

APPLICATION REFERENCE: PL/2016/02673/PPOL**Site Address:** Stable Cottage Warwick Road Chadwick End Solihull B93 0BE

Proposal:	Outline application for demolition of workshop and erection of a single storey dwelling - means of access, scale and layout to be determined at outline stage (appearance, landscaping, reserved).
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: http://publicaccess.solihull.gov.uk

Reason for Referral to Planning Committee:	The application in the opinion of the Head of Development Management would have a significant impact outside its immediate setting.
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Recommendation:	REFUSAL
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EXECUTIVE SUMMARY

The application site is located within the Green Belt. Paragraph 87 and 88 of the National Planning Policy Framework 2012 (Framework) sets out the general presumption against inappropriate development in the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The application site is previously developed land and the NPPF confirms at paragraph 89 that for the partial or complete redevelopment of this previously developed sites, whether redundant or in continuing use, which would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development are inappropriate.

The proposed dwelling would materially increase the built form on the site and harm the openness of the Green Belt. Further, the creation of a domestic curtilage around this building, additional access, the engineering operations which tarmac the whole of the site frontage, along with the associated domestic paraphernalia including decking beyond the footprint of the existing buildings/structures also cause material

harm to the openness of the Green Belt and to the purposes of including land within it by reason of encroachment and urban sprawl, which carries substantial weight.

In terms of other harm, the proposal would require future residents to travel outside the village to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. As a result the proposal would increase the amount of unsustainable journeys made. In addition, the limited range of local services within the village means that the impact on the vibrancy and vitality of the immediate community would be minimal. Therefore, although not physically isolated from other dwellings, the proposal would result in the creation of a new dwelling in the countryside contrary to the objectives of Policy P7 and P8 of the SLP.

Further, the contemporary design and elongated form of the proposal with minimal height seeking to address Green Belt issues, is clearly at odds with the defined rural character of the area and does not respect the built environment or the character of the village. The new dwelling along with its domestic curtilage and associated paraphernalia would erode a part of this setting and character. Additionally, the existing buildings have a rural agricultural appearance which cannot be describe as unsightly. Their removal does not, therefore, weigh in favour of the proposal. The proposal is therefore contrary to Policies P15 of the Solihull Local Plan.

The applicant has also advanced a very special circumstances case, the weight to be attached to these material considerations can only be given limited weight and does not outweigh the harm to the Green Belt by reason of inappropriateness, and other harm identified.

The proposal is therefore, contrary to Policy P17, P7, P8 and P15 of the Local Plan and policies with the NPPF.

BACKGROUND

This application follows a previous refused application 2010/1376 – Outline application for 2 eco homes (access, appearance, layout and scale), which was later dismissed at Appeal. Ref APP/Q4625/A/11/2145718 dated 20/5/2011.

Within the decision letter, the Inspector gave the following characteristics to the application site and its setting, all these matters still remain relevant to this application. The Inspector advised that: -

- 'Most of the development within the village is concentrated on the east side of the road, extending between Oldwich Lane West to a little beyond Bakehouse Lane to the south. There are, however, a substantial number of properties outside this area, particularly along Netherwood Lane, and including some along Warwick Road to the north of the crossroads and Oldwich Lane West. To my mind, the appeal site is more closely associated with this development, which is loose-knit and somewhat sporadic, than the more dense development on the opposite side of the road. The site is, is, however, much nearer to the main facilities in the village, including the Orange Tree public house, and the village hall with its playground and playing field, than many of the properties in the settlement'.

- ‘Given the location of the site in relation to village facilities and other nearby development, the fact that it is currently developed and has a history of being developed, it seems to me unreasonable to exclude it from the built-up area of the settlement.’
- ‘The existing buildings on the site are utilitarian and somewhat insubstantial in appearance, being constructed of timber and corrugated metal and have a rural agricultural appearance which I would not describe as unsightly. Their removal does not, therefore, weigh in favour of the proposal.’
- ‘To the south, the public house would be the nearest frontage building to the proposed dwellings, in the region of 100m distant. I appreciate that car parking is available to the side of the pub. However, the gap between the existing and proposed buildings is considerable and has a generally verdant and well-vegetated appearance which contributes to the spacious character of the development on the west side of Warwick Road.’
- ‘Further, I consider that the public house is a focal point of the village in visual terms largely due to the foil provided by the open and spacious character of its setting. I have some concern that the two new dwellings would erode a part of this setting.’

