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PLANNING APPLICATION

**Land at Marlpit Cottage, Netherwood Lane
Chadwick End, Solihull B93 0BD**

Revised outline application for dwelling house

PLANNING STATEMENT

JANUARY 2021

1. BACKGROUND

- 1.1 The accompanying revised planning application seeks permission for the erection of a house on land set back from the frontage of Netherwood Lane at the northern end of Chadwick End. This outline application seeks to establish the principle of a dwelling on the site and all matters are reserved for subsequent approval.
- 1.2 The application site which forms part of the extensive garden to Marlpit Cottage and is located in the West Midlands Green Belt. Infill development is permitted in Chadwick End under the Solihull Local Plan although there is no village envelope.
- 1.3 A previous application for outline permission (PL/2020/00749/PPOL) was approved in May this year for a house to be on a plot on the road frontage. Since then the Applicants have considered a better siting for the house would be set back further to take advantage of a wider section of land and making use of part of the former marl pit to accommodate a possible basement to the house. The application site is well capable of containing the proposed development as an infill site and this revised proposal would allow for better maintenance of the site..
- 1.4 Appeals have been allowed for infilling at other sites in the village – notably adjacent to Woodside in the Warwick Road, Pear Tree Cottage in Netherwood Lane and Wayside in Oldwich Lane. Additionally, permission was granted last year for a new dwelling to the west of, and adjacent to this application site at The Willows.

- 1.7 The lack of a five years' supply of housing land in Solihull and recent case law suggests that firstly the 2013 Local Plan is not up to date and secondly that restrictive housing policies on infill development cannot be enforced.
- 1.8 This supporting Planning Statement examines in more detail the policy background and the merits of developing the site with what remains a proposed infill dwelling in Netherwood Lane.

2. THE CONTEXT

The Surroundings

- 2.1 Chadwick End sits in the Solihull Green Belt south of Knowle/Dorridge. The village comprises a mix of individually designed dwellings along with the Orange Tree gastro pub lying a little to the north west on the west side of Warwick Road. It can be considered to be a crossroads settlement that has expanded over time with a ribbon of development along the A4141 in two distinctly separate clusters.
- 2.2 The northern part is around and to the south, east and west of the crossroads of Warwick Road /Netherwood Lane/ Oldwiche Lane with a cluster of dwellings stretching along each arm and down southwards to include some small estates off Wheelers Close and Bakehouse Lane. The southern part of Chadwick End is located around the junction of the Warwick Road with Rising Lane, Baddesley Clinton in Warwickshire, and on the east side of the A4141 in Solihull are a modern estate in Thistlewood Grove as well as Chadwick Mews.
- 2.3 Between the two parts is a long gap of several hundred metres of largely open agricultural land which clearly separates the two clusters of housing that make up Chadwick End.
- 2.4 The application site in Netherwood Lane is located on the east side of Warwick Road in the northern part of Chadwick End village and around 200m down that road from the crossroad junction of Netherwood Lane and Oldwiche Lane with the A4141 Warwick Road.
- 2.5 Netherwood Lane is a relatively narrow road leading out into open countryside along the first 300m of which are a few detached properties on both the north side but mainly on the south side which include both Pear Tree Cottage and The Willows. Those two properties in particular have received permission for developing a new house on the frontage. That at Pear Tree Cottage and The Willows are both currently under construction.

The Application site

- 2.6 The application site itself extends to around 0.28 ha with a depth of around 75m and overall width of around 18m on the building line, widening to a maximum of around 65m towards the back of the site. There are some individual trees at the front, rear and side of the plot.
- 2.7 The site is currently unused, flat towards the front sloping down at the back to the marl pit and has been generally tidied, It has direct access to Netherwood Lane.

- 2.8 The application site is part of the extensive curtilage area to Marlpit Cottage which itself is set well behind the frontage and accessed via a private drive alongside the new house being built at Pear Tree Cottage
- 2.9 There is no planning history on the application site other than the grant of outline planning permission for the front part of the site in May 2020.

