



## Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Solihull MBC Local Plan

Please return to [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk) or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14<sup>th</sup> December 00:00

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	Mrs	Mrs
First Name	M	Glenda
Last Name	Joyce	Parkes
Job Title (where relevant)		Director
Organisation (where relevant)		Tyler Parkes
Address Line 1	Please refer to agents	66 Stratford Road
Line 2		Shirley
Line 3		Solihull
Line 4		
Post Code		B90 3LP
Telephone Number		
E-mail Address (where relevant)		

## Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<b>622-639 &amp; 644-650</b>	Policy		Policies Map	<b>Green Belt boundary Hampton in Arden</b>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<b>X</b>	No	
4.(2) Sound	Yes		No	<b>X</b>
4 (3) Complies with the Duty to co-operate	Yes	<b>X</b>	No	

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Representation on behalf of our Client Mrs M Joyce who owns land at Lugtrout Lane, Catherine-de-Barnes (Job Ref. No. 10444).

### **OBJECTION**

#### **Hampton-in Arden Section: paragraphs 622 to 639 and 644 to 650 'Proposed Approach', the Green Belt Boundaries shown on the Policies Map**

1. On behalf of our Client, Mrs M Joyce, we are instructed to make representations to the Solihull Local Plan Review 2020. It is submitted that the proposed inset Green Belt boundaries for Catherine-de-Barnes (as shown on the Policies Map) are unsound, as they fail to exclude land to north of Lugtrout Lane/northwest of Catherine-de-Barnes from the Green Belt. This is considered contrary to national planning policy – NPPF paragraphs 117, 118 d), 139 b) and 139 e) and, therefore, is unsound.
2. Removing land from the Green Belt should only occur through the plan-making process when justified by 'exceptional circumstances', as detailed in NPPF paragraphs 136 and 137. The significant need for housing and the shortage of an adequate housing land supply outside the Green Belt has satisfied this

**‘exceptional circumstances’ test, as demonstrated in the Draft Submission Solihull Local Plan (SLP) and evidence base. It is therefore sound that land is identified for removal from the Green Belt and for allocation for residential development. The Plan is, therefore, considered unsound in that it has failed to include land northwest of the existing settlement of Catherine de Barnes within the inset boundary.**

- 3. It is contended that insufficient policy weight has been given to encouraging the development of all suitable land for housing, to avoid the need to adjust Green Belt boundaries beyond the plan period – contrary to NPPF paragraph 139 e). It is submitted that it is important for the SLP to make provision for ‘safeguarded’ land in order to meet longer-term development needs stretching well beyond the Plan period. This is important in a Borough which has a large proportion of Green Belt land as it should speed up any future review which may prove necessary to meet more rigorous NPPF requirements. At present it is considered that the Plan does not appropriate provide for this.**
- 4. Our Client affirms that without substantive changes to the Draft Submission SLP and accompanying Policies Map, the Section which relates to Hampton in Arden area is unsound.**
- 5. On behalf of our Client, representations have also been submitted in respect of Policy P5 ‘Provision of Land for Housing’: Paragraph 222 Solihull Housing Land Supply 2020 – 2036, Paragraph 225 Maintaining Housing Land Supply and Paragraph 226 Allocated Sites: Policy P5 ‘Provision of Land for Housing’: Paragraph 224 Housing Trajectory and Paragraphs 227 to 228 Housing Market Area. Policy KN2 South of Knowle (Arden Triangle), Proposed Approach (paragraphs 708 and 709), Justification (paragraphs 720 to 729). Policy BL1 – West of Dickens Heath and Justification (paragraphs 603 to 608) and Paragraph 226 Summary of Residential Allocations.**

#### **Detailed comments**

- 6. Land in our Client’s ownership is shown on the plan number 20099(10)M-102 below (Enclosure 1) and extends to approximately 1.77 ha as shown on the accompanying drawing number 20099(10)M-102. Representations have previously been submitted on behalf of our Client in response to consultations on each iteration of the SLP. The site has been promoted for consideration in the Strategic Housing and Economic Land Availability Assessment (SHELAA).**
- 7. The site represents a ‘gap’ on the north side of Lugtrout Lane between detached residential properties and outbuildings to the west and east. To the east, Lugtrout Lane is characterised by a continuous ribbon of residential development, with residential development extending from the village centre to a point just to the east of our client’s landholding.**



Enclosure 1 ownership plan 20099(10)M-102

8. It is close to and northwest of the settlement boundary of Catherine de Barnes and is in a sustainable location less than half a mile (a 10-minute walk) from the heart of the village. The number 82 bus operates an hourly service from the centre of Catherine de Barnes into Solihull Town centre, which lies approximately 2 miles away with its extensive range of retail, employment, community, education, and service facilities. Encouraging sustainable development, such as at this site, is a fundamental aim of the NPPF.
9. This objection contends that in order to make up for the potential shortfall in deliverable housing sites, for example arising from the issues raised with separate objections lodged on behalf of our Client with regard to Policy Proposal BL1 and KN2 the area northwest of Catherine-de-Barnes represents a logical, limited and proportionate area for removal from the Green Belt. A revision to the Green Belt inset boundary to remove the land from the Green Belt is sought. It is submitted that development of land northwest of the settlement would meet national and local plan objectives of sustainable development; and
  - make a short-term impact on the shortfall in housing land supply with housing deliverable within the first 5 years by willing landowners;
  - direct development towards a sustainable site close to the centre of the village of Catherine- de-Barnes, thereby meeting the requirement to contribute to the limited expansion of a rural village;
  - provide a mixed tenure development with a mix of dwelling sizes to meet local needs for smaller dwellings and affordable and starter homes in line with policy objectives;

