



Appeal Decision

Hearing held on 23 June 2026

Site visit made on 23 June 2026

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2026

Appeal Ref: 6005246

Land west of Stratford Road, Hockley Heath B94 6NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Dan O'Donnell on behalf of Rosconn Group against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2025/01366/PPOL.
- The development proposed is outline planning application for up to 80 dwellings and associated infrastructure, with all matters reserved except access including the demolition of 2210 & 2212 Stratford Road to create new access.

Decision

1. The appeal is allowed and outline planning permission is granted for up to 80 dwellings and associated infrastructure, with all matters reserved except access including the demolition of 2210 & 2212 Stratford Road to create new access at Land west of Stratford Road, Hockley Heath B94 6NU in accordance with the terms of the application, Ref PL/2025/01366/PPOL, and the plans submitted with it, subject to the completed s106 legal agreement and the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr Dan O'Donnell on behalf of Rosconn Group against the decision of Solihull Metropolitan Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The application is made in outline with all matters reserved other than access, which is applied for in full.
4. Several documents were submitted during and after the Hearing, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents alongside the original evidence.
5. Solihull Metropolitan Borough Council (the Council) have commenced work on a new local plan which has reached the Regulation 18 stage. At the Hearing the Council confirmed that it is being progressed under the legacy system. Nevertheless, it was confirmed that it has not yet reached Regulation 19 stage and, even though interested parties contend that it should be given weight, it has

not yet been submitted to the Planning Inspectorate for Examination. Moreover, I was advised that there are unresolved and outstanding objections. Consequently, I cannot be certain if any policies, settlements or allocations are to be modified. I have, therefore, given limited weight to the emerging policy document and have determined the appeal in accordance with the current local plan.

6. I also have not been provided with any evidence of the proposed West Midlands Plan and I cannot be certain that whether the West Midlands Mayor would, or would not, define Hockley Heath as an area for growth.
7. Although I was advised that Hockley Heath is seeking to put together a Neighbourhood Plan and has surveyed local residents, this is still at an early stage and I was not presented with a draft version. I, therefore, have not given any weight to the Neighbourhood Plan in my decision.
8. A completed s106 Planning Obligation between the appellant, landowners and the Council, dated 7 July 2026, has been submitted¹. The s106 secures:
 - 50% of the proposed dwellings as affordable housing, with a defined tenure split and dwelling sizes set out in the agreement;
 - Education contributions, including Early Years contribution, Primary SEND contribution, Secondary SEND contribution, Secondary education contribution, and Post 16 education contribution, to provide additional education places at schools in the area;
 - A Secondary education transport contribution to support the provision of transport for secondary school aged children;
 - A healthcare contribution, to be used to increase infrastructure capacity within the catchment area for primary care services, community care services, mental health facilities, acute outpatient and acute emergency services;
 - A play pitch contribution for use in the Knowle-Dorridge area;
 - A bus service contribution towards improving bus services in Hockley Heath;
 - The provision of a Travel Plan for the development, so as to encourage the use of public transport or other sustainable forms of transport and a Travel Plan contribution in order to implement and manage the Travel Plan; and
 - The provision of public open space within the development and the transfer of this to a maintenance company for the ongoing maintenance of the areas, along with a public open space maintenance plan.
9. Two Statements of Common Ground were submitted for the appeal². Within these documents the Council confirmed that it would not be defending the case at the Hearing.

Main Issues

10. The appeal is not contested by the Council. Nevertheless, there remains opposition to the proposal from interested parties, including local councillors,

¹ H4

² Statement of Common Ground (Planning) & Statement of Common Ground – Flood Risk and Drainage

Hockey Heath Parish Council and Hockley Heath Action Group. The preliminary areas of dispute raised by these parties, therefore, forms the main issues for the appeal which are:

- whether the proposed development would comply with national policy which seeks to steer new development away from areas at the highest risk of flooding;
- whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
- other matters.

