontage that would only be mitigated in the longer term through replacement planting, but overall would have an acceptable effect on other trees including any ancient or veteran specimens. The adverse effect would be no greater than moderate in magnitude and is capable of being significantly outweighed by the desirability of the development. On that basis, the proposal would accord with UDP Policy ENV18.
50. The proposal would also accord with CS Policies ENV1, ENV2 and ENV3 which, amongst other things, seek to protect important habitats, sustain local character and ensure design quality. It would accord with the Natural Environment SPD which seeks to safeguard trees, woodlands and hedgerows. Additionally, the proposal would adhere to NPPF paragraph 193(a) and (c) by avoiding significant harm to trees with no loss or deterioration of irreplaceable habitats.

Highway safety and capacity

Existing highway context

51. Longwood Lane connects the B4151 Sutton Road to the A454 Aldridge Road and so is a key part of the local highway network between neighbouring settlements. It is a busy road particularly during peak morning and evening periods. Based on my site visit observations, it also experiences frequent heavy goods vehicle movements. The speed limit is 30mph from Sutton Road to just beyond the last house, and then 40mph past the proposed site access to the A454. Due to a bend in the road leaving the urban area, visibility from and to the proposed access is somewhat restricted and currently hampered by the mature line of trees.
52. The junction between Longwood Lane and Sutton Road has a triangular layout with greenspace in the middle. Sutton Road runs broadly east-west and is the priority road. Northbound traffic uses the lefthand arm onto Longwood Lane and southbound traffic uses the righthand arm off Longwood Lane. Traffic turning onto Sutton Road is required to give way at a T-junction.
53. From the evidence before me, including my site visits, traffic queues southbound along Longwood Lane during busier periods along Sutton Road. The queues are generally slow moving rather than static, but some frustrated drivers heading for Walsall pull out onto Sutton Road in less than ideal gaps in traffic or use the entrance of Fallowfield Road to U-turn and rejoin Sutton Road. The safety data does not indicate a serious accident black spot, but nevertheless there is a degree of risk and hazard in the peak periods which negatively affects highway safety.
54. The length of the southbound queue was a matter of disagreement at the Inquiry. Google map data shows traffic speeds rather than queues, while photographs do not provide a clear understanding of vehicle movements. However, I observed that

slow moving queues can stretch beyond the proposed site access as far as the access into Hayhead Farm Shop during the morning and evening peak periods.

Effect of the proposal on highway safety and capacity

55. The proposal would generate most of its traffic movements during the peak periods given it would be wholly residential. Therefore, without adequate mitigation, it would add to the congestion experienced southbound on Longwood Lane towards Sutton Road. Moreover, the proposal would introduce a new access point on Longwood Lane for drivers to navigate, both for those heading north and those exiting the site.
56. Both the appellant and the Council agree that the junction between Longwood Lane and Sutton Road requires improvement because of this proposal. The appellant's preferred scheme would widen the southbound approach to the T-junction on Longwood Lane to increase storage capacity but maintain the existing give way arrangement (Scheme A). The Council's preference is for a signalised junction, which could be achieved through removing the triangular junction layout (Scheme B) or working within the existing layout (Scheme C).
57. Modelling work for Scheme A indicates that it would marginally improve queue lengths and capacity at the Longwood Lane and Sutton Road junction with the development in place. Consequently, there would be nil detriment. However, such small changes may not prevent traffic from queuing back past the proposed site access, unlike Schemes B and C where it is accepted by the parties that such queues would not occur.
58. Traffic heading north on Longwood Lane would only see the site access once at the bend. Visibility splays are proposed from the access based on the observed traffic speeds that would allow traffic exiting the site to see northbound traffic with sufficient time to judge whether it is safe to move out. It follows that northbound traffic would see the vehicle waiting to emerge at the same time. Additional measures including a reduction in the speed limit to 30mph past the site access, lighting columns, and a ghost island right hand turn into the site would also assist with visibility, reaction time and overall safety. However, while visibility splays are informed by stopping sight distances, they are primarily about what the emerging driver can see, since that driver must make the decision whether to join the carriageway from a stationary position.
59. In the event of southbound queues past the site access, there is a risk that traffic looking to turn right out of the site could seek to force their way into the queue by emerging partially into the carriageway. This could block the northbound route on Longwood Lane. A northbound vehicle may not be able to react and stop in time in such a scenario. Therefore, even if visibility distances would be adequate in 'normal' conditions, it has not been demonstrated that they would be suitable with queuing traffic. This is more than just a hypothetical issue given the existence of lengthy southbound queues and the limitations of the Scheme A mitigation.
60. The signalised junction mitigation proposed in Schemes B and C would likely remove queuing traffic past the site access and therefore greatly reduce this risk. A signalised junction would also have associated benefits in better controlling the traffic joining Sutton Road and reduce the likelihood of poor driver behaviour that currently exists. The parties agree that Scheme C offers a more cost-effective and simplified approach to signalisation and the appellant is not against that scheme

being secured by condition. Therefore, taking all the above into account, I consider that the Scheme C mitigation offers the best solution.