Preliminary Ecological Assessment

- 2.10 In preparation of this application a PEA was carried out and the report on that accompanies this Statement. The Report notes that there are great crested newts present in the area. Although no evidence was seen, there is potential for breeding birds in the adjacent trees, and also for hedgehogs on the survey site.
- 2.11 There is evidence of Japanese Knotweed adjacent to the survey site and the plants or rhizomes may have spread onto the cleared area of the site. A plan is attached to this statement showing the area of Knotweed on site which will need treatment as well as felling of affected trees to remove the roots.
- 2.12 The Assessment concludes that there is no overall predicted loss of biodiversity as a result of developing the cleared site on the frontage. There is a low predicted adverse impact on great crested newts due to loss of habitat as a result of the proposed development so a method statement must be used to minimise the impact and the risk to individual newts, and compensation will be needed. The PEA Report makes a number of recommendations to protect biodiversity for developing the application site.

Tree Survey and Arboricultural Impact Assessment

- 2.13 The submitted AIA for this proposal focussed on seven mature/middle aged trees within close proximity to the proposed dwelling (T1-T7). There were several smaller trees and shrubs within or near the footprint of the proposed building, but these are all to be removed as they are in poor physiological and structural condition, and their removal will be necessary to eradicate Japanese Knotweed which is present on the site. Additionally, T1 (Scot's Pine) and T2 (Lime) will also have to be removed to facilitate the Japanese Knotweed removal works.
- 2.14 The root protection areas (RPAs) and canopy spreads of T1-T7 were measured and the AIA concludes that the proposed new dwelling will not impact on the RPAs or canopy spreads of T3-T7, although protective barrier fencing will be used to ensure there is no damage to the boundary vegetation.
- 2.15 Other trees in close proximity were not surveyed, as they lie well away from the construction zone and will not be impacted. Construction traffic and materials storage areas will be contained on existing bare ground away from retained trees. The Arboricultural Impact Assessment (AIA) is supported by an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

3. THE PROPOSED DEVELOPMENT

- 3.1 This is an outline planning application with an outline of a detached two/three storey 4/5 bedroomed house with a double garage on the front and basement at the rear where the house makes use of the existing hollow formed from the original marl pit.
- 3.2 The suggested design of the dwelling is illustrated in the submitted drawings and is of modern design with particular emphasis on sustainability. All matters are reserved for subsequent approval.
- 3.3 The proposed dwelling would be positioned generally to follow the established building line to the east and west and to also relate reasonably to those adjacent properties and the new house recently approved next door at The Willows.
- 3.4 The width and depth of the plot is comparable with the width of plots along the south side so that subject to approval of reserved matters and once built the scale and design of the new house would be entirely compatible with the adjoining dwellings. The access to the proposed new house will use the current access to Netherwood Lane.
- 3.5 In terms of sustainability and public transport, the application site location is close to the No 88 bus services using the Warwick Road between Solihull, Knowle and Balsall Common and using Oldwich Lane around 200m east of the application site.

4. RELEVANT PLANNING POLICY

- 4.1 The application site sits at the north western fringe of the northern consolidated part of Chadwick End which is washed over as Green Belt.
- 4.2 For the application to succeed it is necessary to establish whether the local development plan is up to date and if so whether the proposal accords with the development plan policies and the National Planning Policy Framework, and if not whether any very special circumstances exist to override those policies.
- 4.3 The normal test for all planning applications is that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Planning Policy

- 4.4 The National Planning Policy Framework (NPPF) was revised in February 2019 and sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 4.5 The policies in the NPPF are a material consideration which must be taken into account in development management decisions, where relevant. The development management policies in NPPF can thus be applied directly by the decision-maker when determining whether development should proceed.
- 4.6 The revised NPPF continues to set out a general presumption in favour of sustainable development which in relation to this case means approving development proposals that accord with the development plan without delay; and, where the development plan

is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

- 4.7 The NPPF also states that there are three dimensions to sustainable development: economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 4.8 The NPPF emphasises the need to support the Government's objective of significantly boosting the supply of homes. It is seen to be important that enough land and a variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.9 The NPPF makes it clear that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Green Belt and Infilling

- 4.10 The most relevant planning policies at a national level in the NPPF in respect of this proposal are those in relation to development in the Green Belt. The NPPF states that the Government attaches great importance to Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.11 Limited infilling in villages is permitted 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.
- 4.12 The NPPF emphasises that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should also ensure that developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
- 4.13 The potential of a site to accommodate development should be maximised, and proposals should reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; new development should be visually attractive because of good architecture and appropriate landscaping.

Local Planning Policies

- 4.14 The development plan is the Solihull Local Plan adopted by the Council in December 2013, which carries substantial weight apart from Local Plan Policy P5 which has been significantly modified by the High Court and confirmed by The Court of Appeal.
- 4.15 In our submission with this application, it must follow that the Local Plan is currently out of date and therefore there must be a significant question mark against restrictive

housing policies. That is because the Council accept that pending a review of the Local Plan, Solihull does not have a 5 years' supply of housing land and therefore their housing requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need.