9. This objection contends that in order to make up for the potential shortfall in deliverable housing sites, for example arising from the issues raised with separate objections lodged on behalf of our Client with regard to Policy Proposal BL1 and KN2 the area northwest of Catherine-de-Barnes represents a logical, limited and proportionate area for removal from the Green Belt. A revision to the Green Belt inset boundary to remove the land from the Green Belt is sought. It is submitted that development of land northwest of the settlement would meet national and local plan objectives of sustainable development; and
- make a short-term impact on the shortfall in housing land supply with housing deliverable within the first 5 years by willing landowners;
  - direct development towards a sustainable site close to the centre of the village of Catherine- de-Barnes, thereby meeting the requirement to contribute to the limited expansion of a rural village;
  - provide a mixed tenure development with a mix of dwelling sizes to meet local needs for smaller dwellings and affordable and starter homes in line with policy objectives;

- make a short-term impact on the shortfall in housing land supply with housing deliverable within the first 5 years by willing landowners;
- direct development towards a sustainable site close to the centre of the village of Catherine- de-Barnes, thereby meeting the requirement to contribute to the limited expansion of a rural village;
- provide a mixed tenure development with a mix of dwelling sizes to meet local needs for smaller dwellings and affordable and starter homes in line with policy objectives;

- direct development towards a sustainable site close to the centre of the village of Catherine- de-Barnes, thereby meeting the requirement to contribute to the limited expansion of a rural village;

- provide a mixed tenure development with a mix of dwelling sizes to meet local needs for smaller dwellings and affordable and starter homes in line with policy objectives:

- make efficient re-use of a partly brownfield previously developed site;
- direct development towards a site which does not have any heritage assets or community assets, such as sports pitches, which would be threatened or lost as a result of development;
- not require the loss of any significant mature trees covered by Tree Preservation Orders;
- have a minimal impact on the landscape character and visual importance of the area because it is a relatively small-scale development proposal on a largely enclosed and screened site with existing built development, a canal and road with trees and vegetation along its boundaries;
- result in the loss of a small area of Green Belt which currently makes a low to more moderate contribution towards the purposes of including land within the Green Belt, achieving a total Green Belt score of only 4;
- not result in the coalescence of settlements and it would provide new strong physical enduring Green Belt boundaries in accordance with the requirements of national policy;
- deliver a site, in line with the Government objective to bring forward small and medium size sites, to diversify and reduce the dependence on a small number of house builders; and
- bring forward a site which performs equally well as Policy Proposal HA2 'Oak Farm' (discussed in detail later in this representation).

10. It is submitted that the area northwest of Catherine-de-Barnes should be reviewed for removal from the Green Belt and it is acknowledged that when identifying land for removal from the Green Belt, it is imperative that NPPF paragraphs 138 and 139 are satisfied:

*'138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account... Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.*

*139. When defining Green Belt boundaries, plans should:*

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;*
- b) not include land which it is unnecessary to keep permanently open...*
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.' (own emphasis)*

11. It is contended that the above provisions would be satisfied, in that land northwest of Catherine-de-Barnes includes brownfield land, is served by a bus service within 10 minutes' walking distance, includes land that performs very low in Green Belt terms and is considered unnecessary to keep permanently open, and has strong physical boundaries.
12. The NPPF, paragraph 117 also states that '*...strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land*'. Paragraph 118, part d) emphasises that policies and decisions should '*promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively*'.
13. It is our submission that by failing to remove land to the northwest of Catherine-de-Barnes from the Green Belt, the Council has failed to effectively use, 'as much as possible':
- suitable;
  - available;
  - sustainable;
  - currently 'under-utilised';
  - land which it is unnecessary to keep permanently open;
  - land which has robust clearly defined physical permanent features which would form a new Green Belt boundary; and
  - land which is previously developed brownfield land,
- as required by national planning policy.
14. The area as per Enclosure 2 plan number 20099(M)-103 below, has been largely promoted by landowners for development through the Strategic Housing and Economic Land Availability (SHELAA) submission process (site references 2, 21 and 96). It is submitted that this combined area forms a logical, limited and proportionate area for inclusion within the inset to Catherine- de-Barnes, meeting national and Draft Submission Solihull Local Plan (SLP) strategic objectives and criteria for identifying land for development and removal of land from the Green Belt.

