

APPEAL SYNOPSIS

Planning Inspectorate APP/Q4625/W/19/3228723, Former Glider Yard, Land opposite 26 Houndsfield Lane, Tidbury Green, Shirley, Solihull B90 1PR.

Application Reference: PL/2019/2018/03267/PPFL.

Appeal Decision notice date 11TH September 2019. Appeal Dismissed.

Planning permission was refused under delegated powers for the erection of 3 x five bedroomed houses.

The Inspector confirmed that the site is within the West Midlands Green Belt. Policy P17 of the Solihull Local Plan 2013 (LP) states that in addition to the provisions of national Green Belt policy, the Council will consider development not inappropriate in the Green Belt in certain other limited circumstances. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to Green Belts. Furthermore, it explains that substantial weight is to be afforded to any harm. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Paragraph 145(g) identifies that new buildings would be inappropriate development except if it relates to "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development".

The Inspector acknowledged that paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The Inspector noted that the site is within the small settlement of Tidbury Green. The appeal site was opposite a ribbon development of dwellings and a golf course behind it. There are fields/small holdings either side. The site and surrounding areas are relatively flat, with temporary wooden boarding enclosing the frontage. The proposed development would be visible from views around the edge of the site from local highways, even though boundary trees and hedging reduce some of its open character. Trees subject to a Preservation Order are within the frontage of the site, although the site is mostly open to views from the highway.

The Inspector noted and had regard to the planning history of the appeal site which included Certificate of Lawful Development from 2016 for three buildings on the appeal site. Further, an appeal for a dwelling, in a similar location as the (then) existing central building, was allowed in 2017. The Inspector noted that the Council had since granted planning permission for two dwellings in 2018. This approved scheme included two relatively large dormer bungalows, placed either side of the middle of the plot with a substantial gap in-between.

The Inspector considered that the appeal proposal sought to infill the gap and replace the approved dormer bungalows with three two-storey dwellings. The net increase of development on site would consequently be significant and the gap would be removed. The proposal would not thus take up a similar area of the site, in comparison to the two dwellings previously approved, in either floor space or footprint terms. Furthermore, the proposal seems to far exceed the scale of existing (now demolished) buildings on site. Consequently, the Inspector found moderate harm to the openness and the proposal would also be inappropriate development in the Green Belt.

The Inspector had regard to the appeal site being identified within the Council's Brownfield Land Register as Previously Developed Land, which considered the site to be suitable for 2-4 dwellings,. He noted other examples in the area, lack of a 5 year housing land supply, and the site being close to Whitlock's End Railway Station. However, he considered that these material considerations carried limited to moderate weight in favour of the proposal.

Consequently, the Inspector concluded that the appeal proposal would be inappropriate development and as such harmful to the Green Belt. The proposal would therefore be contrary to policy P17 of the Solihull Local Plan 2013, which states that development in the Green Belt must comply with national planning policy. The proposed development therefore, would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. The appeal was therefore dismissed.