- 4.16 Accordingly, the relevant restrictive housing policies in the Local Plan relating to the Green Belt and infill development must be regarded as being out of date (as per NPPF Paragraph 49) and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development.

The Five-year housing supply position and the currency of the Local Plan

- 4.17 The Council has accepted that at present – pending the Review of the Local Plan and its scrutiny at an EIP - it does not have a five-year supply of housing land that is available, suitable and deliverable, and has been forced to release land originally set aside for development later in the plan period.
- 4.18 The Council are currently reviewing their Local Plan and a draft submission version of the Local Plan has just been published for public consultation with a view to adoption in 2021 after an Examination in Public.
- 4.19 However, for the present time where a LPA, such as Solihull, cannot show a five-year supply of housing land that is available, suitable and deliverable, their relevant housing supply policies are to be considered not up to date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development.
- 4.20 That means granting planning permission unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 4.21 Granting permission for this application proposal will marginally increase the supply of land for housing and will contribute something towards helping the Council meet its five-year requirement.
- 4.22 This carries significant weight in the assessment of the application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five-year period.
- 4.23 The proposed development would be compliant with Policy P5 of the Solihull Local Plan in that it would provide new housing on an unidentified site in an accessible location. The Council acknowledge that they only have a supply of 4.19 years of housing land at the last count in April 2020 and therefore the tilted balance is engaged. This shortfall is modest on a scale of marginal-limited-modest-substantial-severe, and as such this will have a bearing on the weight attached to the tilted balance.

Solihull Green Belt and infilling

4.24 LP Policy P17 deals with the countryside and the Green Belt. It states that The Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In addition to the national policy, the following provisions are intended to apply to development in the Borough's Green Belt. The Policy also deals with the issue of infilling.

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4.25 Policy P17 states that limited infilling will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on the character of the settlements. Limited infilling is to be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings. In the reasoned justification for Policy P17 the Local Plan sets out further clarification on the matter of infilling and the settlements covered and not covered by the policy it states as follows –

*Limited infilling in villages, identified as appropriate development in the Green Belt in the NPPF, will be permitted in **Chadwick End**, Cheswick Green and Tidbury Green. 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. The policy provides some additional guidance to assist interpretation of limited infilling.*

5. THE CASE FOR THE APPLICANT

5.1 Having regard to the above it is considered that the main issues in this case are as follows –

- *Does the application proposal amount to appropriate infill development in the Solihull Green Belt?*
- *Is the site adequate in size and context to accommodate a single dwelling?*
- *Would there be any adverse impact on trees or ecology?*
- *Does it amount to sustainable development?*

Green Belt appropriateness and infilling

5.2 Paragraph 145 of the NPPF says the construction of new buildings in the Green Belt should be regarded as inappropriate, although one of the exceptions to this general rule includes limited infilling in villages. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3 There is no settlement boundary to Chadwick End, but nevertheless the Solihull Local Plan allows for infill development in the village. The application site in this case is clearly within Chadwick End and in our view the application proposals represent the infilling of a small gap within the meaning of the policy.

- 5.4 That has been accepted in the various appeal decisions and planning permissions which we cite below. Development is not inappropriate in the Green Belt if it amounts to infilling, and if it does, no very special circumstances need to be argued to justify the new dwelling in the Green Belt.
- 5.5 A number of appeal and planning application decisions around and within Chadwick End are relevant to this application. We will list those only as the details of the schemes are generally well known and were cited in the earlier application this year.
- *Land Adjacent to Wayside, Oldwich Lane appeal allowed June 2016*
 - *Land Adjacent to Woodside Warwick Road appeal allowed 2018*
 - *Land adjacent to Pear Tree Cottage, Netherwood Lane appeal allowed 2018*
 - *Land adjacent to the Mews House, Chadwick Mews two houses approved in 2014*
 - *Land adjacent to The Willows, Netherwood Lane – approved 2019*
- 5.6 Policy P17 sets out the exceptions to the general presumption against inappropriate development in the Green Belt and conforms to the guidance in the NPPF. It states that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances.
- 5.7 In addition to the national policy, the Council also say they will apply further provisions to development in the Borough's Green Belt, which are set out. Paragraph 145 of the NPPF is thus also applicable in Solihull.
- 5.8 The NPPF sets out that where relevant development plan policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 5.9 This has particular relevance to this case, because we submit that the Council's policies for the supply of land are to be treated as out-of-date. The Council's policies restrict the supply of housing and are also to be considered out of date. However, the NPPF indicates that inappropriate development in the countryside should be restricted; saying that the construction of new buildings should be regarded as inappropriate, other than for several specified exceptions. The most relevant of these is limited infilling in villages such as those specified in the Local Plan which includes Chadwick End.
- 5.10 In the circumstance of this case, we submit that the restrictive housing policies as applied in this case are out of date. That is therefore a very special circumstance that would justify release of this application site as an infill plot for one house.
- 5.11 'Infilling' is normally taken to be the development of a single plot in an otherwise built-up frontage, and with that definition there can be no doubt that the development of the application site with a single dwelling would amount to infilling.
- 5.12 NPPF re-emphasises that 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. The development of the application site by a single dwelling would not amount to urban sprawl, and there would be no