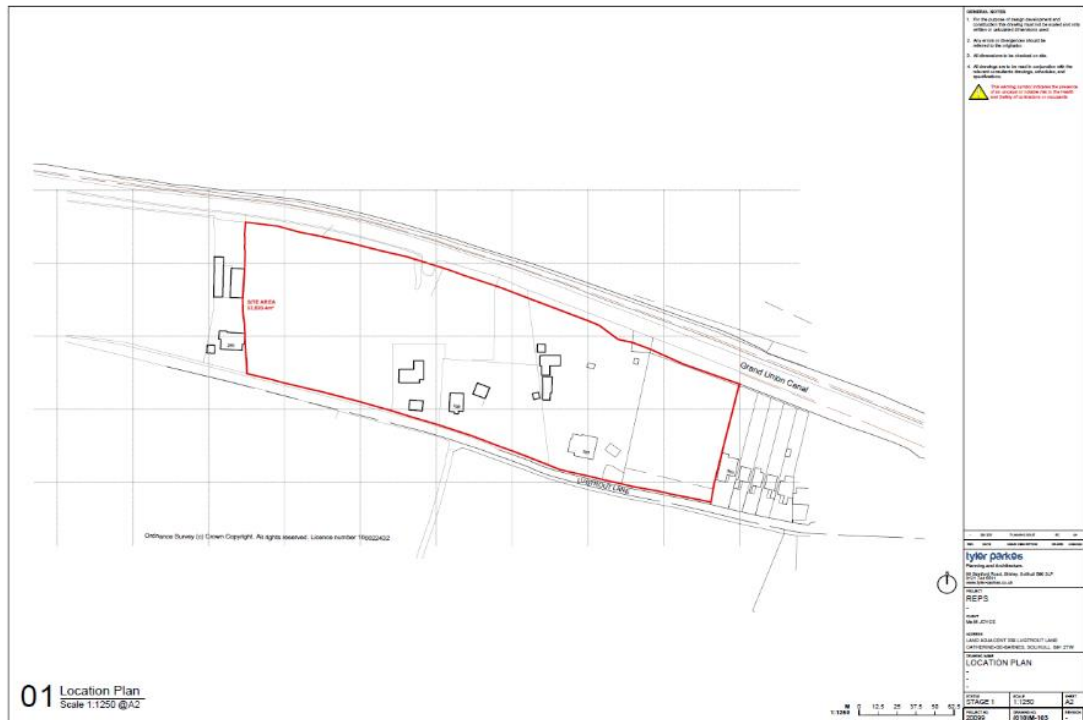


Enclosure 2 plan of area northwest of Catherine-de-Barnes 20099(10)M-103

15. This area has a low Green Belt Assessment score of 4 out of a possible score of 12, when assessed against the purposes of including land within the Green Belt, in the 'Green Belt Assessment' 2016. It is submitted that retaining land which makes such a limited contribution towards the purposes of including land within the Green Belt is contrary to NPPF 139 b).
16. It is considered that insufficient policy weight has been given to encouraging the development of all suitable land for housing, to avoid the need to adjust Green Belt boundaries beyond the Plan period – contrary to NPPF paragraph 139 e). There should be provision within the SLP for safeguarded land and it is submitted that this area of land would fulfil that requirement, with a modest change to the Green Belt boundary, as is proposed elsewhere within the Plan.
17. Therefore, it is considered that the Policies Map is **unsound** and should be redrawn to include land located adjacent to the northwest boundary of Catherine-de-Barnes, which sits between the strong physical boundaries of Lugtrout Lane to the south and the Grand Union Canal.
18. Our Client contends that Policy P5 is **unsound** and has not undertaken the necessary steps regarding the legal Duty to Cooperate. The deliverability and developability of many of the proposed sources of residential land supply has not been robustly demonstrated and do not satisfy national planning policy requirements.
19. The result of the Council's failure to identify a sufficient supply of deliverable and developable housing sites, as contended within the representations made on behalf of our Client, across other policies and proposals of the Plan, means that there is an immediate need to identify additional and/or alternative sustainable, suitable sites which can be shown to be deliverable and developable meeting the requirements of