Conclusion on highway safety and capacity

61. Based on the Scheme C mitigation, the proposal would have an acceptable effect on highway safety and capacity. Therefore, it would accord with CS Policy TRAN2 and SAD Policy T4 which, amongst other things, seek to ensure that proposals with significant transport implications provide adequate measures to address impacts on the highway network. The proposal would also adhere to NPPF paragraphs 109 and 116 which seek to address and mitigate potential impacts, with development only prevented or refused if there would be an unacceptable impact on highway safety or residual cumulative impacts following mitigation would be severe.

Housing land supply

62. The appellant and the Council agree on several detailed matters relating to housing land supply but disagree on the extent of the shortfall. The Council considers there is a 1.97 year supply which equates to a shortfall of 4,264 homes, while the appellant considers the supply stands at 1.01 year, a shortfall of 5,616 homes. Both parties agree that there is a substantial shortfall regardless of which figure is preferred. They also agree that given the extent of the shortfall, the Council will be unable to demonstrate a 5 year supply for the foreseeable future and there would remain a substantial shortfall. A new Local Plan would need to be adopted to restore a 5 year supply, but this has yet to progress beyond Regulation 18 stage.
63. Given the above, it has not been necessary to examine the disagreements regarding the deliverable supply regarding sites with lapsed planning permission and other potential sites. Both parties afford the delivery of housing the highest weight in their respective planning balances. Therefore, for the purposes of this decision, the extent of shortfall in the Council's housing land supply lies between 1.01 and 1.97 years.

Whether inappropriate development in the Green Belt

Policy context

64. The site is within the Green Belt that adjoins Walsall and neighbouring settlements like Aldridge. SAD Policy GB1 applies other Green Belt policies from the development plan and the NPPF and states that inappropriate development will not be supported unless very special circumstances exist which clearly outweigh the potential harm to the Green Belt. CS Policy CSP2 seeks a strong Green Belt where its boundaries are maintained and protected from inappropriate development.
65. The above policies are broadly consistent with the current NPPF. Paragraph 142 of the NPPF notes that 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. Paragraph 154 states that development in the Green Belt is inappropriate unless one of several exceptions applies, none of which are relevant to this proposal. Paragraph 155 says that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where criteria (a) to (d) apply.
66. The appellant and the Council agree that the proposal meets criterion (b) as there is a demonstrable unmet need for housing in Walsall. They also agree that criterion

(d) can be met with the Golden Rules requirements set out in NPPF paragraphs 156 and 157. This is because the proposal would make an on-site provision of 40% affordable housing (15% above the minimum provision stipulated in CS Policy HOU3), make necessary improvements to local infrastructure in terms of highway works, and provide new green spaces accessible to the public and new residents. However, they disagree on whether criteria (a) and (c) would be met.

