

BA (Hons) MA
Supplemental Proof of Evidence
Appeal by Wain Estates (Land) Ltd

Land north of Wilderness Lane, Great Barr

PINS ref: APP/G4620/W/24/3341688

LPA ref: DC/24/68822

July 2024

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Client
Wain Estates (Land) Ltd

Our reference
HIMQ3001

July 2024

1. Introduction

- 1.1 This supplemental Proof of Evidence follows my original planning balance Proof of Evidence submitted to the Planning Inspectorate on 11 June 2024 in respect to the planning appeal against Sandwell Metropolitan Borough Council's decision to refuse an outline planning application for residential development on land north of Wilderness Lane, Great Barr (the 'appeal site').
- 1.2 The purpose of this Supplemental Proof is to correct a matter in my original Proof that, on reflection, was in error.
- 1.3 My supplemental evidence considers heritage matters covered in my original Proof of Evidence, and how this impacts the overall planning balance.

2. Material considerations – heritage

- 2.1 At para 4.103 of my Proof¹ I conclude that that there will be no heritage harm.
- 2.2 The EDP Archaeological and Heritage Impact Assessment (**CD7.6**) concludes that in respect to the Area of High Historic Landscape Value ('AHHLV') 25: Peak House Farm Field System "...there are no mitigation measures which can be applied to eliminate or reduce the impact of the proposals on this non-designated asset"². This however represents "...no more than a small impact"³.
- 2.3 The Archaeological and Heritage Impact Assessment also concludes that the proposals would have "...no more than a 'very small' impact"⁴ on the significance of the Archaeological Priority Area 24: Peak House Moated Site.
- 2.4 Reflecting that there will be small / very small impact on both the AHHLV 25: Peak House Farm Field System and the significance of the Archaeological Priority Area 24: Peak House Moated Site, I am of the view that this represents **limited heritage harm**, rather than no heritage harm.
- 2.5 The Archaeological and Heritage Impact Assessment (**CD7.6**) concludes at para 6.8 that there is nothing to show that any of the heritage assets referred to above are of anymore than local significance. It goes on to state at para 6.9 that there is no policy in the development plan:
- "...which suggests that development of the site should be precluded or restricted on the basis of the impacts identified for non-designated assets".*
- 2.6 The appeal proposals therefore conform to development plan in relation to archaeology and heritage matters.
- 2.7 The Archaeological and Heritage Impact Assessment (**CD7.6**) also states that there is nothing at National Planning Policy Framework ('NPPF') (December 2023) which would preclude the appeal proposals from being determined favourably.
- 2.8 This must be true, heritage and archaeology did not form any part of the reasons for refusal, and it is agreed in the Statement of Common Ground Addendum that they do not represent reasons for refusal.

¹ p31

² para 5.39, **CD7.6**

³ para 5.43, **CD7.6**

⁴ para 5.38, **CD7.6**

3. Planning balance – update

- 3.1 As per my Proof, the starting point for determining this appeal remains to be the development plan. My conclusions on heritage and archaeology, presented at section 2 of this Supplementary Proof, do not alter my view the proposals accord with the development plan as a whole.
- 3.2 In coming to this conclusion, as required by NPPF para 153, the appeal proposals should only be allowed if the potential harm to the Green Belt, and any other harms, are clearly outweighed by other considerations. I have updated my original Table TA6.1 below to provide a summary of this test (the updated table is now referred to as Table TA6.1a).

Table TA6.1a – overall balance of planning considerations

Benefits	Weight	Harm	Weight
Housing delivery	Very substantial	Inappropriate development in the Green Belt	Substantial
Affordable housing provision	Very substantial	Landscape and visual impacts	Limited
Ecological benefits, including a minimum 20% BNG and management regime for site	Substantial	Conflict with BCCS policy CSP2	Limited
New countryside park	Significant	Low / very low impacts to non-designated heritage assets	Limited
Exceptional, high quality transport links adjacent to site boundary	Significant		
Economic benefits	Significant		

- 3.3 The additional heritage harm, which represents low / very low impacts to non-designated heritage assets which are of no more than local significance, is limited given it is insufficient to even conflict with any development plan policy.
- 3.4 As set out in Table TA6.1a above, I remain of the view there are limited harms in this case and substantial benefits. Indeed the additional limited heritage harm is in no way sufficient to outweigh the proposals substantial benefits, most importantly the delivery of market and affordable housing in a borough with an acute serious and significant housing shortage.

3.5 Reflecting this I find no reason to come to any different conclusion than I reach at paras 6.7 to 6.9⁵ and paras 7.8 to 7.11⁶ of my Proof.

⁵ p39

⁶ p43

Turley
Birmingham

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