the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

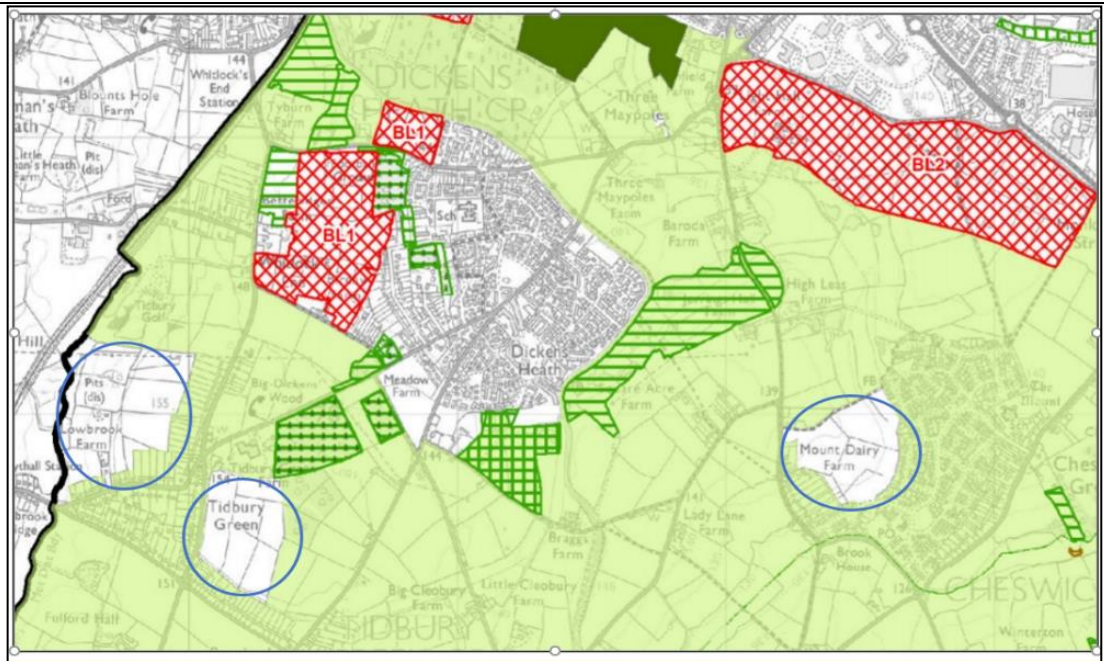
20. **As all of the area within the red-line on the Plan 2009910(M)-103 has been promoted by landowners, it is submitted that Land bounded by Lugtrout Lane to the south and the Grand Union Canal to the north, immediately northwest of Catherine-de-Barnes is removed from the Green Belt as a logical, limited and proportionate inclusion within the inset boundary of Catherine-de-Barnes, using the clearly defined strong defensible boundaries of Lugtrout Lane and the Grand Union Canal (as per Enclosure 2 - Plan 2009910(M)-103).**



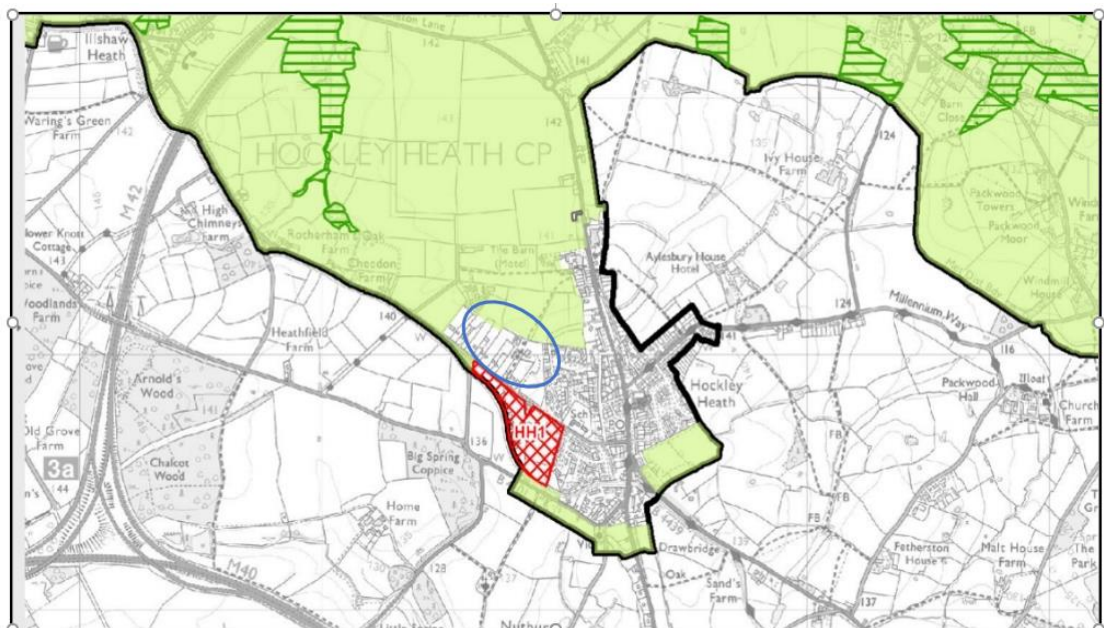
Enclosure 2 plan of area northwest of Catherine-de-Barnes 20099(10)M-103

21. This approach is in line with the approach taken, in removing areas from the Green Belt, elsewhere with the Plan. For example, north west of the Cheswick Green settlement (Mount Dairy Farm) and north and east of the Tidbury Green settlement (Lowbrook Farm and Tidbury Green Farm), as shown circled blue on the Policies Plan Map Extract A below; and at School Road Hockley Heath as also shown circled blue on Policies Plan Map Extract B below.





