

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY SHIRLEY ESTATES (DEVELOPMENTS) LTD

BOXTREE FARM, SHIRLEY

**STATEMENT OF CASE
on behalf of
HOCKLEY HEATH PARISH COUNCIL**

Planning Inspectorate Reference: APP/Q4625/A/06/1199380

Our Ref: PGH/K/2867

August 2006

1. INTRODUCTION

- 1.1 This statement is submitted in accordance with Rule 6 of the Town and Country Planning Appeals (Inquiries Procedure) Rules 2000 in respect of an appeal against the failure of Solihull Metropolitan Borough Council to issue notice of its decision within the specified period on an application for a motorway service area (MSA) at Boxtree Farm, Shirley. Hockley Heath Parish Council (HHPC) is the parish council for the area immediately adjoining the appeal site.

2. THE SITE AND SURROUNDINGS

- 2.1 The site and its surroundings will be described.

3. THE APPEAL PROPOSAL

- 3.1 Reference will be made to the details of the appeal proposal. The application was submitted in 2001. Stansgate Planning Consultants (SPC) made representations on the application on behalf of HHPC at that time. In 2004, an Environmental Statement was submitted. SPC made further representations on the Environmental Statement on behalf of HHPC.

4. PLANNING HISTORY

- 4.1 Reference will be made as necessary to the history of the site and any other relevant developments. In particular these include the previous application for a MSA which was rejected following a public inquiry in 1999/2000.

5. PLANNING POLICIES

- 5.1 The statutory development plan covering the site includes Regional Planning Guidance 11, and the Solihull Unitary Development Plan.
- 5.2 The site lies within the Green Belt. Relevant policies of the above documents seek to protect the Green Belt.
- 5.3 Reference will be made as appropriate to relevant national policy guidance, including Planning Policy Guidance 2 and 13.

6. ISSUES

- 6.1 The Secretary of State is minded to approve an alternative MSA at Catherine-de-Barnes. Given this position, there is no justification to approve an MSA at Shirley.
- 6.2 The proposal represents inappropriate development in the Green Belt. In particular, it would conflict with the purposes of the Green Belt as set out in paragraph 1.5 of PPG 2 as well as with objectives for the use of land set out in paragraph 1.6 of PPG 2. It would reduce the narrow gap between Solihull and Dorridge, and encroach into vulnerable countryside. There would be an unacceptable visual impact.
- 6.3 As an off-line facility, the MSA would not be entirely motorway-related and would attract local traffic. This would increase the level of activity at the site and generate pressure for additional built development, over and above what would be justified by an on-line facility. This would exacerbate the harm to the Green Belt.
- 6.4 The Parish Council has further reservations about the adequacy of the Environmental Statement, as expressed in its previous representations about the Statement. It also notes the concerns expressed by the Highways Agency about this scheme.
- 6.5 There are insufficient benefits from a MSA at Shirley to outweigh either the benefits of providing an MSA at Catherine-de-Barnes or, should the latter now be held to be fundamentally unacceptable, the harm to the Green Belt and in other respects caused by this proposal. Therefore very special circumstances for permitting inappropriate development do not exist.

7. DOCUMENTS

- 7.1 The following documents may be referred to at the inquiry:

1. RPG 11
2. Solihull UDP
3. PPG2 and PPG 13
4. Planning History of site including the previous appeal decision and papers relating thereto
5. Correspondence, reports and consultation responses relating to the application
6. Relevant appeal decisions.