Reasons

Flood risk

11. The appeal site is a relatively flat parcel of grazing land/paddocks with grass, trees, hedges and fences within the site and around the boundaries. It is largely in Flood Zone 1 with an area in the corner of the site, near Rashwood Close, that is at risk of surface water flooding. The proposed concept land use plan indicates no built development in this area. Although interested parties have provided evidence of flooding elsewhere within the application site, the appellant's evidence is based on the Environment Agency data, topographical surveys and industry standards.
12. Even with the evidence from the interested parties, I have no reason to doubt the technical data provided by the appellant, which has been verified against the Environment Agency data. I also have no reason to conclude that the modelling is wrong. The Lead Local Flood Authority (LLFA) have tested and reviewed the modelling, against their own data, and do not object to the proposal or the appellant's evidence. The restriction on no built development within the area identified as at risk of flooding would ensure that the houses developed on the site would not be at risk.
13. Concerns have also been raised regarding the flooding that occurs on Stratford Road and I don't doubt the evidence that has been provided by interested parties, including information provided at the Hearing. I have no reason to doubt the extent of the flooding or the frequency of the incidents, nor that Severn Trent Water have to regularly pump out the drains, that the existing system needs updating and that funding for this work is not likely to be available until at least 2030. The appellant's revised hydraulic modelling information also accepted that there is existing flooding on Stratford Road and I saw the signage advising that the road is liable to flooding.
14. However, this flooding is an existing problem and a result of ineffective sewers in the road. The demolition of the two existing dwellings would remove what currently outflows from these houses into the system. Furthermore, the surface water from the development would be attenuated on site and the final outflow is proposed to be connected to a drainage system in Rashwood Close and School Road, which has been confirmed as having capacity for the proposal. This proposed connection would take the water away from Stratford Road. The development would, therefore, result in betterment. Albeit that the betterment would be very minor, there would still be a reduction in the drainage to Stratford Road and the proposal

would, therefore, not increase the extent of flooding on the road or in the wider area.

15. As with the on-site flood risk the LLFA do not object to the proposal. Moreover, neither do Severn Trent Water, who are responsible for the existing drains within Stratford Road. I heard at the hearing that Severn Trent Water and the Council are fully aware of the problems with the drainage in Stratford Road and that, albeit not until 2030, there are plans to provide improvements.
16. The proposal would not fix the problem with flooding on Stratford Road. However, the appellant would not be required to fix an existing problem. Policy P11 of the Solihull Local Plan – Shaping a Sustainable Future, December 2013 (the LP) requires developers to undertake thorough risk assessments of the effect of the proposals on surface and groundwater systems and to incorporate mitigation measures where necessary. The policy also requires all development to incorporate sustainable drainage systems, promote reduction in flood risk, and to limit surface water runoff to green field rates. The Framework requires development to ensure that flood risk is not increased elsewhere and to incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff. Generally, the appellant is only required, by policy, to ensure that the development would not increase flood risk, which they have achieved.
17. The development would also need to contribute towards infrastructure provision in terms of ensuring that connection to the existing drainage systems are secured from Severn Trent Water, for both foul drainage and surface water outflow. Moreover, as an outline planning application the proposal would still need to secure reserved matters consent. However, the development is not reliant on improvements being made to the drainage system in Stratford Road. The proposal would not result in a material increase to flood risk in the area and would result in betterment. This would not amount to a strong reason to refuse the application when considered against footnote 7 of the Framework.
18. Even in the event of a flood on Stratford Road the development has safe means of access for both vehicles and pedestrians in a northerly direction. For vehicles this would provide access to Solihull and the M42 and connections to the southern parts of Hockley Heath via minor roads. Pedestrian access to the north would provide a safe means of access out of the site without needing to enter the area identified as “danger to some” and, therefore, the development would not place the future residents of the houses at risk, even if the proposed pedestrian crossing would be within the area that floods.
19. For the above reasons, the proposed development would comply with the Framework, which seeks to steer new development away from areas at the highest risk of flooding, and is, therefore, an appropriate location for housing development. The proposal would also comply with Policy P11 of the LP.

Whether inappropriate development in the Green Belt

20. Hockley Heath is identified in the LP as a small settlement. The appeal site is outside the part of Hockley Heath that is detailed as inset in Green Belt and is, therefore, within the open countryside, for planning purposes. The proposed development of the site would, therefore, need to be considered under Green Belt policies. Policy P17 of the LP seeks to resist inappropriate development in the Green Belt, except in very special circumstances. It sets five exceptions none of

which apply to the appeal proposal and the development would, therefore, conflict with Policy P17 of the LP.

21. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. As with Policy P17, none of the exceptions set out at paragraph 154 apply in this case.
22. Paragraph 155 of the Framework also identifies further circumstances where development is not inappropriate in the Green Belt. Grey belt is defined as either previously developed or other land that does not contribute strongly to the Green Belt's purposes as set out at paragraph 143(a), (b) and (d). The appeal site does not strongly contribute to purposes (a), (b) or (d) and, therefore, albeit not brownfield land, I find that the site would fall within the definition of grey belt.
23. In considering compliance with paragraph 155(a) of the Framework, it is also necessary to determine whether the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. One of those purposes, namely purpose (c), is to assist in safeguarding the countryside from encroachment. The appeal site is visually and physically contained by existing development and boundary treatments. As such, the development would not give rise to a fundamental encroachment into the countryside and would not conflict with this purpose. Moreover, given the appeal site's location, it would not undermine purpose 143(e). The development would therefore comply with criterion (a) of paragraph 155.
24. Although interested parties raised concerns regarding the lack of need for additional housing in Hockley Heath and that the village has met its allocation for new housing in the LP, the Council accepts that it cannot demonstrate a five-year supply of housing. There is, therefore, a demonstrable unmet need for the development for the purposes of criterion (b) of paragraph 155.
25. Although there is no defined centre to Hockley Heath, I did see that there are a number of retail uses, food venues, other businesses and a public house, clustered near the junction with Old Warwick Road. The local primary school, memorial hall and recreation ground are also near to this junction. The settlement has services and facilities available to the existing residents and the future residents of the proposed development. The occupants of the development would contribute towards the ongoing viability of those services and facilities.
26. There are pavements from the appeal site and around the village. At the Hearing the appellant accepted that the walking distance from the houses within the development would be beyond the distances set out in Policy P7 of the LP. However, Policy P7 does not strictly require these distances. The development should be within the distances set out. Nevertheless, Policy P7 also allows for investment in improvements to local public transport, cycling and/or walking where the distances are not met.
27. The proposal includes financial contributions towards improving public transport through the s106. Accordingly, even though the distances from the proposed houses would be greater than the distances set out in Policy P7 the development would contribute towards public transport. Moreover, I walked around the whole of the appeal site and from there to the shops and it was both walkable and safe. If it had not been a heat wave on the day of the Hearing it would also have been a

comfortable walk due to being flat and relatively straight. The proposed houses would all be within walking distance of the services and facilities in the village and walking would clearly be a genuine alternative to the use of the private car.

28. Stratford Road would also be suitable for cycling by competent cyclists, without having to use the pavements and without the need for the provision of separate cycling infrastructure. Cycling to the services and facilities in Hockley Heath would be possible and it would also be reasonable for a competent cyclist to cycle to Solihull, other settlements in the area, and the nearest train station.
29. The evidence before me indicates that Transport for West Midlands (TfWM) has already increased the frequency of the bus service, rather than reduce it, and that it now operates half-hourly on weekdays. Even if passengers have to travel the whole circular route around Solihull, and even if it does not operate in the evenings, the bus service would still provide a genuine opportunity for the future residents of the development to access public transport for a number of their journeys. The Council confirmed that they would maintain control of the bus service contribution until such time as TfWM confirmed what it was to be spent on to ensure that it is spent appropriately and for the local community.
30. Although there is not a train station in Hockley Heath the appeal site is within a short distance from a train station and there are genuine opportunities for means of travel that are not reliant wholly on the private car. I also noted a car sales dealership, hotel and other businesses in Hockley Heath which would provide some level of local employment, even if it is limited, and I was made aware of a recent permission for a major industrial park development that is not a significant distance from the site and would provide employment opportunities.
31. Nevertheless, it is likely that some journeys would still be carried out by car. However, and importantly, many would also be capable of being carried out by other modes. There would be a genuine choice of transport, through a combination of the proximity and accessibility of Hockley Heath by foot, and destinations further afield by cycling or public transport. Moreover, the Framework accepts that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas such as in this case. The appeal site is, therefore, sustainably located for the purposes of criterion (c) of paragraph 155 of the Framework.
32. The lack of a train station, doctor's surgery, pharmacy or secondary school within Hockley Heath would not mean that the settlement is not a suitable location for new housing developments. Although I was advised, by interested parties, that the primary school is full the Council has not objected on the basis of lack of school places. The s106 agreement secures financial contributions towards primary education, secondary education, SEND education and for transport for secondary school children to access schools. The Council was confident that these payments would be capable of being spent on providing school places to mitigate the effect of the development.
33. Paragraph 156 of the Framework sets out the 'Golden Rules' which major development, involving the provision of housing on sites in the Green Belt, must also comply. As the LP policies have not been updated in line with paragraphs 67-68 of the Framework, paragraph 157 of the Framework requires such sites to provide fifty percent of the dwellings to be allocated as affordable housing. The

appeal proposal, through the completed s106, complies with this requirement and, therefore, meets the requirements of criterion (a) of paragraph 156.