Grey belt

67. The dispute with criterion (a) is whether the proposal would utilise grey belt land, rather than whether it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The NPPF glossary defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in NPPF paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in NPPF footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. This footnote includes irreplaceable habitats. Given my conclusion on the trees main issue, this footnote is not engaged.
68. Neither Walsall nor Aldridge are historic towns in terms of purpose (d) and so this purpose is not applicable to this site. Moreover, the site is not a substantial part of the gap between Walsall and Aldridge and so it makes no more than a moderate contribution to purpose (b) in terms of preventing neighbouring towns from merging into one another. The dispute between the parties thus focuses on purpose (a) which seeks to check the unrestricted sprawl of large built-up areas.
69. Having regard to the Planning Practice Guidance (PPG) which sets out factors to inform judgments on the level of contribution to purposes (a), (b) and (d)², it is evident that the site is free of existing development and adjacent to a large built-up area. However, for the site to make a strong contribution to purpose (a), the PPG indicates that it would need to lack physical features in reasonable proximity that could restrict and contain development and, if developed, result in an incongruous pattern of development such as an extended finger of development into the Green Belt. For a moderate contribution, the PPG indicates that the site would have one or more features that weaken the land's contribution to purpose (a), such as having physical features that could restrict and contain, being partially enclosed by existing development such that new development would not result in an incongruous pattern, and being subject to other urbanising influences.
70. Due to the recent introduction of NPPF paragraph 155 and the updated PPG, there is no local assessment of the Green Belt in Walsall before me that looks specifically at 155(a). However, the Black Country Green Belt Study 2019, produced for the now-abandoned Black Country Plan, provides analysis of Green Belt land parcels in Walsall. The site lies within parcel B93, identified as making a strong contribution to purpose (a), but this parcel is substantially larger than the site at over 1,700 hectares (ha) compared to 6.75ha.
71. The 2019 study breaks B93 into sub-parcels, with the site covered by B93G and specifically B93Gs2 as part of land promoted for housing next to the urban edge. The study considers that B93Gs2 would result in a high level of harm to the Green Belt and notes that it makes a strong contribution to preventing sprawl. However,

² Reference ID: 64-005-20250225

even B93Gs2 is notably larger than the site at over 64ha, while the study also notes that the release of land on the urban fringes of the sub-parcel that have less significant boundaries between settlement and countryside would result in slightly less harm than release of the core area between towns. Therefore, while the study has some utility, it remains necessary to conduct a more detailed analysis of the site itself.

72. As one heads west through the site from Longwood Lane, the sense of separation and rurality from the built-up area increases. However, views into the countryside surrounding the site are heavily truncated by boundary trees and hedgerows, even in winter months, as well as by the canal embankment. Only the north-east corner by the access point is more open, but even here there is mature planting along the road boundary, and this corner represents only a small part of the overall site. Moreover, from the eastern fields within the site, there are clear views of the houses that comprise the ribbon development along Longwood Lane and Sutton Road. Thus, although the site is not heavily influenced by the urban edge, it feels enclosed by proximate physical features along its boundaries.
73. As to whether these features could restrict and contain development within the site, it is evident that existing housing to the east blocks sprawl in this direction. The canal embankment to the west is a sizeable barrier that would discourage sprawl given the need to cross the canal. The development of the remaining field parcels to the south is possible, but it would be contained by the canal and existing housing on Sutton Road such that it would not represent unrestricted sprawl.
74. Conversely, it is conceivable that development could extend to the north of the site into the field parcels between the canal and Longwood Lane as trees and hedgerows in themselves are not a barrier to sprawl. This could continue unrestricted for several hundred metres to the A454 roundabout. However, additional development to the north is only hypothetical at this stage and would need to be assessed on its own merits, including an assessment under NPPF paragraph 155 to determine whether the land could be classified as grey belt.
75. Furthermore, the development of the site would be mostly to the rear of existing housing and would not extend further northwards on Longwood Lane beyond one additional house shown on the illustrative masterplan. It would be partially enclosed by the existing development but also by the canal and boundary planting. Thus, it would not result in an incongruous pattern of development or represent an extended finger of development into the Green Belt, unlike any potential additional development to the north towards the A454.
76. The PPG advises that land needs to lack proximate physical features that restrict and contain development and, if developed, result in an incongruous pattern of development, for it to make a strong contribution to purpose (a). For the reasons set out above, this would not apply to this site. Development here would not inevitably lead to unrestricted sprawl further north. In conclusion, the site does not make a strong contribution to purpose (a) and would be more accurately described as making a moderate contribution to this purpose. Therefore, the development would utilise grey belt land and meet NPPF paragraph 155(a) in full.

Sustainable location

77. The dispute with NPPF paragraph 155(c) relates to whether the development would be in a sustainable location, with particular reference to NPPF paragraphs 110 and