Subsequently, the applicant sought pre-planning advice in July 2016 and was advised that based on a similar submitted drawings to this application that such a scheme was unacceptable in Green Belt terms.

KEY PLANNING ISSUES

The following key planning issues are material to the determination of this application: -

- Green Belt
 - *Whether the proposal is inappropriate development in the Green Belt;*
 - *The effect of the proposal on the openness of the Green Belt and the purposes of including land with it; and*
 - *Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*
- Design and layout;
- Neighbour amenity;
- Visual amenity and landscape character;
- Ecology;
- Drainage;
- Accessibility;
- Highway safety;
- Developer Contributions and Infrastructure Provision; and
- Conclusion and the balancing exercise.

CONSULTATION RESPONSES

Statutory Consultees

Chadwick End Parish Council - The proposed residential development would see the removal of deteriorating buildings which are currently on the site. It is understood that the development is in the green belt but councillors again feel that the proposed house will not affect the openness of the green belt and furthermore will not be compromising the feel and rural nature of the village.

Non Statutory Consultees

SMBC Drainage – No objection

SMBC Ecology – No objection

SMBC Highways – No objection

SMBC Landscape – No objection

SMBC Planning Policy – Objection

Seven Trent Water – No comments received.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

The Agent submitted with the application 26 copies of a standard text proforma in support of the application, all with individual names, addresses and signatures and containing the following text: -

“I wish to support the above application as the proposal would remove an unsightly utilitarian building and replace it with a smaller building of much improved appearance which would be far more appropriate in the village setting”.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 11 re-confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 196 of the NPPF confirms that the planning system is plan - led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2012, the National Planning Practice Guidance.

The weight to be attached to policies of the Solihull Local Plan (SLP) 2013 will be set out in the report.

Solihull Local Plan 2013.

The Solihull Local Plan is the adopted Development Plan and needs to be read as a whole with appropriate regard had to all relevant policies with weight given to their consistency with the NPPF.

The application site is identified as being within the Green Belt as defined by the Plan.

Solihull Local Plan Review November 2016

The draft Solihull Local Plan review was approved at Full Cabinet on 10th November to enable consultation to take place between Monday 5th December 2016 until Friday 17th February 2017.

The application site is not identified for housing within the Review and continues to be designated as Green Belt. Thus it can be seen that there has been no material policy change in the Review to designate a site for an alternative purpose.

Paragraph 216 of the NPPF gives details in terms of what weight should be attached to relevant policies in emerging plans. Given the current status of the Local Plan Review only being at consultation stage, no weight should be attributed to the Local Plan Review given its current stage of preparation

Principle of Development

Green Belt

- Whether the proposal is inappropriate development in the Green Belt

The Solihull Local Plan identifies that the application site is located in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Para 79 NPPF).

Section 9 (“Protecting Green Belt land”) of the Framework sets out the approach to assessing planning applications for development in the Green Belt.

The Framework also sets out the aim and purposes of Green Belt policy. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve 5 purposes:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns from merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Framework does not provide for residential development (other than for purposes of agriculture or forestry) to be considered as an appropriate development. It is therefore inappropriate and VSC's are required to be demonstrated to outweigh the harm by reason of inappropriateness, and any other harm (Para 88 NPPF).

Para 89 of the Framework details a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. 6 exceptions to this rule are listed, with the one appropriate to this application and site history as;

'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

Policy P17 of the Solihull Local Plan addresses Countryside and Green Belt issues. It indicates that inappropriate development will not be permitted in the Green Belt, except in very special circumstances. In addition to national policy, P17 sets out other provisions that will be applied to development in the Green Belt in Solihull.

One of the exception to this is limited infilling provided that it does not have an adverse impact on the character of the settlement. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built up frontage with not more than two dwellings. The supporting text to Policy P17 confirms that limited infilling within Chadwick End is appropriate development in the Green Belt subject to meeting the criteria of Policy P17.

