

APPEAL SYNOPSIS

Planning Inspectorate Reference: APP/Q4625/W/19/3227954

Location: Land adjoining 68 Lady Lane, Shirley Solihull B90 1RJ

Planning Application Number: PL/2018/01906/MIODW

Appeal Decision notice date: 15 August 2019. Appeal Dismissed

This appeal related to the Council's decision to refuse planning permission for a residential development site with all matters reserved at land adjoining 68 Lady Lane, Shirley, Solihull.

The main issue was the Council's interpretation and application of Green Belt policy including:-

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect on the openness of the Green Belt; and
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

The Inspector agreed that the proposal represented inappropriate development in the Green Belt and reiterated the following main points including;

Paragraph 145 of the Framework states that new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions including 'limited infilling of villages'. Policy P17 of the Solihull Local Plan 2013 (LP) defines 'limited infilling' as 'filling of a small gap, in an otherwise built up frontage of no more than two dwellings.' P17 states that acceptable villages for limited infilling are within the settlement boundaries of Chadwick End, Cheswick Green and Tidbury Green. The appeal site is not within a defined settlement boundary, and is seen alongside the other sporadic development within the open countryside along the rural lane at this location, rather than being seen within a built-up frontage along spine roads typical of sites within the settlement boundary. The appeal site is land which lies within open countryside which is defined by the Council as being land outside of the settlement boundary, the nearest settlement boundary, being that of Cheswick Green, some 400 metres away. The site is accessed from Lady Lane, a narrow carriageway with no street lighting or footpaths into the settlement with future occupants most likely completely reliant on private vehicle to access services of nearby settlements.

The appeal proposal would therefore not constitute limited infilling as defined by Policy P17 of the LP. Accordingly, the proposal would be 'inappropriate development' in the Green Belt. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC's) attaching substantial weight to the harm arising due to the inappropriate development. The VSC's very special required to permit the development do not exist and would therefore conflict with the provisions of the Development Plan and with the Framework.

The appeal was therefore dismissed.