**SOLIHULL LOCAL PLAN REVIEW: DRAFT SUBMISSION PLAN 2020**

**POLICY P17 Countryside and Green Belt**

**Background**

The Solihull Local Plan adopted in December 2013 details under Policy P17 the local planning authority’s approach to infill development in the Green Belt.

It states that “In addition to national policy…Limited infilling will not be considered to be inappropriate development, providing this would not have an adverse effect 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 no more than two dwellings…The small settlements of Hampton-in-Arden, Hockley Heath, Meriden and Catherine de Barnes are inset in the Green Belt…Immediately beyond the inset boundary, strict Green Belt policies will apply” Paragraph 11.6.8 adds that “Limited infilling in villages…will be permitted in Chadwick End, Cheswick Green and Tidbury Green. In other Green Belt villages and hamlets in the Borough, new building….will be considered to be inappropriate development…”

However the Judgement in Wood v Secretary of State 2015, that is after the Solihull Local Plan was adopted, has fundamentally challenged the Council’s approach to treating planning applications for infill development in the Green Belt.

It addressed the meaning of “limited infilling” and concluded that it should include land which as a matter of fact on the ground appears to be within a village whether or not the site lies outside a village boundary designated by a development plan.

This wholly undermines both the terms of Local Plan Policy P17 and its application by the Council as local planning authority. Indeed, the approach was seen as perverse in recent Appeal Decisions in Solihull. Nonetheless it has been carried forward into the Draft Submission Local Plan published in October 2020.

**Appeals**

In a case in Grove Road, Knowle (PINS ref APP/Q4625/W/17/3188046: Sol MBC ref 2017/02190)(attached), the Inspector in his Decision Letter of February 2018 allowed the Appeal, so granting planning permission for the erection of a single dwelling. The Inspector stated that “This site … lies within the Green Belt, just beyond the settlement ‘inset’ boundary of Dorridge/Knowle, as identified on the SLP Proposals Map. Dorridge/Knowle is not one of those villages identified in SLP paragraph 11.6.8.

However, in his 29 October 2017 letter, and Planning Statement, the appellant refers to court and appeal decisions where village boundaries were held not to be determinative, and that a common-sense ‘on the ground’ view should be taken as to the physical extent of a village. Those include Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council 2015.

Whilst the site is beyond a settlement boundary, that boundary runs rather arbitrarily between houses a short distance to the west. Additionally, rather than falling within a Green Belt settlement, as referred to in Policy P17, it seems to me that this site is within a ribbon of built development which extends out in a broadly continuous run from the centres of Dorridge/Knowle. It is easily accessible to a range of services and amenities as summarised at pages 3 and 4, and Appendix A, of the appellant’s statement.

Given that context, and the site’s proximity to local services, it is clearly physically and functionally related to Dorridge/Knowle. In such circumstances it would seem to me perverse to allow infilling in some smaller villages which are washed over by the Green Belt, but not to allow it in a ribbon of development which is also washed over by the Green Belt, but which extends out from two of the borough’s larger and more sustainable settlements, which are excluded from it”.

A subsequent Appeal at Lady Byron Lane, Knowle later the same year in September 2018 (PINS ref APP/Q4625/W/17/3191758: Sol MBC ref2017/00148)(attached) endorsed this view. The Inspector’s Decision Letter states that “I have noted the previous appeal decision relating to this site. However, it is important to bear in mind that it pre-dates the Court’s judgement in Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council 2015. This made clear that a common sense, ‘on the ground’ view should be taken as to the physical extent of a village. This approach is reflected in another appeal decision1 at Grove Road, Knowle….

In this context, I share the view of the Inspector in the Grove Road appeal that it would seem perverse to allow infilling in some smaller villages which are washed over by the Green Belt but not to allow it in a ribbon of development also washed over by the Green Belt but which extends out from a large and sustainable settlement…”

**Draft Submission Plan Policy P17**

Notwithstanding that the policy approach of the adopted Local Plan has been found to be perverse, it is carried forward into the Draft Submission Local Plan published in October 2020.

This is clearly not justified and is not consistent with national planning policy and law; and so renders the Plan unsound as currently drafted.

**Proposed modification**

This matter can easily be remedied by amending Policy P17 by way of deletion of certain of its elements as set out below:-

….

3. Inappropriate development will not be permitted in the Solihull Green Belt, unless very special circumstances have been demonstrated in accordance with the NPPF. Paragraphs 145 and 146 of the NPPF set out forms of development that are not regarded as inappropriate. In interpreting these paragraphs the following provisions will apply:

i. Limited in-filling or redevelopment may take place (delete” in the following settlements”) without constituting an inappropriate development (delete “Chadwick End Cheswick Green Millison’s Wood Tidbury Green”)

ii. Limited infilling in villages shall be interpreted as the filling of a small gap within an otherwise built up frontage with not more than two dwellings….

423. Limited infilling in villages, identified as appropriate development in the Green Belt in the NPPF, will be permitted (delete “in Chadwick End, Cheswick Green, Millison’s Wood and Tidbury Green,. This reflects the character of these settlements, the limited impact that small infill developments would have on the wider Green belt, including by way of openness, and the limited, small scale opportunities that exist within their settlement envelope. In the other Green Belt villages and hamlets in the Borough, new building, other than that required for agriculture and forestry, outdoor sport, outdoor recreation and cemeteries, or for extensions and alterations will be considered to be inappropriate development, in order to protect the Green Belt and the character and quality of the settlements”).

…

**Conclusion**

The Council is urged to modify Policy P17 as set out above in order to make Policy P17 of the Plan sound.

PRW / December 2020