It is fundamentally clear that the Inspectors appeal decision and the characteristics of the site given the considerable gap between the existing Stable Cottage and The Public House that the proposal cannot be considered as limited infill. Thus the proposal would not be in accordance with Policy P17 or paragraph 89 of the NPPF in respect of whether the scheme is limited infill.

It is therefore, necessary to consider the second test of paragraph 89 to whether the proposal can be considered to be partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In the appeal decision above, the Inspector was content that the application site is not undeveloped and this reflects its place in the history of the village. At the time of the appeal the historic use of the building was recognised as being developed land for hobby repair of a variety of vehicles. The supporting statement to this application describes the use of the building as a workshop, used for many years by the applicant for operation of their 2 businesses as an electrical contractor and repair of tractors. At the time of the application site visit there was storage of a car and a tractor adjacent to the enclosed workshop building, which did not confirm that the buildings were in such use as the applicant seeks to present.

However, the definition of previously developed land (PDL) in the recent case of *Dartford Borough Council v Secretary of State for Communities and Local Government (2016)* has confirmed that the definition of PDL only excludes garden land within 'built-up areas' and that residential curtilage land outside built-up areas can be defined as PDL. The workshop does not lie in a built up area and thus the site does represent PDL in terms of the definition set out in the NPPF, but the definition of PDL is clear that it should not be assumed that the whole of the curtilage should be developed.

The proposal would accord with paragraph 89 of the Framework which gives exception to construction of new buildings, in so far the site is recognised as previous developed land (DPL). It is therefore necessary to consider the final test to whether the redevelopment of this site with a dwelling would have greater impact on openness of the Green Belt and the purposes of including land within it.

The effect of the proposal on the openness of the Green Belt and purposes of including land within it

The illustrative details of the proposed dwelling indicate that the dwelling would have an overall height of 3.8m height with a footprint of 120m². The dwelling would be sited on the existing footprint of the agglomeration structures which are of utilitarian and appear somewhat insubstantial in appearance, being constructed of timber and corrugated metal and have a rural agricultural appearance.

On examination of the building on site, the submitted footprint plan indicates 170m² of buildings/structure which includes a number of components, including a 56m² footprint of a main 'enclosed secure building' with block base foundation, finished with steel clad corrugated sheet sides and roof, along with other abutted structures to its sides. These additions include a covered vehicle storage area, a free standing prefabricated concrete detached single garage, wood store, two steel portable containers and associated covered roof areas with open sides, parts of which are constructed around an existing tree. Certain elements on the site can only be described at best as being temporary in nature and not permanent structures that do not fall within the policy requirements and definitions of PDL.

The only existing substantial, secure and enclosed building on the site has a footprint that would equate to approximately 56m². The proposed dwelling would therefore, materially increase the built form by 214% increase compared to the existing scenario. Therefore in a direct comparison with the existing and proposed footprints

of the 'enclosed secure building', it would not equate to a 30 % reduction as claimed in the submission by the applicant, but rather a 214% increase thus having a significantly greater impact.

The proposed layout of the new dwelling would incorporate a new driveway area from the shared access to Stable Cottage and garden area. With this regard, the proposal would replace the existing building/structure with a separate unit of accommodation. Whilst the dwelling itself would occupy an area of the existing footprint, it would have an extensive curtilage to the front of the building facing onto the Warwick Road. At present, apart from the area of existing building, the site consists largely of a grassed area, with a frontage along the main road through the village. The new dwelling would seek to introduce hard surfacing to the whole of the frontage of the dwelling driveway and garden area to the rear. The engineering operation proposed to create the driveway and parking area would have a significant urbanising impact and cause harm to the openness of the Green Belt. Further it would result in urban sprawl in conflict with paragraph 79 of the NPPF. The submitted layout plan also indicates significant areas of decking areas proposed to the eastern, western and southern areas of the proposed dwelling. These engineering features significantly extend the urbanising features of the proposed dwelling beyond the footprint of the buildings/structures on site causing encroachment of urbanising features into existing open areas. The proposal would also undoubtedly introduce the variety of domestic paraphernalia to the garden area that would be introduced into and given the property would have no garage, it is probable that some form of outdoor storage would also be needed.