**Policies Plan Map Extract A**



**Policies Plan Map Extract B**

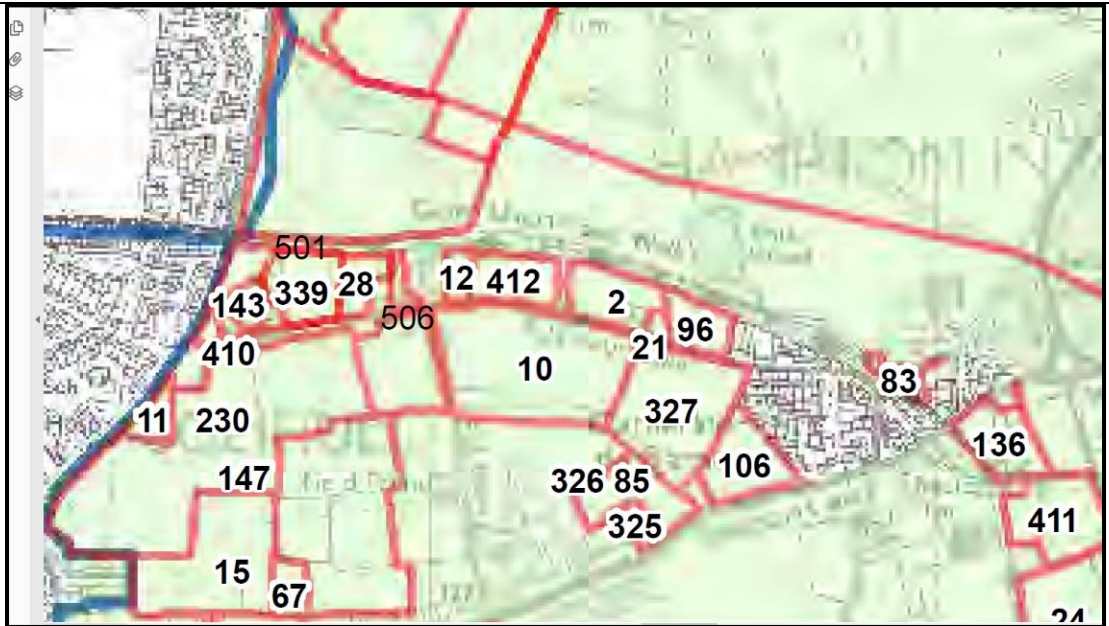
22. The aerial photograph below shows the approximate site boundary of land in our Client's ownership (blue) SHELLA site numbers 2 and 21 (see plan numbers 20099(10)M-102 Enclosure 1), with the wider area adjacent to Catherine-de-Barnes (outlined in amber), which is proposed should be considered for removal from the Green Belt and included within the inset boundary for the settlement (Enclosure 2 plan number 20099(10)M-103).



© google earth

23. As is evidenced in more detail below, the identified area adjacent to Catherine-de-Barnes (within which our Client's land is located) is available now, offers a suitable location for development now and has a realistic prospect that housing will be delivered on the site within five years. In summary, this includes:
- partly brownfield previously developed land;
  - land that makes a very limited contribution towards the purposes of including land within the Green Belt (scoring on 4 out of a possible 12 in the Green Belt Assessment, 2016);
  - strong and clear physical defensible boundaries;
  - no physical or legal constraints restricting development;
  - land that is in the ownership and landowners who are keen to bring land forward for development at the earliest opportunity;
  - a small area to be removed from the Green Belt, but which would contribute towards the timely delivery of housing to meet the housing requirement, as recognised by NPPF paragraph 68 which states that, '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.*'; and
  - the potential to deliver approximately 50-60 dwellings in the first 5-years of the plan period.
24. It is contended that the development of the subject site would not lead to 'coalescence', there would still remain a substantial open 'gap', comprising sports fields and agricultural land on either side of Field Lane, between its western boundary (next to the Red Star Sports Ground, Site Ref. No. 412 and site 12). See Extract of All-Call-for Sites Map).





(Extract from All-Call-for-Sites Map)

25. It is our submission that if the site were to be included as part of a slightly wider expansion of the current limit of the settlement northwestwards by the inclusion of the adjacent site to the east, Site Ref. No. 2, 21 and 96, would be entirely reasonable and logical.
26. The land is partly brownfield; it makes a very limited contribution towards the purposes of including land within the Green Belt, with a combined score of only 4 in the assessment, compared to 11 for Oak Farm.
27. It is in a sustainable location; there are no physical or legal constraints restricting development; and it could deliver at least 50 dwellings within the first 5 years of the plan period.
28. Combining promoted sites reference numbers 2, 21 and 96 this could provide, according to the Council's estimate, around 60 dwellings, which could include a mix of housing types, size and tenure to meet local need, potentially including an element of affordable housing and homes for first-time buyers. Starter Homes and affordable housing provision would encourage retention of younger people and families which would help to address the rise in the ageing demographic for the settlement ensuring Catherine-de-Barnes is more socially sustainable for the long-term future vitality of the village, representing an entirely 'limited and proportionate extension'.
29. The area northwest of Catherine-de-Barnes as a combined site would have very clear physical and defensible boundaries on all four sides, namely existing development to the east, the canal to the north, the Sports Ground to the west and Lugtrout Lane to the south. The existing trees and hedges along the Lane frontage can readily be retained to help provide a natural screen to development.
30. It is important to note that the site is not in an area liable to the risk of flooding and does not lie within or near a Conservation Area or near to any Listed Buildings, there are no known legal or physical constraints which would prevent development. The area has owners who are keen to bring the site forward for development. It is available

now, offers a suitable location for settlement expansion and has a realistic prospect that housing could be delivered on the site within the first phase of the Plan.

