

Witness Statement

[REDACTED] MRTPI

Principal Planner

Sandwell MBC

**Land Adjacent To Q3 Academy, Wilderness Lane, Great Barr,
Birmingham, B43 7SD**

Planning Application: DC/23/68822

**Proposed up to 150 dwellings, a countryside park and associated
works (Outline application for access only).**

Appeal Ref: APP/G4620/W/24/3341688

Appeal by: Wain Estates (Land) Ltd.

Statement of Truth

My name is [REDACTED], and I am a Chartered Town Planner with over 20 years' experience working in Development Planning for Sandwell MBC. I hold a BA(Hons) in Town and Country Planning and a MSc in Property Development, both obtained from Birmingham City University. I currently hold the post of Principal Planner as team leader for the north of the borough.

My Statement includes all matters which I consider as being relevant to the case and the facts and opinions expressed within are correct to the best of my knowledge. It is the rationale behind my recommendation to refuse the application which is the subject of the Appeal.

[REDACTED]

11th June 2024

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Appendix One – Photographs of the Site

Appendix Two – Surrounding Green Space

Appendix Three – Ariel View of Green Belt

1. The Site and its Surroundings

The Site

- 1.1 The appeal site comprises land extending 27 hectares.
- 1.2 The appeal site is within the Green Belt and remains undeveloped.



- 1.3 See **Appendix One** for photographs of the site.
- 1.4 The site is of irregular shape and from north to south is approximately 730m in length and the widest point (west to east) is over 600m. The site rises from the south to the north and the area of land adjacent to the A34 (where the residential properties are proposed) sits on significantly higher land to that of the larger site.

The Sites Surroundings

1.5 To the north of the appeal site is the A34 (Birmingham Road), to the northeast are the rear gardens of properties on Peak House Road, to the south is the Q3 Academy and its playing fields separated by a public right of way, and to west the playing fields and wooded area of Aston University Recreation Centre **Appendix Two.**

1.6 Surrounding the perimeter of the site to the south and west are public rights of way, including the Beacon Way.

1.7 Further south is Red House Park, to the west open public accessible space (leading towards Rushall Canal) and to the north Merriions Wood, all within easy walking distance of the site.

1.8 Along the A34 northeast of the site are commercial units which include an off licence, a takeaway, a petrol filling station, restaurants, and a dentist.

1.9 Along the A34 is a direct bus link to the nearest parade of shops at the Scott Arms roughly 1.5km to the south.

1.10 The closest primary school (St Margaret's Church of England Primary School) is approximately 500m away from the vehicle entrance point of the appeal site on the opposite side of the A34.

2. The Appellant's Case

2.1 Point 1.11 of the appellant's Statement of Case states that they consider that the main issues for this appeal relates to the following:

- (1) Extent of the proposals impact on the Green Belt openness and purpose,
- (2) Extent of the proposals impact on the character and appearance of the site, and
- (3) Extent of the proposals impact on the SINC

2.2 The appellant's Statement of Case goes on to seek whether the benefits of the scheme outweigh any harm to the Green Belt and SINC which will be covered by other witness statements.

2.3 This witness statement covers the following and is my opinion on the following topics:

- i) Appropriate Development in the Green Belt,
- ii) The effect on the openness and purpose of the Green Belt,
- iii) Alternative Sites,
- iv) Any Other Harm,
- v) Very Special Circumstances,
- vi) Access to the Countryside,
- vii) Employment and economic benefits.

MY OPINION

3. Appropriate development within the Green Belt

- 3.1 It is not disputed that the development site is within the Green Belt. Therefore, it should go without saying that the scheme should only be approved in accordance with the Green Belt policy contained within the National Planning Policy Framework (the Framework (CD2.3)).
- 3.2 Paragraph 142 of the Framework confirms that the Government attaches great importance to Green Belts. 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.
- 3.3 The Framework sets out five purposes of a Green Belt (paragraph 143 of the Framework). I consider that the proposal conflicts with four of the purposes of the Green Belt, which are sub-paragraphs (a), (b), (c) and (e) of paragraph 142 of the Framework 2023.
- 3.4 The starting point for consideration of the appeal is that there is common ground that the proposal, the subject of the appeal, is considered inappropriate development and that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in *very special circumstances* (paragraph 152 of the Framework).
- 3.5 Paragraph 153 of the Framework confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to Green Belt. *Very special circumstances* will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm

resulting from the proposal, is clearly outweighed by other considerations.