Given the new curtilage, the potential change brought about by the more intensive use of this site, would be significantly different to that which exists currently. Whilst any planting would not impact on the openness, the hard landscaping, outbuildings and other paraphernalia would do so.

The site is clearly visible above the hedge line from along the Warwick Road abutting the site and even if these boundary treatments were altered to reduce the visibility as suggested by the applicant, this does not mean that the proposal would not affect the openness, as a lack of visibility does not in itself mean that there would be loss of openness.

The gap between the existing pub buildings and the proposed new house is considerable, in the region of 100m distance and has a general verdant and well vegetated appearance, all of which contributes to the spacious character of the village on the west side of Warwick Road. The Council maintain that to the south of the application site the public house is a focal point of the village in visual terms, largely due to the foil provided by the open and spacious character of its setting. Therefore the Council maintain that the proposed new dwelling along with its domestic curtilage would erode part of this open setting and be harmful to the openness of the Green Belt.

In summary, the intensification in the use of the site brought about by the creation of a separate unit of accommodation would have a greater impact on the openness of the Green Belt. The new dwelling would result in urban sprawl with an increased and more apparent level of development on the site than that which currently exists and

encroachment causing harm to the purposes of including land within it. As a result, the proposal would represent inappropriate development, which according to the Framework is, by definition, harmful to the Green Belt. This harm carries substantial weight in the planning balance exercise as detailed in the conclusion to this report.

The applicant within their statement concludes that the proposal complies with paragraph 89 of the NPPF, which the Council does not agree with. Therefore, as part of the statement a very special circumstances case has also been advanced which the Council will now assess.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

The applicant has advanced a very special circumstances (VSCs) case to seek to demonstrate that these material considerations clearly outweigh the harm by reason of inappropriateness. The applicant has forwarded the follow 5 VSCs in their report (section 3.9 to 3.19) which detail:-

1. 'Improvement to the street-scene

- Its corrugated sheeting appearance is utilitarian and at odds the residential nature of this part of the village. It is also very prominent in the street scene within a central village location. Its demolition and replacement with a sensitively-designed property would result in a significant enhancement to the area

2. Increased openness of the Green Belt

- The new dwelling will have a smaller footprint than the existing structure and be of no greater height. This would result in an overall improvement to the openness of the Green Belt by over 30%.
- The proposed curtilage follows the line of the existing drive, ensuring that there would be no encroachment of domestic activity onto adjoining open land to the east.
- Additional planting could also be provided along the proposed south-eastern plot boundary, minimising any perceived visual impact and screening the new property to any level which the planning authority considered appropriate.

3. Lack of conflict with the purposes of Green Belt designation

- The proposed new dwelling would not conflict with any of the 5 purposes of Green Belt designation as identified in the NPPF (Para 80) The application scheme would not result in sprawl, nor threaten the merging of towns in the countryside. A sensitively-designed scheme can only have an improved impact on the setting of the village, removing an unsightly structure with a modern contemporary building that is 'of its own time. Development of the site would involve the recycling of under-used previously developed land and would therefore be consistent with this purpose of Green Belt designation.

- This situation should also be compared to that which would result from ‘limited infill’ development which the Council accepts is appropriate within the village. New infill development would inevitably have a greater impact than the application proposal as it would involve the provision of totally new floorspace (most likely two-storey development) within a street frontage. The current proposal would therefore have much less visual impact

4. *Sustainability of the location*

- The application site lies in the heart of the village, within easy walking distance of The Orange Tree Public House, the village hall, the recreation ground and is within 130 m of the nearest bus stop. The proposal therefore benefits from the presumption in favour of sustainable development set out in the NPPF with a new house helping to sustain local services and the vitality of the village.

5. *Lack of five year housing supply*

- As confirmed by the Council’s Planning Policy Team, the Council is currently unable to demonstrate a five year housing supply. As noted in Section 2, the lack of housing supply within the District lends further weight to support for the application scheme as the NPPF requires proposals for new housing to be supported unless any adverse impacts would “significantly and demonstrably outweigh the benefits”. Whilst the Framework makes clear that this presumption should not overrule specific restraint policies, the applicants suggest that where there is no actual harm to the Green Belt, or its purposes of designation, then weight needs to be attached to the fact that the planning authority is unable to provide even the minimum required amount of new housing land.
- We also highlight that the fundamental aim of NPPF policy is to deliver a step-change in housing provision within sustainable locations whilst at the same time protecting the openness of the Green Belt. The application proposal fully complies with these objectives, fitting easily within the street scene without harm to the character of the area.’