34. The s106 also provides other necessary improvements to local infrastructure in terms of providing contributions towards education, healthcare, and bus services to meet criterion (b) of paragraph 156. The development would also be required to contribute to drainage infrastructure, but only as far as is required to deal with the foul and surface water drainage resulting from the development of the site. As already noted, the appeal would not be required to contribute to infrastructure improvements to resolve the existing flooding issues in Stratford Road as the development of the site would not increase flood risk in this area. The lack of improvements to Stratford Road infrastructure would not amount to failure of criterion (b).
35. Furthermore, the development would provide green spaces within the site and a financial contribution towards green spaces off-site which would be accessible to the public and provide the new residents with access to good quality green spaces within a short walk. It would, therefore, comply with criterion (c) of paragraph 156.
36. For the above reasons, even though it would not comply with the restrictions set out in Policy P17 of the LP, the development would comply with the relevant criterion of paragraphs 155 and 156 of the Framework insofar as they relate to this case. The proposal would, therefore, not be inappropriate development in the Green Belt.

Other matters

37. I saw at my visit that Hockley Heath is a clustered settlement with housing set on roads and cul-de-sacs leading off Stratford Road. It is separated from Knowle and Dorridge and has a sense of remoteness as a semi-rural village. The appeal site has some value to the existing inhabitants of the village as open, rural land. However, it is not visually prominent from any public vantage points and it is next to existing housing on two sides. There are well-established trees and hedges forming all of the boundaries to the site and closing it off from the surrounding agricultural fields.
38. It is proposed to develop the site for up to eighty houses. The demolition of two dwellings, to create a new access, would be similar to other gaps between houses along Stratford Road which provide access roads to housing behind the road-frontage. The proposed development would also include open space, amenity grassland and surface water drainage features. There is no reason to doubt that the quality of the proposed development, to be secured at reserved matters, would not be high and would not fit in with the character of the area.
39. There would be a change from a rural field to a residential development which would result in some harm to the character and appearance of the area. However, that harm would be limited due to the existing influence of built form to two sides and planting to the other sides, the proposed planting within and around the site, and that the development of the site would reflect the character of the village. I also have no compelling evidence that the development would cause adverse harm to heritage, archaeology, or the setting of the Stratford-upon-Avon Canal.
40. Concerns have also been raised regarding traffic and highway safety. I have no reason to doubt that there can be heavy traffic in Hockley Heath, near the appeal

site. I was also advised of additional traffic pressures in the event of closures of the nearby motorways, which interested parties confirmed was not an infrequent occurrence.

41. The appellant's Transport Technical Note, version 2, re-assessed the potential effect of the traffic from the development onto the local highway network and cumulatively assessed it with the development proposed on School Road. Even with the School Road development the appeal scheme would only add a delay of approximately five to six minutes to the current delays. This would be neither severe nor substantial. Moreover, this is based on a worst-case scenario with no modal shift away from the car, despite the genuine opportunities for other means of travel. The potential for cumulative effects with other developments would be a matter for those future planning applications to assess.
42. Even if there is additional traffic passing through Hockley Heath when the motorways are closed and at other times of the day, and although the development would add traffic onto the highways, the effect of the development would not be severe. Neither the Council Highway Officer nor National Highways have raised any objection on highway safety grounds and I have no technical evidence contrary to that submitted by the appellant.
43. Furthermore, the development would not add substantially to the levels of vehicular pollution or noise and the proposed access is to be set within a landscaped area so as to provide a gap between the new road and the properties either side.
44. The proposal includes the provision of a pedestrian crossing over Stratford Road. Although, in its indicated position, it might not be usable when the road is flooded it would be usable at all other times. This would improve pedestrian connectivity and safety in providing a safe place to cross rather than relying on crossing where the current central bollards are located. It would provide access to the bus stop and other facilities on the opposite side of Stratford Road. The evidence before me confirms that the proposed splitter island would be suitable for the recorded traffic volumes and speeds and pedestrian requirements. However, the final form of the pedestrian crossing would be a matter for negotiation with the Council.
45. Overall, the development would provide a safe means of vehicular and pedestrian access, would improve pedestrian access and safety in the immediate area and would not result in severe effects on the highway network.
46. Even if I accepted the interested parties' comments, that there are more bird species and other protected species using the appeal site than have been recorded in the submitted ecology evidence, and even if these include species on the Red List, this would not undermine the ecological evidence. The appellant has considered the effect of the development on birds, including nesting birds, and other protected species and proposes precautionary methods during the construction works and mitigation measures, including replacement bat roosting habitat. The Council has not raised any objections to the proposal and has recommended conditions. The development would also be required to achieve ten percent Biodiversity Net Gain.
47. The appeal site does not fall within the definition of Best and Most Versatile Agricultural Land, even if it was most recently used as agricultural. The only trees indicated to be removed are two on the boundary, which would need to be

removed to provide vehicular access. Although the loss of these trees is a harm there would be sufficient space within the appeal site to provide compensatory planting. Overall, the ecological effect of the development would be capable of being mitigated.