31. Residential development in this location forms a logical use of partly previously developed land on the edge of a settlement proposed to be expanded. This would require only a minor adjustment to the Green Belt boundary, which would be unlikely to have a significant impact on the purposes of including land within the Green Belt. NPPF 139 confirms that plans should not include land which it is unnecessary to keep permanently open. In this instance, it is submitted that with a GBA score of 4 arguably removal from the Green Belt is justifiable bearing in mind the 'exceptional circumstances' that have been demonstrated to provide a significant amount of land for development which is, in many instances, proposed to be located in Green Belt locations with a much higher GBA score.
32. The Topic Paper 'Overall Approach', October 2020, paragraph 9 confirms that due to limited land being available, there is a requirement for land to be released from the Green Belt. In assessing the various options, the Council are pursuing:
- Growth Option E 'The UK Central Hub Area & HS2',
  - Option F 'Limited Expansion of Rural Villages/Settlements'; and
  - Option G 'New Settlements, Large Scale Urban Extensions or Significant Expansion of Rural Villages/Settlements'.
33. Paragraphs 25 to 30 deal with: **Area C – East of Solihull between the Canal and the A41**, which also references Catherine-de-Barnes and notes that:

*'The western part of this area, to Field Lane, is generally accessible, with most sites being of high or medium accessibility in the Accessibility Mapping study, whilst those east of Field Lane and around the M42 junction are of low accessibility.'*

But in terms of the Green Belt, it is confirmed that:

*'The area performs relatively poorly in the GBA with scores of 4 to 5 up to Catherine de Barnes and Ravenshaw Lane, reflecting the existence of urban influences, especially the ribbon development along Hampton Lane. The land to the east is highly performing, being part of the wider Meriden Gap.'*

With regard to capacity paragraph 28 states that

*'The area presents an opportunity for moderate/significant growth but is limited by the constraints.'*

Paragraph 30 concludes that

*'the low to moderate impact on the Green Belt and the medium to high accessibility to Field Lane indicate that this land is suitable for consideration for growth, although any development would need to ensure no loss in biodiversity'.*

34. The area northwest of Catherine-de-Barnes sits within an area south of the Grand Union Canal and north of Lugtrout Lane, within an area of low performing Green Belt, confirmed as scoring 4 out of 12 in the Green Belt Assessment. The area of highly performing Green Belt starts on the beyond the canal to the north, where that area scores 11 out of 12 within the GBA. Overall, the location is confirmed within paragraph 30 of the Topic Paper as an opportunity area for moderate to significant growth.
35. Our Client's site and the area (including site reference 2, 21 and 96) northwest of Catherine-de-Barnes is considered to compare favourably and, indeed, better in some respect that Policy Proposal HA2 'Oak Farm, Catherine de Barnes'. Our Client suggest that if sites 2, 21 and 96 are compared it can be seen that the sites at Lugtrout Lane perform equally as well against the Council's Site Selection criteria. If the Oak Farm site is considered appropriate for development, then so should the subject site or at the very least the inset boundary for the settlement be extended to remove the area from Green Belt.
36. The Commentary within the Site Assessment 2020 concludes that:
- Oak Farm has hard constraints of high-pressure gas and overhead power cables, whereas the subject site has none.
  - the Oak Farm site is within a 'highly performing parcel within the Green Belt Assessment' with a combined score of 11. In contrast the subject site is within a 'lower' performing parcel, with a combined score of only 4.
  - Oak Farm is concluded to have a 'low to medium' level of accessibility. This is the same finding as the subject site.
  - Oak Farm is concluded to have a medium landscape sensitivity with low capacity for change. This is the same finding as the subject site.
  - The sites are noted as being suitable for development.
  - The Sustainability Appraisal findings for the sites are the same, noted to have 17 effects, including 4 positive, 10 neutral and 3 negative effects. Although the conclusion for Oak Farm indicates 3 'minor' (our emphasis) effects, which our Client would submit is not explained, understood or recognised.
37. All told, the subject site compares just as favourably in Assessment terms as the Oak Farm site. Indeed, it scores significantly better in terms of Green Belt impact.
38. The small-scale extension of the settlement boundary to the northwest would represent a limited and proportionate expansion to the proposals for Catherine-de-Barnes. It is submitted that this is in keeping with the findings of the Topic Paper, which recognise this area as being suitable for moderate/significant growth. In other locations within the Borough the SLP proposes the removal of areas from the Green Belt, referenced above, at north west of the Cheswick Green settlement (Mount Dairy Farm), north and east of the Tidbury Green settlement (Lowbrook Farm and Tidbury Green Farm) and School Road in Hockley Heath. Proposals at paragraph 671 of the plan, in relation to Hockley Heath Allocation HH1 'Land South of School Road, Hockley Heath' provide a useful indicator for the approach being put forward within this representation. Paragraph 671 states that:

*'In addition to the site south of School Road that would fall within the settlement boundary, if the Green Belt boundary were amended as described above, there are also two small sites that may then be considered appropriate for development as they would then also be within the settlement boundary. These sites are not being allocated as part of this plan but are being highlighted as they have been promoted for development by the landowner/developer and if the Green Belt boundary is changed they would no longer be subject to Green Belt policy. The principle as to whether development would be allowed on these sites would be established through the planning application process. These are as follows (using the call for sites references and the SHELAA indicated capacity):*

- 49 Land adjacent to 84 School Road (capacity 21)
- 328 Land at and to the rear of 84, 86 and 90 School Road (capacity 30).'