Commentary on VSC’s

With regard to the above submitted VSC’s, by the applicant, commentary by the Council shall be dealt with in the same order.

With regard to the improvement to the street-scene, the Inspector in the previous appeal decision on this site had a contrary view to the applicant, in so far that ‘the existing buildings on the site are utilitarian and somewhat insubstantial in appearance, being constructed of timber and corrugated metal and have a rural agricultural appearance which I would not describe as unsightly. Their removal does not, therefore, weigh in favour of the proposal.’ Therefore no weight that can be attached to this this benefit in the planning balance.

The increased openness of the Green Belt has been assessed above, the Council maintain that contrary to the applicant, the proposal would cause the additional harm to openness compared to the existing situation, and the harm that would be caused by this amounts to a substantial level of harm to the Green Belt. This is despite any additional screening and planting suggested by the applicant to minimise any perceived visual impact. Therefore no weight can be attached to this this benefit in the planning balance.

In terms of the lack of conflict with the purposed of Green Belt designation; contrary to the applicant view, the Council maintain that the application is still in conflict with the framework with regard to the substantial level of harm to the Green Belt regarding impact on openness, harm to the purposes by reason of encroachment and urban sprawl so no weight can be attached to this benefit in the planning balance. In addition, the Council agree with the applicant that this application is not 'infill' as the site would not meet the required criteria as defined by policy and as confirmed in the appeal decision on the previous proposal submitted.

In terms of the sustainability of the location, as discussed later in the report, the applicant has not demonstrated that the new development would accord with Policy P 7 and P8 of the local plan and policy within the NPPF. With this regard, in the planning balance the weight that can be attached to this this benefit is negative.

In terms of the lack of five year housing supply which the Council acknowledges that it cannot demonstrate a five year housing land supply. Therefore, for 'decision-taking' as detailed in paragraph 14 of the Framework, confirms that 'where the development plan is out of date, granting permission can only be made unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted i.e. Green Belt. Thus Green Belt policies which are pertinent to consideration of this application apply and thus the lack of a five year housing supply does not outweigh the harm to the Green Belt and the specific policies within the framework apply that indicate that development should be restricted. Therefore, no weight should be attributed to the matter in the planning balance. This backed up by the paragraph 034 reference ID: 3-034-20141006 of the Planning Practice Guidance in relation to decision taking, can unmet need for housing outweigh Green Belt Protection states "unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt".

Design and layout

Policy P15 of the Solihull Local Plan requires all development to achieve good Quality, inclusive and sustainable design, which conserves and enhances local Character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. The policy is consistent with the NPPF and thus carries significant weight.

This is an outline application with matter of means of access, scale, layout for consideration, the matters of appearance and landscape are reserved for subsequent approval. The amended floor plan and elevations are indicative, but do detail the overall height of the development at 3.8m and with area of development including timber decking.

The details indicate a single storey building with sedum roof of a contemporary design.

The Inspector in considering the previous scheme on the site of two eco dwellings analysed the character of the area and considered that most of the development within the village is concentrated on the east side of the road, extending between Oldwich Lane West to a little beyond Bakehouse Lane to the south. There are, however, a substantial number of properties outside this area, particularly along Netherwood Lane, and including some along Warwick Road to the north of the crossroads and Oldwich Lane West. The application site is more closely associated with this development, which is loose-knit and somewhat sporadic, than the more dense development on the opposite side of the road.

To the south, the public house would be the nearest frontage building to the proposed dwellings, in the region of 100m distant. While the car parking is available to the side of the pub, the gap between the existing and proposed building is considerable and has a generally verdant and well-vegetated appearance which contributes to the spacious character of the development on the west side of Warwick Road. The public house is a focal point of the village in visual terms largely due to the foil provided by the open and spacious character of its setting.