48. I have also been made aware of capacity issues with the local electricity network and water pressure. Albeit that this may be an ongoing issue, the appellant would need to apply to the relevant providers who would be responsible for providing connection and capacity, separate to planning. These matters are not a constraint on development. Moreover, the presence of an unverified deep well within the site would be a matter that would be capable of being designed around at the reserved matters stage and, therefore, would not be determinative in this decision.
49. The appellant submitted a document at the Hearing providing a position statement on the status of other planning applications and proposals in and around Hockley Heath³. This confirmed that the sites proposed to be allocated in the neighbouring local plan (SG24) are not all being taken forward. Even if this was based on the lack of infrastructure in Hockley Heath the proposals for SG24 were for a much larger scale of development, of approximately 3,000 houses and is, therefore, not comparable to the appeal before me. The removal of SG24, or parts of that allocation, would not affect my conclusions on the suitability of Hockley Heath, and the appeal site, for development.
50. Document H1, which the Council confirmed had been produced in discussion with officers, also confirms that not all of the sites indicated by interested parties as proposed for development have been submitted as planning applications and, of those submitted, only the site on School Road has a resolution for approval. The other sites referred to in H1 and by interested parties would all need to be considered on their own merits. My decision on this appeal would not set a precedent for other sites to be approved and there is no certainty that all of the proposals would obtain consent or ultimately be developed.
51. Although interested parties contend that the proposal is premature, as there is a need for infrastructure improvements before the development is approved, this is not the test within the Framework. Paragraph 50 advises that arguments that an application is premature are unlikely to justify refusal. The eighty houses proposed would not amount to a substantial development, even in the context of the size of Hockley Heath and the approval of this appeal would not undermine the plan-making process or predetermine the location of new developments. Moreover, the emerging local plan is not at an advanced stage. When considered against the Framework the appeal before me is not premature.
52. Nevertheless, the appeal proposal also secures infrastructure improvements through the financial contributions set out in the s106. Although the improvements would not all be provided before the occupation of the houses these improvements are secured and would mitigate the effect of the development on the local area.

Planning balance

53. There is no dispute between the two main parties that the Council cannot demonstrate a five-year supply of deliverable housing land. Figures provided to me range between 1.1 years and 2.13 years. Even at the highest figure there is a

³ H1

significant shortfall below the five-year requirement. Although I accept the interested party's argument, that there are external influences on the five-year housing land supply, the situation is that the Council cannot currently demonstrate a five-year supply.

54. Policies P17 and P7 of the LP are the most relevant in considering the proposal. Policy P17 is consistent with paragraph 154 of the Framework in resisting development in the Green Belt, except in certain circumstances. Nevertheless, it is not wholly consistent with the addition of grey belt into the Framework under paragraph 155. Policy P7 is also relatively consistent with the Framework in seeking to ensure that developments are located in areas that are, or can be, connected to services and facilities. For the reasons given above, although I have found no conflict with Policy P7, I have found conflict with Policy P17. However, that conflict is limited due to the proposal not conflicting with the Framework in regard to development on grey belt sites in the Green Belt.
55. The proposal would provide up to eighty additional houses in an area with services and facilities. Although there would likely still be some use of the private car there are also genuine alternatives in that the site is walkable to services and facilities in Hockley Heath, including public transport. The development would also contribute towards the housing supply, would accord with the Framework aim to significantly boost the supply of housing, and would provide economic benefits both during and post construction.
56. I afford significant weight to the provision of these new houses and their associated benefits. The provision of up to eighty dwellings, of which fifty percent would be affordable dwellings, contrary to the comments of interested parties at the Hearing, would result in significant benefits. I therefore afford significant weight to the benefits of the development.
57. That the appeal site was not taken forward as a proposed allocation in the forthcoming local plan would not outweigh the balance to be given to the benefits of housing development, in the situation of a shortfall in housing land supply.
58. Consequently, the harm from the limited conflict with Policy P17 of the LP would not significantly and demonstrably outweigh the benefits that would arise from the development, when assessed against the policies in the Framework as a whole. Accordingly, there are material considerations, which indicate a decision should be taken other than in accordance with the development plan.