- 3.6 Before considering whether, and to what extent, *very special circumstances* exist and whether together that they clearly outweigh the harm to the Green Belt, I shall address the effect upon the openness and purpose of the Green Belt, as well as assessing any other harm to the Green Belt.

The effect upon the openness and purpose of the Green Belt

- 3.7 In terms of impact on openness, it is self-evident that the proposals would have a significant detrimental impact on this open, free from development, part of the Green Belt. The impact on openness will also be visible from a wide range of viewpoints given the significant level changes of the site and that public rights of way border the site.
- 3.8 It is pointless to argue that an edge of Green Belt site is of any less worth than any other part of the Green Belt. For if that argument is acceptable, all the sites which are on the edge of the Green Belt become less worth which potentially would have a snowball effect on unacceptable development within the Green Belt as the edge of the Green Belt would move and the Green Belt shrinks.
- 3.9 In terms of openness, it is my position that the development would conflict with purposes of the Green Belt as set out at sub-paragraph (a) and (c) of paragraph 143 of the Framework.
- 3.10 Indeed, it is my position that the development would introduce a significant extension of 3.91ha of dense built form into the undeveloped Green Belt countryside. The remainder of the site would introduce a large *countryside park* into what is presently open, farmland, and would, by its nature, encourage many more end users to access what is currently farmland.

- 3.11 National Government advice on the role of the Green Belt in the Planning System www.gov.uk/guidance/green-belt (CD2.4) states what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include but are not limited to the openness being capable of having both spatial and visual aspects and the degree of activity which would be evident from human activity on the land.
- 3.12 It is common ground that the site is considered not to be previously developed land and that it is agreed that the appeal site is open and entirely free from any built development. I consider the site is open in character (even though one field has become overgrown in part by Blackberry bushes). The site is bounded by mature hedges and a small area of rear gardens to the northwest of the site. To the west of the site are playing fields and the Beacon Way runs parallel with the northwestern side of the site. To the southwest are further fields leading onto the Rushall Canal. To the south is Q3 school with its playing fields and a wooded area leading to Red House Park – **See Appendix Two.**
- 3.13 The proposal is for not more than 150 homes (built on the elevated area of the site) ranging from 2-storey to 3 storey properties with associated roads, lighting, parking, play area, sustainable drainage systems and a country park. Notwithstanding any potential Reserved Matters application, in my opinion, the proposed built development, with associated infrastructure such as roads, residents parking areas, and hardstanding, would constitute a substantial urban development that would result in a large, relatively dense built-up area within the Green Belt. This would lead to an unacceptable and significant encroachment into the countryside and contribute to neighbouring towns merging into one another (143 of the Framework). There is no escaping the fact that the appeal proposal is substantial development on what is a protected Green Belt site and development of any nature should be resisted.

- 3.14 In addition to the above, I am conscious that the proposed Countryside Park will potentially include areas of hardstanding and pathways not least for pedestrian and cycle access. The access route through the Countryside Park will need to be constructed to an appropriate standard of hard surface to allow access for the elderly and disabled. Also, it is likely that additional paraphernalia will need to be introduced such as litter bins, dog bins, seating and signage, which will all have a moderate harmful impact on the openness of the Green Belt in this location. Whilst not part of the application, if the popularity of this country park does take off, residents living on the new estate would likely complain over the potential increase in traffic and to resolve this, it is likely that further planning applications will follow for car parking areas and rest room facilities. It is also a fact that the park would become a large amount of “previously developed land.”
- 3.15 Assessed on its own and in complete isolation of the proposal as a whole, the Countryside Park element of the proposals could be considered not inappropriate development under the exceptions of paragraph 155 of the Framework as long as there is no development within it (i.e no roads, car parks or other forms of development). Therefore, the applicant could allow residents onto the site now, and benefit from the Green Belt that is on their doorstep. However, the proposal stands to be considered as a whole, not in terms of their constituent parts, not least because the proposed Countryside Park is only proposed as part of the overall scheme, the remainder of which is inappropriate development; and the Framework directs us to assessing whether proposals would preserve the openness of the Green Belt and/or conflict with the purposes of the Green Belt. These proposals fail those tests.
- 3.16 The Appeal Proposals would be significant in scale, massing and use and would have a significant impact in terms of the urbanisation of the site, and its current openness. I consider that the proposed built development at 3.91ha would result in a significant encroachment into the countryside. To my mind, it would conflict with the four aforementioned purposes of the Green Belt. The proposal taken as