The design of dwellings in this part of Chadwick End can be described as traditional rural cottages. The contemporary design and elongated form of the proposal with minimal height seeking to address Green Belt issues is clearly at odds with the defined character of the area and does not respect the built environment or the character of the village. The new dwelling along with its domestic curtilage and associated paraphernalia would erode a part of this setting and character. Additionally, the existing buildings have a rural agricultural appearance which cannot be describe as unsightly. Their removal does not, therefore, weigh in favour of the proposal.

The proposal is therefore contrary to Policies P15 of the Solihull Local Plan.

Neighbour amenity

Policy P14 of the Solihull Local Plan seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing neighbours, as well as future occupiers of the proposed dwellings. The policy again is consistent with the NPPF and thus carries significant weight.

The proposed development would not cause any unreasonable loss of light, or privacy, or have an overbearing impact on the amenities of neighbours. The

proposed development would therefore accord with Policies P14 and P15 of the Solihull Local Plan (2013). This carries neutral weight in the planning balance.

Visual amenity and landscape character

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. The policy is consistent with the NPPF and thus carries significant weight.

The proposal maintains all boundary hedgerows and trees and on the basis of the information submitted, the Council's Landscape Architects have recommended no objection. The proposal therefore accords with Policies P10 and P14 of the Solihull Local Plan. This carries neutral weight in the planning balance.

Ecology

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

An updated Extended Phase 1 Habitat Survey has been produced with the application. The survey confirms that the buildings remain unsuitable for bats and none of the trees to be impacted contain potential bat roost features. The grassland has low suitability for reptiles and amphibians and the area immediately adjacent to the building remains unsuitable. Given the low habitat suitability and that the nearest ponds are greater than 250 metres away no further survey is considered necessary. The Council Ecologist raises no objection to the scheme but recommends a precautionary approach and advise that notes should be imposed if the application were to be approved.

On the basis of the application complies with Policy P10 of the Solihull Local Plan and the NPPF. This carries neutral weight in the planning balance.

Flooding / Drainage

Policy P11 of the Solihull Local Plan advises that new development will not normally be permitted within areas at risk of flooding. The policy is consistent with the NPPF and thus carries significant weight. The site is not located in a flood plain or in an area known for flooding. The Council's Drainage Engineers have therefore, confirmed that they have no objection to the proposal. The proposal would therefore accord with Policies P11 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

Accessibility

Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby.

Policy P7 of the Solihull Local Plan advises that all new development should be focused in the most accessible locations and seeks to enhance existing accessibility levels and promote ease of access. Development will be expected to meet the following accessibility criteria, unless justified by local circumstances: -

Proposed housing development should be: -

- Within a 800m walk distance of a primary school, doctors surgery and food shop offering a range of fresh food; and
- Within 400m walk distance of a bus stop served by a commercial high frequency bus service (daytime frequency of 15 minutes or better) providing access to local and regional employment and retail centres; and/or
- Within an 800m walk distance of a rail station providing high frequency services (3 or more per hour during peak periods) to local and regional employment and retail centres.

The policy again is consistent with the NPPF and thus carries significant weight.

The applicants within various statements advises that the application site lies within the village of Chadwick End, within easy walking distance of The Orange Tree Public House, the village hall, the recreation ground (opposite) and within 130m of the nearest bus stop. The applicant's conclude that the proposal therefore benefits from the presumption in favour of sustainable development set out in the NPPF with a new house helping to sustain local services and the vitality of the village.

It is acknowledged the application site at Chadwick End is an isolated village in the countryside rather than an accessible location with very limited local facilities. The village is currently served with an infrequent bus service. However, the site is not within 800m of all of the required services such as primary school, doctor's surgery and food shop offering a range of fresh food as required in Policy P7 of the local plan. The proposal would therefore not meet the accessibility requirements of Policy P7 and P8 and thus can not be considered to be a sustainable location, meaning that any future occupiers of the dwelling would be reliant on the car for the majority of day to day requirements.