The s106 Agreement

59. I have had regard to the planning obligations included in the s106 Agreement in light of the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and repeated in the Framework. These state that a planning obligation may only be sought if it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.
60. Policy P21 of the LP requires developments to contribute towards the provision of measures to directly mitigate its impact and make it acceptable in planning terms and to contribute physical, social and green infrastructure.

61. Fifty percent affordable housing is proposed, which is above the requirement in the LP, so as to ensure that the development complies with the 'Golden Rules' in the Framework. I am satisfied that the affordable housing provided through the s106 Agreement is necessary, directly related to the development and is reasonable. The obligations relating to the timing of the affordable housing and the ongoing management are also reasonable and acceptable. This is, therefore, a matter to which I attach positive weight.
62. The education contributions are clearly related to the proposed dwellings and the likely resultant number and age of children in need of education. The Council confirmed that the calculations are a result of consultation with the Education Authority and that the monies would be spent in the local area to relieve pressure on schools. The payment of the SEND contributions would be secured as part of the other education contributions and then spent if required. All of the education contributions are necessary, directly related to the development and reasonable.
63. The healthcare contribution is also clearly related to the provision of new dwellings, the resultant increase in demand for healthcare services and the lack of capacity at existing services, which was also noted by interested parties. The Council's CIL Compliance Statement confirms that the figure set out in the s106 is based on a formulaic approach which I was advised, at the Hearing, has had regard to caselaw and other appeals on this matter. The s106 details that the contributions would be allocated to primary and secondary care facilities in Dorridge or another facility. Flexibility is required to ensure that the monies would be used to provide healthcare services for the future occupants of the development. The evidence before me and the responses provided at the Hearing have satisfied me that this contribution is also reasonable, necessary and directly related to the development.
64. In addition to securing on-site open space and landscaping, the playing pitch contribution would help towards the delivery and improvement of playing pitches and outdoor sports provision in the area. This contribution is required due to the additional demand that would be generated from the development and the evidence of need for additional sports facilities identified in the background information for the emerging local plan. As such, these obligations pass the statutory tests.
65. The Travel Plan and Travel Plan contribution are also both reasonable and related to the development. The Travel Plan would help promote alternative means of transport and aim to reduce the reliance on the private car and the financial contribution would secure the ongoing management of the Travel Plan.
66. A bus service contribution is necessary to make the development acceptable in planning terms given the likely resultant number of occupants and the need to promote public transport as a means of sustainable travel. The Council has advised that TfWM has confirmed that there is an opportunity to provide further enhancements to the bus services in the village. Given the advice in the Council's CIL Compliance Statement, which is based on TfWM data and an independent Position Paper, the Bus Service Contribution Option One, for which finalised total sums would be calculated once the reserved matters clarifies the number of houses to be built, would be the most appropriate contribution that would be reasonably related in scale and kind to the development.

67. Policy P7 of the LP requires investment in improvements to local public transport provision, cycling and/or walking measures in association with development proposals which do not meet the accessibility criteria set out. I have already acknowledged that the development would not strictly comply with the distances set out in the Policy. Therefore, the Travel Plan, Travel Plan contribution and bus service contribution are all required to comply with Policy P7.
68. As there is not a secondary school in Hockley Heath the secondary education transport contribution is also required, separate to the bus service contribution, to provide improvements or additional capacity for transportation of secondary school aged children to get to school. This contribution is also clearly related to the proposed dwellings and the likely resultant number and age of children in need of transport to secondary education.
69. Overall, following some minor changes to the s106 after the hearing, the submitted s106⁴ is now compliant with the CIL Regulations, the Framework and the relevant policies in the LP. All of the matters secured by the s106 are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Conditions