115. These paragraphs require significant development to focus on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
78. The guidance on suitable walking distances varies. Department for Transport documents such as *Manual for Streets* indicate that a walk of around 800m to services is reasonable, whereas other guidance considers that 400m is typically the limit for bus stops in residential areas³. The appellant's Transport Assessment uses 2km as a threshold distance for walking which the Council's highway witness agreed was a realistic maximum. However, none of these distances should be applied rigidly. It will depend on the specific location, the quality and safety of the routes, and the attractiveness of the destination to determine whether someone might walk or not.
79. The site is on the edge of Walsall adjacent to a predominantly suburban residential area. The development would have a single point of access for all modes of transport via a new junction onto Longwood Lane. The existing pavement along Longwood Lane stops short of the proposed access, but the associated off-site highway works would include a 3m wide footway and cycleway from the access to Sutton Road. The works would also incorporate improved crossing points of both Longwood Lane and Sutton Road. Thus, the quality and safety of the route to Sutton Road would be enhanced.
80. The nearest services and facilities comprise bus stops on Sutton Road next to the Longwood Lane junction within 400m of the proposed access. There are bus services between Walsall and Birmingham that run at least once every 30 minutes on Mondays to Saturdays. The proposal includes measures to improve bus stop provision. A short distance to the west on Sutton Road is a convenience shop, a public house, and a church. Further to the south beyond a couple of parks is Gillity Village Service Centre with a range of shops and services, as well as infant and junior schools.
81. All the above services and facilities are accessible on foot via pavements or the canal towpath, but the service centre and schools are around 2km from the site access and so at the very limit of a reasonable walking distance. Once distances from within the site are factored in, they would likely be too far to walk for many residents. However, the proposed cycleway to Sutton Road and improved crossing points would encourage cycling along quieter side roads or the towpath to these facilities, while there are also cycle routes via the country park towards Walsall town centre.
82. Moreover, the bus stops would be within 800m from any point within the site via new and improved footways and crossing points, which would represent a reasonable walking distance in this instance for an urban edge location in the Green Belt. The bus services would allow residents to access a much wider range of facilities in urban centres, including Walsall train station.
83. Taken together, while access on foot to some services and facilities would be too far, particularly from the furthest points within the site, the off-site improvements would allow greater access by foot and bike than at present, including connections with bus and train services. Bus stop provision would also be enhanced. Thus, while the site occupies a peripheral location on the urban edge, it represents a

³ Chartered Institution of Highways and Transportation (April 2015) *Planning for Walking*

sustainable location with a genuine choice of transport modes to access a range of services and facilities. Consequently, the proposal would meet the requirements of NPPF paragraph 155(c).

Conclusion on inappropriate development

84. The proposal would not represent inappropriate development in the Green Belt, having particular regard to NPPF paragraph 155 and SAD Policy GB1 and CS Policy CSP2. Therefore, it is not necessary to consider the effect of the proposal on Green Belt openness or purposes or demonstrate whether very special circumstances exist.

Planning obligations

85. The S106 agreement sets out several planning obligations. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 58 set out three tests that all obligations should meet. They should be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
86. Schedule 1 sets out a healthcare contribution towards primary care services in Walsall while Schedule 5 sets out education contributions towards local secondary schools as well as SEND provision across the school age range. It has been shown that there is a need to expand health and education services to address the additional population demand. Thus, the obligations in both schedules accord with CS Policy HOU5 which seeks new and improved education and healthcare facilities. They would also accord with CS Policy DEL1 and UDP Policy GP3 which promote the use of planning obligations to secure infrastructure provision.
87. Schedule 2 would secure the provision of 40% affordable housing as required by the Golden Rules. Therefore, this obligation would accord with CS Policy HOU3 which seeks a minimum of 25% affordable housing on sites of 15 dwellings or more and would also accord with CS Policy DEL1 and UDP Policy GP3.
88. Schedule 3 contains an off-site public open space contribution to improve existing local spaces, address the additional population demand, and assist with the Golden Rules. Therefore, this obligation would accord with UDP Policy LC1 which seeks to enhance and provide urban open spaces and would also accord with CS Policy DEL1 and UDP Policy GP3.
89. Schedule 4 provides for the delivery and management of on-site communal areas. These obligations are required to ensure that such space is provided in line with the Golden Rules and properly managed. Thus, they would accord with CS Policy DEL1 and UDP Policies GP3 and LC1.
90. The appellant owns the site and the access onto Longwood Lane as confirmed by details from the Land Registry. It is intended that a registered charge on the land would be discharged if planning permission is granted. I am content that all parties with an interest in the land are signatories to the S106 agreement.
91. Given the policy requirements, I am satisfied that all the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, I can take them into account as part of my decision.