whole would result in a significant loss of openness both in spatial and visual terms.

3.17 The Framework tells us that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, that is free from development, and that the essential characteristics of Green Belts are their openness and their permanence. Clearly these proposals fail to do that and without question, this appeal should fail because of that. Alternative sites should be developed first and foremost (see below point 3.23).

3.18 Therefore I say that in addition to the matter of inappropriateness in itself, the appeal proposals would have a significant harmful impact on the openness of the Green Belt, as well as on the general character and appearance of the area and consequently would conflict with three of the five purposes (sub-paragraphs (a), (b) and (c) of paragraph 143) of the Green Belt.

3.19 I note the Appellant's Statement of Case accepts that substantial weight should be attributed to the definition of harm.

3.20 I do not accept that the countryside park element is without harm, although I accept it is likely to be less harmful than the inappropriate development of new houses in what should be a protected area. Overall, I consider that the proposals would introduce a substantial amount of built form into the presently open site. I therefore consider the harm to the openness of the Green Belt would be significant. The Framework requires substantial weight to be given to any harm to the Green Belt, which in this case is made up of the *definitional* harm, and the actual extent of the reduction in openness, which is itself significant.

3.21 It is worth pointing out that the Site Allocations and Delivery Plan policy SAD EOS 2 – Green Belt (CD2.5) was not formally used as a reason for refusal as it mirrors that of the Framework. Therefore, it

goes without saying that the development conflicts with this part of the policy.

3.22 As I have identified above, the Framework requires local planning authorities to give substantial weight to any harm to the Green Belt and confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. Before I turn my focus to any other harm, the question of alternative sites needs to be addressed (Paragraph 143 (e) of the Framework).

Alternative Sites

3.23 The Council is not aware of any sequential test being submitted to demonstrate that this site is the only site that can be developed. It is (in my opinion), a matter of ownership, and convenience that the appellant had submitted an application for residential development on Green Belt land having brought the site in 2015 under the appellant's former company name "Himor (Land) Limited".

3.24 Building on Green Belt should be seen as the last resort, whilst the Council's Housing delivery figure is low (another witness will address this issue), in my opinion, making best use of existing brown field land and regenerating this is a key consideration in protecting the Green Belt (Paragraph 143 (e) of the Framework).

Any other harm

3.25 I understand that the Inspector will need to make his own assessment of harm. The harm should then be given considerable importance and using the Frameworks terminology *great weight* and added to the balance.

3.26 To summarise, in addition to the ‘definitional’ harm to the Green Belt by reason of inappropriateness there would be considerable harm to the Green Belt and its openness and purposes, including harm to the character and appearance of the area.

3.27 I shall now consider whether this harm by reason of inappropriateness, and the other harm I have identified, would be clearly outweighed by other considerations so as to amount to the *very special circumstances* required to justify the proposal.

Very Special Circumstances

3.28 It can be argued that there are planning benefits from the appeal proposals. The Appellant has put forward the case that there are *very special circumstances*, which were considered by the Council when determining the application. In order to be consistent, I have dealt with the “*benefits*” as set out in the Appellant’s statement of case.