70. Conditions were discussed at the Hearing and a revised list of draft conditions were submitted after the Hearing closed⁵ which was agreed between the appellant and the Council. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed in the interests of precision and clarity.
71. I have structured the conditions in the same layout as the Council and the appellant in topics so as to keep the consistency with what has been agreed between the main parties. The pre-commencement conditions, 6, 8, 9, 18, 20, and 22, are necessarily worded as such, as a later trigger for the submission of the relevant information would limit their effectiveness. The appellant has provided written agreement to these being pre-commencement conditions.
72. In addition to the standard reserved matters submissions, reserved matters timings and timing of commencement conditions, a condition specifying the relevant drawings provides certainty. I have also imposed the suggested condition which requires the reserved matters to be broadly in accordance with the Concept Land Use Plan.
73. A Demolition and Construction Environmental Management Plan (condition 6) is necessary because it would deal with matters that need resolving before work starts on site and in the interests of highway safety and the environment during construction. This is necessary separate to the Construction Environmental Management Plan (condition 18) which would deal with matters relating to biodiversity, habitats and protected species and is required prior to the commencement of development to ensure that all works are carried out sensitively and that the relevant licence is obtained for the bat roost.
74. The landscaping condition is required over and above the landscaping reserved matters, under condition 1, so as to ensure that the work is carried out at an

⁴ H4

⁵ H3

appropriate time and to ensure replacement planting, if required. The need for a new Arboricultural Method Statement was noted at the Hearing as the reserved matters application may have a different effect on existing trees within the site. This condition is, therefore, necessary and reasonable.

75. Given the potential risks of contamination on the site, as identified in the existing preliminary risk assessment/Phase I desk study (ref: CCL03834.CV62), a condition requiring full details of site investigations, remediation and verification is necessary. The same condition also provides for unexpected contamination.
76. A condition requiring the details of the Local Area for Play is required as this information is not secured through the s106 agreement and the play area is required for the future occupiers of the development. It is also necessary to ensure that the play area is not within the same area allocated for SuDS and that the future users of the play area are safe from any drainage features.
77. The four conditions requiring the vehicular access, footway, pedestrian crossing and estate roads to be provided are all reasonable and relevant to ensure that the development is provided with safe means of access for vehicles and pedestrians and provides connectivity to the bus stop on the opposite side of Stratford Road.
78. A condition requiring the submission of a Travel Plan is also necessary so as to promote sustainable means of travel and reduce the reliance on the private car.
79. To ensure that the surface water from the development of the site would be appropriately managed and to ensure that the development would not increase flood risk either within the site or elsewhere, a detailed condition requiring the submission of the surface water drainage scheme is necessary and reasonable.
80. In the interests of protecting wildlife corridors, habitats and protected species a condition to require the details of lighting to be submitted is required. However, this information is not required prior to the commencement of any development on site and I have, therefore, altered the trigger to "no above ground works". Furthermore, to ensure that the development provides biodiversity net gain, and alongside the legislative requirements for this, it is reasonable that updated information is submitted relating to biodiversity, that details of an ecological enhancement plan are submitted to the Council, that evidence is submitted to confirm that the enhancements have been carried out and for the submission on a monitoring and management plan. I have, therefore, imposed the four suggested conditions relating to this matter.
81. However, I have also amended the condition relating to the ecological enhancement plan so as to include reference to the trees to be removed for the creation of the access as an exception to the retention and protection of all trees.

Conclusion

82. For the reasons given above, the appeal is allowed subject to the legal agreement and the conditions set out in the attached schedule.

K Townsend

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Robert Walton KC – Landmark Chambers

Donna Savage BSc (Hons) Dip TP MRTPI – Director DSP Ltd

Marta Lubiejewska-Jones MSc CEng CEnv MCIWEM C.WEM – Principal Engineer JBA Consulting

Dean Knight HNC Civil Engineering, Chartered Construction Manager (MCIOB) – Group Development Director Rosconn

Dave Neal – Director DTA

Jonny Gill - Rosconn

FOR THE LOCAL PLANNING AUTHORITY:

Mark Andrews – Head of Service Solihull Metropolitan Borough Council

Dean Ward – Head of Highways Solihull Metropolitan Borough Council

INTERESTED PARTIES:

Councillor Andrew Mackiewicz – Cabinet Portfolio Holder

Mrs Babs Gisbourne-Land – Parish Councillor

Mr Peter Sylvester – Chair of Hockley Heath Action Group

Mr Evans

Mrs Karen Parkes

Dr Jan Harding

Miss Sophie Jutkiewicz

Mrs Badger

Mrs Carol Ebbutt

Mr Thomas

Mrs Jenny Tymon

Mr Colin Brown

Mr Brian Compton

Mr Badger

Mr Stuart Smith

Miss Valerie Blackburn

Mr John Adams

Mr Crompton

Mrs Crompton

Councillor Tomlinson

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

H1 – Appellant’s document – Status of Planning Applications in Hockley Heath

H2 – Appellant’s written reply to Council’s response to Appellant's costs application