Other Matters

92. The CS promotes a brownfield first approach to develop previously developed land in preference to greenfield sites. However, the Council has a substantial shortfall in housing land supply, and it has not been demonstrated that there are enough readily available brownfield sites to meet this shortfall.
93. The development plan is the best place to determine the strategic growth of Walsall, but the emerging Local Plan remains at any early stage and the need to address housing supply is immediate. Approval of this proposal would not set a precedent as each case should be judged on its merits. This includes any relevant policy or housing supply context which may vary in the future.
94. This is an outline proposal with all matters reserved apart from the access point. Thus, any concerns about the detailed design of buildings and streets, the provision of parking and lighting, the use of sustainable construction measures and waste management, and the effects on firefighting, crime and security, can all be adequately covered at the reserved matters stage. No access is proposed via Sutton Road. In addition, while several houses back onto the site, it should be possible to design any new houses with sufficient separation distances and landscaping to ensure no unacceptable adverse effects on the living conditions of existing residents in terms of privacy, outlook, light, noise or other disturbance.
95. Suitable measures can be implemented to address any surface water issues including drainage at greenfield rates via an attenuation basin. A connection to the mains sewer can be achieved without breaching existing capacity. As such, the proposal would not increase flooding elsewhere or pollute existing water courses. Subject to conditions on construction management, there would be no adverse effects on air quality in terms of dust or other pollutants, while the new houses would not generate significant levels of traffic movements or pollution.
96. The existing grazing land for horses would reduce but paddocks to the north of the site would remain available. Any issues regarding access rights and land ownership are civil matters separate to the planning system. Likewise, the effect on property values is not a material planning consideration.

Planning balance

97. The lack of a 5 year housing land supply triggers NPPF paragraph 11(d) via footnote 8. This states that where there are no relevant development plan policies or the policies which are most important for determining the proposal are out of date, planning permission should be granted unless one of two exceptions are met. The first exception at paragraph 11(d)(i) is not engaged as the application of NPPF policies that protect areas or assets of particular importance, including those relating to irreplaceable habitats, do not provide a strong reason for refusing the proposed development. The second exception at 11(d)(ii) requires any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole, having particular regard to key policies.

Benefits

98. I afford very significant weight to the delivery of 115 dwellings, given the substantial shortfall in housing land supply. For the avoidance of doubt, this is regardless of whether the shortfall stands at 1.01 years or 1.97 years, or somewhere in-between.

Given that the development would be in a sustainable location with a genuine choice of transport modes, this carries moderate weight in the balance.

99. NPPF paragraph 158 states that a development which complies with the Golden Rules should be given significant weight as a benefit. Had the proposal represented inappropriate development by its failure to accord with the entirety of NPPF paragraph 155, this might have affected the weight to be given to the compliance with the Golden Rules. However, this is not the case here and so significant weight can be added to the balance. This incorporates the provision of 40% affordable housing (15% above the policy requirement), the provision of accessible green space, and the various improvements to local infrastructure (specifically the enhancements to walking and cycling provision, bus stops, and the junction between Longwood Lane and Sutton Road). These benefits comprise the Golden Rules and so I have not counted them separately.
100. I concur with the appellant and the Council that moderate weight can be afforded to direct and secondary economic benefits since the proposal will assist the wider economy in the short and longer term. The delivery of play space represents a separate benefit to accessible green space and carries moderate weight in enhancing local provision. There will be an increase in hedgerow units on site by around 20% and an off-site BNG provision of around 10%. Notwithstanding the loss of habitat units and issues with mitigation hierarchy, these ecological benefits carry moderate weight.

Adverse impacts

101. The proposal would cause significant harm to biodiversity through the changes that would occur to the SLINC that cannot be avoided or adequately or fully mitigated. Compensation can be achieved in line with NPPF paragraph 193(a) but not in accordance with CS Policy ENV1. There would also be conflict with UDP Policy ENV23, SAD Policy EN1 and NPPF paragraphs 187(a) and 192(a). Therefore, I attach significant weight to this adverse impact including the policy conflict.
102. The proposal would have an overall acceptable effect on trees and comply with UDP Policy ENV18. Nonetheless, there would be a moderate level of harm for the reasons set out above which carries moderate weight against the proposal.

The overall planning balance

103. The proposal would have an acceptable effect on highway safety and capacity and would not represent inappropriate development in the Green Belt, with no policy conflict in either instance. These are neutral matters in the planning balance. The proposal would provide benefits that carry significant and very significant weight in terms of the compliance with the Golden Rules and the delivery of 115 houses. There would also be economic, social and ecological benefits that carry moderate weight. In contrast, the adverse impacts on biodiversity and trees carry significant and moderate weight respectively. Although these negative effects should not be dismissed lightly, they are insufficient to outweigh the benefits on this occasion.
104. Having regard to NPPF paragraph 11(d)(ii), the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as whole, including those which promote sustainable locations and the provision of affordable homes. Consequently, the

presumption in favour of sustainable development would apply. Therefore, despite the conflict with CS Policy ENV1, UDP Policy ENV23 and SAD Policy EN1, there are sufficient material considerations to indicate that planning permission should be granted in this instance.