3.29 I shall address these material considerations and consider whether together they constitute *very special circumstances* that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

Access to the Countryside

3.30 The park will provide a public recreational amenity space for the general public, access cannot be limited to the occupiers of the new proposed new properties, therefore whilst on one hand could be considered a “*benefit*”, but it would potentially encourage more users into the area (and not necessary all by foot), and potentially further harm the openness and character of this protected Green Belt area.

- 3.31 Specific to the social objective of the Framework, paragraph 8b has been expanded to include *beautiful and safe places* as a social objective in the planning system for achieving sustainable development.
- 3.32 In isolation the provision of a country park is theoretically a significant benefit to the social well-being objectives of the Framework. However, given the harm that I have identified to the Green Belt and character and appearance of the area in this location particularly in relation to scale and mass of the development against the back- drop of the existing site appearance, I consider the weight to be attributed to the effect on social well-being isn't significant especially when I consider the existing location of access along public footpaths, to the open, undeveloped countryside identified in **Appendix Two**, all within walking distance of the appeal site. The development would be contrary to paragraph 180 of the Framework as building residential properties on Green Belt does not protect and enhance valued landscapes.
- 3.33 Therefore, I see little need for this country park as there are other open areas that residents can access, even if it may be classed as valued landscape. Therefore, in my opinion, the countryside park does not outweigh the significant harm developing on the Green Belt would do and the test of *very special circumstances* fails. I therefore weigh the benefit of the countryside park, given the alternatives locally and its urbanising influence, as part of the wider development as on the low side of moderate.

Employment and economic benefits

- 3.34 I acknowledge that the scheme would provide investment to the local area during construction and jobs at the operational stage. However, paragraph 8a of the Framework states an economic objective to develop subject to the Land being of the right type. This scheme fails this as already been addressed above, in paragraph 143 of the Framework, the Green Belt should be protected from

development and therefore *land of the right types* simply cannot apply.

3.35 I therefore weigh this *benefit* as low against Green Belt policy.

3.36 The Appellants have offered a 20% net Biodiversity Net Gain which is a positive move and could only be achieved, of itself, by offering said gain through a unilateral undertaking. This is because the Council couldn't insist in the credits to be made available as it is contrary to government policy. The appellant is requesting this be dealt with by condition.

3.37 This would be of benefit but of itself or with other benefits claimed of the scheme, it doesn't outweigh the harm caused by the housing development to the identifiable Green Belt purposes.

4. PLANNING BALANCE

- 4.1 Paragraph 142 of the Framework confirms that the Government attaches great importance to Green Belts. 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 and by protecting Green Belts, encourage the regeneration of Brownfield sites.
- 4.2 I consider that the development would be inappropriate development in the Green Belt that would be harmful to its openness, result in a degree of urban sprawl and would cause appreciable encroachment into the countryside contrary to main purposes of the Green Belt. It would have an adverse impact upon the character and appearance of the area and encourage neighbouring towns to merge together. I consider that substantial weight should be accorded to the overall harm to Green Belt.
- 4.3 A very high wall is placed before the applicant by Green Belt policy. *Very special circumstances* must exist that would clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm. In this case, there are several material considerations to be weighed against that harm.
- 4.4 In my professional opinion, I consider that significant weight (albeit at the lowest end) can be accorded to the contribution that the application would make the general housing supply (an increase of 0.07years which is covered by the Council's Policy officer's Witness Statement). This small increase in the number of homes provided against the loss of Green Belt forever.
- 4.5 Low weight should be accorded to economic and social factors based on National Policy. At its best limited weight should be given to landscape enhancements based on the current circumstances of

the site as an open rural site and the extensive development proposed.

- 4.6 Set against those factors is the harm I identify in paragraph 4.2 above.
- 4.7 The proposal is contrary to paragraph 180 (a) of the Framework and significant weight should be set against protecting and enhancing valued landscapes.
- 4.7 I conclude on this matter that the material considerations that I have identified cumulatively do not clearly outweigh the harm to the Green Belt, and to character and appearance and as such do not constitute *very special circumstances*. I therefore respectfully request that the Inspector dismissed the appeal.