The NPPF acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Nevertheless, the limited services within Chadwick End would require future residents to travel outside the village to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. As a result the proposal would increase the amount of unsustainable journeys made. In addition, the limited range of local services within the village means that the impact on the vibrancy and vitality of the immediate community would be minimal. Therefore, although not physically isolated from other dwellings, the proposal would result in the creation of a new dwelling in the countryside contrary to the objectives of Policy P7 and P8 of the SLP.

Highway Safety

Policy P8 seeks all development proposals should have regard to transport efficiency and highway safety. Policy P8 is consistent with the NPPF and again carries significant weight.

The Council's Highway Engineers have assessed the access arrangement to the site and raise no objection. The proposal in terms of its access arrangement therefore raises no highway safety issues. The proposal would accord with Policy P8 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

Developer Contributions and Infrastructure Provision

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 12th April 2016. The launch date of CIL was 4th July 2016 and the proposal would be liable.

The applicant states the proposed development involves redevelopment of an existing building which has been in lawful use for a period of at least six months during the past three years. The 172 sq. m. existing floor space can be off-SET against the proposed 120 sq. m. floor space and there is consequently no liability for CIL. Notwithstanding this, the applicant intends to live in the property himself, so will benefit from the CIL 'self-build' exemption. The relevant CIL exemption form has therefore been completed.

CONCLUSION & BALANCING EXERCISE

The application site is located within the designated Green Belt as defined by the Local Plan.

The application site is previously developed land and the NPPF confirms at paragraph 89 that for the partial or complete redevelopment of this previously developed sites, whether redundant or in continuing use, which would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development are inappropriate.

The proposed dwelling would materially increase the built form on the site and harm the openness of the Green Belt. Further, the creation of a domestic curtilage around this building, additional access, the engineering operations which proposes to tarmac the whole of the site frontage along with the associated domestic paraphernalia including decking also cause material harm to the openness of the Green Belt and purposes of including land within it by reason of encroachment beyond the footprint of buildings/structure and the creation of urban sprawl, which carries substantial weight.

The NPPF confirms that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In terms of other harm, the proposal would require future residents to travel outside the village to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. As a result the proposal would increase the amount of unsustainable journeys made. In addition, the limited range of local services within the village means that the impact on the vibrancy and vitality of the immediate community would be minimal. Therefore, although not physically isolated from other dwellings, the proposal would result in the creation of a new dwelling in the countryside contrary to the objectives of Policy P7 and P8 of the SLP.

In summary, the proposed development would cause the following harm:

- Harm by definition to the Green Belt and by reason of inappropriateness, harm to the openness of the Green Belt and to the purposes of including land within it;
- Harm by reason of accessibility to services which would increase the amount of unsustainable journeys; and
- Harm to the character and appearance of the area.

The NPPF is clear at paragraph 88 that substantial weight should be given to any harm to the Green Belt.

The Framework is clear that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has advanced very special circumstances to this case namely improvement to the street scene, increased openness to the greenbelt, lack of conflict with the purposes of Green Belt designation, sustainability of location, and lack of five year housing supply. However the weight to be attached to these material considerations can only be given limited weight and does not outweigh the harm to the Green Belt by reason of inappropriateness, and other harm identified.

Thus, very special circumstances, to outweigh such harm have not been demonstrated and the application should be refused.

RECOMMENDATION

Refusal is recommended for the following reason:

1. The application site lies within the Green Belt where there is a general presumption against development, except for certain criteria. The application proposes to demolish the existing buildings/structures on the land and provide a detached dwelling with associated driveway and private garden. The proposed development would introduce an urban form of development with a dwelling of greater size than those existing and a curtilage that would cause material harm to the openness of this part of the Green Belt and to the purposes of including land within it. Additionally, the proposal would cause other harm to the character and appearance of the area and increase the amount of unsustainable journeys. Very special circumstances have not been demonstrated which would outweigh the harm caused. The proposal is

therefore, contrary to the provisions of Policy P17, P7, P8 and P15 of the Solihull Local Plan and guidance contained within the National Planning Policy Framework.

For the avoidance of doubt this decision refers to the plans as follows: Plan Number(s): Plan Number 396.02A detailing location, layout, means of access existing footprint, proposed footprint; Plan Number 396.03A; Amended Plan Number 396.01 detailing scale, floor plan and elevations.