Conditions

105. Conditions 1 and 2 are necessary to clarify the reserved matters still to be approved as well as set out the timeframe for applications to be submitted and the development implemented. Condition 3 is necessary to specify the plans to which this decision relates.
106. Conditions 4 and 5 specify matters to be addressed prior to or at the reserved matters stage for reasons of necessity and clarity. Condition 4 is necessary to ensure that at least 10% biodiversity net gain can be achieved, informed by any reserved matters application. Condition 5 is necessary to ensure that existing trees are sufficiently factored into the detailed plans accompanying any reserved matters application.
107. Conditions 6 to 16 are pre-commencement conditions as they concern matters that need to be agreed and/or provided before works begin on site. Condition 6 is necessary to ensure that details of internal access and circulation routes are established, as the plans specified in Condition 3 only relate to the site access. Conditions 7 and 8 are necessary to ensure construction works have an acceptable effect on living conditions, ecology and the highway network. In Condition 7, I have removed duplication on wheel washing but included reference to a road sweeper.
108. Condition 9 is necessary in the interests of the site's archaeological interest. Condition 10 is necessary to ensure that surface and foul water can be adequately disposed of in the interests of flood risk and pollution. Condition 11 on lighting and Condition 12 on ground levels are necessary to safeguard the natural environment and the character and appearance of the area.
109. Condition 13 sets out the various components of the LEMP and is necessary for the longer term management of the natural environment. I concur with the Council that the LEMP should address the site boundary management with the remaining SLINC to ensure that it is adequately protected. The reference to management measures to maintain habitats is also necessary for clarity. There is no need to refer explicitly to the protection of hedgerows within the site as this can be addressed by the range of management measures.
110. Condition 14 is necessary to ensure that adequate tree protection measures are in place before works commence. Condition 15 is necessary in the interests of dealing with any potential land contamination.
111. Condition 16 is necessary in the interests of highway safety. Given my findings above, I have specified that a signalised scheme should be provided. However, the scheme only needs to be provided before the development is occupied rather than before development commences. This is because I have been presented with little evidence on the likely effects of construction traffic, which in any event would be short-lived. Conditions 17, 18 and 19 are necessary pre-occupation conditions to ensure that improvements to walking, cycling and public transport, which also form part of the Golden Rules, are implemented.

Conclusion

112. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appearances

For the Appellant:

Satnam Choongh and Chatura Saravanan, Counsel, instructed by David Onions, Pegasus Group.

They called:

Jason Davenport BEng (Hons) MCIHT
Director, BSP Consulting Limited

Joe Gilmour MSc (Hons) MSc MICFor MArbourA CEnv
Associate Director, Brindle & Green Environmental Consultants Limited

Dr Lucinda Sweet MCIEEM
Director, Brindle & Green Environmental Consultants Limited

David Onions BA (Hons) DipTP MRTPI
Executive Director, Pegasus Group

Rachael Coulsting
Shakespeare Martineau

For the Council:

Dr Ashley Bowes, Counsel, instructed by Waheeda Sheikh, Walsall Council.

He called:

Gavin Coupe BSc MSc MTPS
Technical Director, Amey

Mark Chester BSc FArbourA
Tree Officer, Walsall Council

Samantha Pritchard BSc MSc
Ecology Officer, Walsall Council

Christopher Whitehouse BSc (Hons) MRICS
Managing Director, NextPhase

Andrew Tyrer MRTPI
Development Monitoring Officer, Walsall Council

For the Birmingham and Black Country Wildlife Trust (BBCWT)

Sara Carvalho
Head of Biodiversity Evidence and Planning, BBCWT

Interested Parties who spoke at the Inquiry

JonJo MacNamara Chief of Staff to Wendy Morton MP, Member of Parliament
for Aldridge-Brownhills

Inquiry Documents (labelled M in the core documents library):