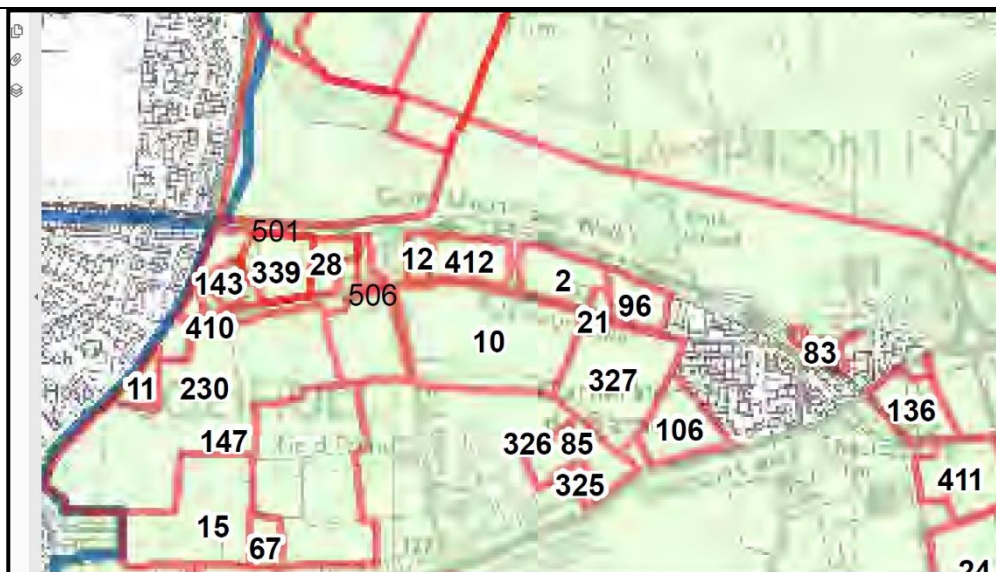
39. Paragraph 674 of the SLP also states in the context of justifying the proposed housing site allocation at HH1 'Land South of School Road, Hockley Heath' that:

*'...Given the change that will be required to the Green Belt boundary to accommodate the above site, it is considered that the existing ribbon development on the north side of the road that has Green Belt 'washed over' it should be reviewed. The existing built development that is largely continuous without significant gaps and does not contribute towards the existing values of Green Belt policy. It therefore appears logical and justified for this run of development to be removed from the Green Belt.'*

40. Our Client's strong contention is that, in comparison, the area of land subject of this representation has strong credentials to support it being removed from the Green Belt and included within the inset boundary for Catherine-de-Barnes.

41. The NPPF, paragraph 117 states that '*...strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land*'. Paragraph 118, part d) emphasises that policies and decisions should '*promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively*'. It is our submission that the Council has failed to use, as much as possible, available previously developed brownfield land effectively such as the area within which our Client's land sits.

42. Many of the landowners have promoted their respective parcels of land for development along Lugtrout Lane. The Extract below from the All-Call-for-Sites Plan 2015-2020-Map shows the sites put forward and it can be seen that there is widespread coverage of landowners promoting their land to north of Lugtrout Lane adjacent to the settlement. It is our submission, that this demonstrates a willingness in the location for development and for this lower performing, in Green Belt terms, area to be removed from the Green Belt and included within the inset boundary for the settlement.



Extract from All-Call-For-Sites Plan 2015-2020-Map

43. For ease of reference the sites promoted by landowners within this quadrant are:

SHELAA SITE REF	ADDRESS/DESCRIPTION	SHELAA ESTIMATED CAPACITY
21	The Paddock (inc in site 2)	8
2	Land adj 339/337 Lugtrout Lane	49
96	Land on north side of Lugtrout Lane	24
	Estimated totals	64 units

44. Our Client would argue that this sufficiently demonstrates the availability of this area of low performing Green Belt to come forward; similar to the situation that is proposed by the Council in other parts of the Borough. Indeed, as part of the Green Belt review, our Client considers it appropriate for the Council to critically examine all areas washed over by Green Belt, particularly where there are lower performing areas adjacent to settlements.
45. Paragraph 140 of the NPPF states that, '*If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt...*' Therefore, conversely, it must be assumed that it would be inappropriate to include a village (or presumably edge of settlement development) within the Green Belt, which does not make an '*important contribution*' towards the openness of the Green Belt. It is submitted that that is the case in this area, where the GBA Score is only 4 out of 12.
46. NPPF paragraph 68 requires local planning authorities to identify small and medium sized sites, as they can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
47. Planning Practice Guidance (PPG) paragraph 002 (Reference ID: 2a-002-20190220 Revision Date: 20 02 2019) on housing need assessment, makes it clear that the standard method is only a minimum starting point for housing need, it is not a housing requirement. Local authorities should be seeking to put in place the necessary