encroachment into open countryside, nor any contribution to coalescence between settlements.

- 5.13 More locally the proposed development would not be incongruous in this section of Netherwood Lane nor would it erode the distinctive spacious character of this part of the village, maintaining the clusters of housing in Chadwick End.

Is the application site adequate in size to accommodate a dwelling?

- 5.14 The application site itself extends to around 0.278 ha with a depth of around 75 m and overall width of around 18 m on the building line, widening at most to around 65m at the back of the site.

- 5.15 We illustrate on the site block plan with this application how a dwelling can be fitted onto the site respecting the normal space standards applied by the Council in their SPGs.

- 5.16 The design and appearance of the dwelling along with landscaping can be the subject of a reserved matters application.

Is there any impact on ecology or trees?

- 5.17 Both the specialist reports on ecology and trees indicate that there would be no adverse impact on either. The presence of Japanese Knotweed present on the site will mean the loss of several trees to rid the site of this invasive plant.

Does it amount to sustainable development?

- 5.18 The sustainability credentials of the proposed development and its design approach are critical in relation to both the compliance with NPPF and how the development would integrate with its surroundings.

- 5.19 Under NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 5.20 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. We believe that the application proposal meets the three elements of sustainable development - economic, social and environmental.

- 5.21 It would be unrealistic to consider a potential development as being sustainable only if it complied absolutely with every facet of sustainability. The creation of local construction and supply chain employment would be a sustainable benefit. In addition, there would be continued economic benefit arising from the general uplift in the local economic base. Development of the site would meet social sustainability objectives.

- 5.22 The site is located at the northern end of Chadwick End fronting Netherwood Lane close to where there is a public transport link (No 88) to Solihull, Balsall Common and Knowle using Oldwich Lane and a more limited service (No 514) to Warwick via Lapworth using the A4141.

- 5.23 The sustainability of any new development is also a reflection of the detail of its design and how it is to function once built, as well as its location. The proposed house is intended to create a low carbon footprint and conditions to that effect could be imposed on any outline permission.
- 5.24 The proposed dwelling will be assimilated well into the setting of the site, reflecting the general proportions of dwellings in this part of Chadwick End, and respecting the building line and the context of the site.

6. CONCLUSIONS

- 6.1 The application proposals seek to build a house on a revised plot of land which, while in the Green Belt, is clearly an infill building plot at the north western fringe of the northern cluster of houses in Chadwick End, and clearly within Chadwick End village.
- 6.2 Outline planning permission has already been given for a house of similar size and mass further to the frontage and the new outline permission proposes retaining a detached garage on the front of the plot.
- 6.3 The Council's Local Plan Green Belt policies allow for limited infill development in principle in Chadwick End, and the application site is compatible with other recent approved schemes for infill development in the village as well as the similar outline approval for a dwelling further to the front of the plot.
- 6.4 The Solihull Local Plan is not up to date and the lack of a five years' supply of housing land in Solihull gives added weight to support the application proposals.
- 6.5 The design of the proposed dwelling can reflect both the character and appearance of the adjoining dwellings along Netherwood Lane and would meet the highest standards of sustainable development.
- 6.6 In summary we believe that the application complies with all relevant sections of the NPPF and local planning policies.

APPENDICES

- A. Plan showing Frontage Development Context – BP/RGC/05B
- B. Revised Plan Area of Application site with Japanese Knotweed infestation
- C. Site Plan showing alignment of proposed plot with nearby dwellings.