- M1: Appellant's opening statement
- M2: Council's opening statement
- M3: BBCWT's opening statement
- M4: Statement from Wendy Morton MP
- M5: Additional veteran tree survey for trees 262237 and 262238
- M6: Extracts from Ancient Tree Inventory for Alder (M6a) and Hazel (M6b)
- M7: Evidence from Michael Glasson relating to medieval moats and assarts
- M8: Response from appellant to M7
- M9: Ecology and Trees Statement of Common Ground
- M10: Closing submissions from BBCWT
- M11: High Court Consent Orders regarding appeal decision reference APP/N0410/W/24/3347882
- M12: Closing submissions from the Council (M12a) and appeal decision reference APP/X0360/W/24/3348057
- M13: Closing submissions from the appellant
- M14: Agreed legal note on the law of alternatives
- M15: *Vistry Homes v SoS LUHC* [2024] EWHC 2088 (Admin)
- M16: Land Registry note from Gowling WLG (UK) LLP
- M17: Schedule of conditions
- M18: Completed and executed S106 agreement dated 12 December 2025

Schedule of Conditions (19)

Time limits, plans and reserved matters

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted must begin not later than two years from the final approval date of the reserved matters application.
- 2) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, except where details are to be submitted and approved pursuant to any other condition of this permission: P23-0422_DE_001 (Site Location Plan), P23-0422_DE_013A (Land Use Plan), 17-0596001 P09 (GA Site Access – Longwood Lane Access)

For the avoidance of doubt, any plans, drawings or documents submitted for illustrative purposes only shall not form part of the approved plans for the purposes of this permission

- 4) No later than the submission of any reserved matters application, an updated biodiversity impact assessment based on DEFRA Biodiversity Metric Version 4.0 calculation, shall be completed based on the finalised layout and design. The assessment and completed metric calculations shall demonstrate a minimum of 10% net gain and shall be submitted to and approved in writing by the local planning authority as part of the reserved matters process. The development shall be carried out in accordance with the approved details.
- 5) Prior to the submission of any reserved matters application, an updated Arboricultural Impact Assessment, in accordance with British Standard 5837:2012 Tree in Relation to Design, Demolition and Construction: Recommendations, and the Arboricultural Impact Assessment ref BG23.334.4 Rev 1, dated October 2025, shall be undertaken to inform the detailed layout, appearance, scale and landscaping of the development and submitted to and approved in writing by the local planning authority. If any tree is confirmed as either a veteran or ancient tree an appropriate management strategy for their long-term retention should be submitted to and approved in writing by the local planning authority before development commences. The development shall be carried out in accordance with the approved details.

Pre-commencement conditions

- 6) No development shall commence until plans and particulars of the accessibility within the site, including circulation routes and how these fit into the surrounding access network, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of development, a Construction Environmental Management Statement (CEMS) shall be submitted to and approved in writing by the local planning authority. The CEMS shall address the

construction phase amenity and highway impacts of the development and shall include details of:

- (i) Construction working hours;
- (ii) Parking and turning facilities for vehicles of site operatives and visitors;
- (iii) Loading and unloading of materials;
- (iv) Storage of plant and materials used in constructing the development;
- (v) A scheme for recycling/disposing of waste resulting from construction works;
- (vi) Temporary portacabins and welfare facilities for site operatives;
- (vii) Site security arrangements including hoardings;
- (viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway, including the use of a road sweeper;
- (ix) Measures to prevent flying debris;
- (x) Dust mitigation measures; and
- (xi) Noise and vibration and associated mitigation measures.

The development shall be carried out in accordance with the approved CEMS and the approved CEMS shall be maintained throughout the construction period.

- 8) Prior to the commencement of development, a Construction and Ecological Management Plan (CEMP), shall be submitted to and approved in writing by the local planning authority. The CEMP shall address the protection of ecological features and protected species during the construction phase and shall include:

- (i) Details of the potential impacts of the proposals;
- (ii) Risk assessment of potentially damaging construction activities;
- (iii) Pollution prevention measures;
- (iv) Practical measures to avoid or reduce impacts during construction;
- (v) Safeguarding measures to protect retained habitats and ecological features;
- (vi) Precautionary working practices in respect to badgers, nesting birds, bats, herptiles and hedgehogs;
- (vii) Practical measures for invasive species control;
- (viii) Responsible persons and line of communication;
- (ix) The role and responsibilities onsite of an ecological clerk of works or similarly competent person; and
- (x) Use of protective fences, exclusion barriers, and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period.

- 9) Prior to the commencement of development, details of a programme of site investigations and archaeological work shall be submitted to and approved in writing by the local planning authority. The programme of work should comprise a trial trench evaluation in the first instance, to determine the presence/absence, date, nature etc of any archaeology, and which would inform any additional mitigation (excavation or watching brief) should that be

necessary. No development shall be carried out on site otherwise than in accordance with the approved details.