	mechanisms to boost housing delivery, including ensuring land which it is not necessary to keep permanently open is removed from the Green Belt as part of any review and adjustment to boundaries.
48.	The Council has demonstrated that exceptional circumstances exist for some land to be released from the Green Belt to accommodate the Borough's own needs and a contribution to the unmet needs arising from the wider HMA as it is clear that the need cannot be accommodated simply by increasing densities and directing development towards non-Green Belt land.
49.	The NPPF is clear, at paragraph 138, that when reviewing Green Belt boundaries, sustainable patterns of development should be promoted. Consideration should be given to the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages in-set within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.
50.	<p>Paragraph 139 goes on to set out what factors need to be taken into consideration when defining Green belt boundaries. These include:</p> <ul style="list-style-type: none"> <li>a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;</li> <li>b) not include land which it is unnecessary to keep permanently open;</li> <li>c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;</li> <li>d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;</li> <li>e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and</li> <li>f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.</li> </ul>
51.	Our Client's site meets the priority criteria set out in national policy for reviewing and redefining Green Belt boundaries - it is partly brownfield previously developed land; it is in a sustainable location; there are clearly defined, readily recognisable, permanent physical boundaries, and the site contributes little to the purposes of including land within the Green Belt: it is therefore unnecessary to keep it permanently open.
52.	Our Client accepts that the SLP should aim to allocate sites sufficient to meet, as a minimum, the needs identified over the Plan period; however, given that Solihull is covered by a significant area of Green Belt, they also consider it prudent for 'safeguarded' Green Belt sites to be identified to meet future need.
53.	It is our submission that 'safeguarded' Green Belt sites are identified in the SLP to ensure that, should the future housing requirement necessitate an early review of the SLP, in accordance with paragraph 33 of the NPPF, the allocation of additional sites can be achieved as quickly as practicable without the need to undertake a full review of the Green Belt boundary. This will ensure that the Green Belt boundaries will not



need to be altered at the end of the plan period – beyond those areas identified through the safeguarding policy approach. It will also provide greater certainty for developers and reduce the opportunity for ‘planning by appeal’ by minimising the time when planning policies which are most important for determining a residential planning application are out-of-date (paragraph 11 d) of the NPPF).

54. For the avoidance of doubt, paragraph 33 of the NPPF states, ‘Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.’
55. Identification of safeguarded land would be in accordance with paragraph 139 of the NPPF, bullet point c) which states that where necessary, plans should identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
56. For the following reasons, the washed over Green Belt designation for our Client’s land and the area within which is located northwest of Catherine-de-Barnes should be removed - in accordance with the aspirations of national, local strategic plan and a new boundary defined:
  - a) the area does not make an ‘important contribution’ towards the openness of the Green Belt. This is supported by SMBC’s Green Belt Assessment, which concluded that it had a combined score of 4 (out of a possible maximum score of 12);
  - b) development here would cause less harm to openness and the purposes of including land within the Green Belt, than many of the proposed site allocations which score more highly in the Green Belt Assessment, including Proposed Housing Allocation HA2 ‘Oak Farm, Catherine-de-Barnes’ which has a GBA Assessment of 11 out of 12.
  - c) the area immediately adjacent to and northwest of Catherine-de-Barnes has strong defensible boundaries comprising Lugtrout Lane to the south and the Grand Union Canal to the north.
  - d) the site will contribute towards the requirement for SMBC to accommodate at least 10% of their housing requirement on small and medium sites. With an amendment to the Green Belt boundary, land could come forward within this area as windfall developments early in the plan period.
57. Our Client contends that because the area within which their site is located meets national and local site selection criteria, that it is unsound for it to continue to be washed over by Green Belt and should be removed from the Green Belt as a limited and proportionate inclusion within the inset boundary to the settlement of Catherine-de-Barnes.

### Enclosures

- **Enclosure 1** 20099(10)M-102 - clients ownership
- **Enclosure 2** 20099(10)M-103 – area northwest of Catherine-de-Barnes

(End)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

58. Inset a new paragraph below paragraph 639 as follows:

In addition to the proposed site allocation HA2 'Oak Farm, Catherine-de-Barnes' that would fall within the settlement boundary, if the Green Belt boundary is amended as proposed, there is also land to the northwest of Catherine-de-Barnes (as shown on Enclosure 2 Plan number 2009910(M)-103) that would be considered appropriate for development as it would then fall outside the Green Belt. This area has been promoted for development by landowners and if the Green Belt boundary is changed the area would no longer be subject to Green Belt policy. Following the proposed amendments as defined on the Policies Plan Map, proposals in this location will be considered appropriate for residential development subject to development proposals satisfying local and national planning policy requirements.

Or:

In addition to the proposed site allocation HA2 'Oak Farm, Catherine-de-Barnes' that would fall within the settlement boundary, if the Green Belt boundary is amended as proposed, there is also land to the northwest of Catherine-de-Barnes (as shown on Enclosure 2 Plan number 2009910(M)-103) identified as safeguarded land for future development.

The Policies Plan Map should be amended to exclude the area of land adjacent to and northwest of the settlement of Catherine-de-Barnes from the Green Belt or it should be identified as safeguarded land as shown on plan number 2009910(M)-103; with an approximate SHELAA capacity of up to 64 dwellings.

(End)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☒

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Glenda Parkes

Date:

11/12/2020