- 10) Prior to the commencement of development, drainage plans for the discharge of surface water and disposal of foul sewerage, and all existing and proposed underground services and sewers shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development. The development shall not be occupied until the drainage has been installed in accordance with the approved plans
- 11) Prior to the commencement of development, a lighting strategy for the operational and construction phase of the development shall be submitted to and approved in writing by the local planning authority, detailing the provision of lighting across the site, including:
 - (i) Lighting specification
 - (ii) Height and luminance;
 - (iii) Hours of operation; and
 - (iv) Angling and cowls used to direct the lighting.

The development shall be carried out in accordance with the approved details.

- 12) Prior to the commencement of development, details of existing and proposed ground levels shall be submitted to and approved in writing by the local planning authority. The details shall include the proposed grading and mounding of land areas (the levels and contours to be formed), showing the relationship of proposed mounding to existing vegetation and surrounding landform in particular where these are within 5m of the root protection area of any retained tree. The development shall be implemented in accordance with the approved details.
- 13) Prior to the commencement of development, a minimum 30-year Landscape and Ecological Management Plan (LEMP), covering on-site habitat works and informed by the Landscape Management Plan reference BG23.334 dated October 2025, shall be submitted to and approved in writing by the local planning authority. The plan should include:
 - (i) A non-technical summary;
 - (ii) The roles and responsibilities of the people or organisation(s) delivering the LEMP;
 - (iii) Details of nest boxes to be installed on the proposed buildings. The plan should include the type and location of all nest boxes and design features, to cover a variety of species including starling, house martin, swift and house sparrow;
 - (iv) Details of bat roosting habitats to be installed on buildings. The plan should include the type and location of all boxes and design features;
 - (v) Inclusion of hedgehog passes in each boundary fence and a gap under close boarded fencing;
 - (vi) The site boundary management adjacent to the retained Wood End Farm SLINC to include fencing and planting within the development site to prevent direct access;

- (vii) Ecological information provided in Homeowner Packs which will include information on key ecological features and the proposed mitigation and enhancement measures undertaken on-site;
- (viii) The planned habitat creation and enhancement works, to create or improve habitat to achieve the biodiversity net gain;
- (ix) The management measures to maintain habitat for a minimum period of 30 years from the completion of development;
- (x) Specify the completion of the development and the commencement of the LEMP; and
- (xi) The monitoring methodology and frequency in respect of the created or enhanced habitat.

Notice in writing shall be given to the Council when the LEMP has been implemented and habitat creation and enhancement works as set out in the LEMP have been completed.

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the LEMP.

The development hereby permitted shall be carried out in accordance with the approved LEMP.

14) A: Prior to the commencement of development:

- (i) Details of protective fencing and ground protection to be installed around all retained trees shall be submitted to and approved in writing by the local planning authority;
- (ii) The approved protective fencing and ground protection shall be installed; and
- (iii) Not less than 10 working days' written notice of the intention to commence development shall be given to the local planning authority to allow the Council's Arboricultural Officer to inspect the installation of the protective fencing and ground protection.

B: The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

C: Nothing shall be stored or placed, nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part A of this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

D: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

15) Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

- (i) A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a

conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;

- (ii) A Site Investigation Scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (iii) Based on the Site Investigation Scheme and the detailed risk assessment (ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- (iv) A Verification Plan providing details of the data that will be collected to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these parts (i) to (iv) require the express written consent of the local planning authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the local planning authority.

- 16) No development shall commence until a specification for signalisation works at the junction of Longwood Lane and Sutton Road has been submitted to and approved in writing by the local planning authority. Prior to the occupation of the development, the signalisation works to the junction at Longwood Lane and Sutton Road shall have been carried out in accordance with the approved specification.

Pre-occupation conditions

- 17) Prior to occupation of the development, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes submitted within the Framework Residential Travel Plan Statement, shall be developed into an operational Residential Travel Plan and submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.
- 18) Prior to occupation of the development, a specification for the pedestrian and cycle link pathway from the approved site access to Sutton Road shall be submitted to and approved in writing by the local planning authority. The approved works are to be carried out in accordance with the approved specification prior to the occupation of the development.
- 19) Prior to occupation of the development, the specification for a new bus shelter at Sutton Road nearest to the site access shall be submitted to and approved in writing by the local planning authority. The approved works are to be carried out in accordance with the approved specification prior to the occupation of the development.