H3 – Revised Draft Planning Conditions

H4 – s106 Planning Agreement, dated 7 July 2026

ANNEX C: CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos 4256 01 B and 26515 01 B.
- 5) The reserved matters pursuant to condition 1 shall be broadly in accordance with the Concept Land Use Plan drawing 4256 03K.
- 6) Demolition and construction work shall not begin until a Demolition and Construction Environmental Management Plan (incorporating a dust management plan) has been submitted in writing for approval by the Local Planning Authority. The plan shall detail control measures to minimise noise, vibration and dust emissions, carry over of dirt and mud off site and other issues associated with the escape of material beyond the development site boundary. A Piling Method Statement will be required for any work involving piling works and should include predicted off site vibration impacts and attenuation measures. Specific safeguards to prevent the burning of waste shall also be implemented. All agreed works which form part of the Demolition and Construction Environmental Management plan shall be adopted and maintained throughout the demolition and construction phase of the development hereby approved.
- 7) The site shall be landscaped strictly in accordance with the details approved pursuant to Condition 1. The works shall be carried out prior to the occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March).
- 8) Prior to commencement of the development hereby permitted, an Arboricultural Method Statement shall be submitted in writing for approval by the Local Planning Authority to ensure that all site operations will be carried out with minimal risk of adverse impact upon trees that are to be retained. The arboricultural method statement should also include a list of contact details for the relevant parties. This scheme will be appropriate to the scale and duration of the works and may include details of:
 - fully dimensioned tree protection plan, detailing the type of fencing – to be in accordance with BS5837;
 - removal of existing structures and hard surfacing;
 - installation of temporary ground protection for excavations and the requirement for specialized trenchless techniques;

- installation of new hard surfacing – materials, design constraints and implications for levels;
- specialist foundations – installation techniques and effect on finished floor levels and overall height;
- retaining structures to facilitate changes in ground levels;
- preparatory works for new planting;
- auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The scheme shall thereafter be implemented, maintained and managed in accordance with the approved details.

- 9) Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts (a) to (d) of this condition have been complied with. If unexpected contamination is found after development has begun development must be halted on that part of the site to the extent specified in writing by the Local Planning Authority until Part (e) of this condition has been complied with.

a) Undertaking of Detailed Site Investigation

Detailed site investigation, as recommended by the approved preliminary risk assessment/Phase I desk study (ref: CCL03834.CV62) and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority prior to (b) below. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance (and subsequent updates).

b) Submission of Remediation Scheme

Where necessary following (a) above, a detailed remediation scheme/statement/strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remedial objectives and remediation criteria, timetable of works, site management procedures, details of a verification plan and a discovery strategy. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Remedial measures implemented must be maintained thereafter for the lifetime of the development.

d) Submission of a Verification Report

Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The

verification works must be undertaken in line with the approved remediation scheme (b) above.

e) Reporting of Unexpected Contamination

If contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development halted on that part of the site. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

- 10) No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until design details of the Local Area for Play (LAP) and a play equipment phasing programme have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed and carried out in accordance with the approved details and phasing programme.
- 11) No dwelling shall be occupied until the vehicular access junction to the site off A3400 Stratford Road has been provided in general accordance with Proposed Site Access (Drawing Number 26515 01 B) and constructed to the standard specification of the Local Highway Authority.
- 12) No dwelling shall be occupied until the details of the footway and Shared Use Path on A3400 Stratford Road, shown in the Proposed Site Access (Drawing Number 26515 01 B) have been approved in writing by the Local Planning Authority, and constructed to the standard specification of the Local Highway Authority.
- 13) No dwelling shall be occupied until the details of the new crossing point shown on the Proposed Stratford Road Pedestrian Crossing (Drawing No. 26515-01-1C) have been submitted to and approved in writing by the Local Planning Authority and constructed to the standard specification of the Local Highway Authority.
- 14) No dwelling shall be occupied until the estate roads (including footways and cycleways) serving it have been laid out and substantially constructed to the satisfaction of the Local Highway Authority in accordance with details approved in writing by the Local Planning Authority. This shall include provision for a pedestrian link to the western boundary of the application site to enable potential access to Public Right of Way SL82.
- 15) The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Council. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3 and 5 years to be audited by the Council.
- 16) No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until such a time as

a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation of any dwelling until the scheme is operational. The submitted details shall include, as a minimum:

a) Drawings showing overall site concept design principles.

b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.

c) Surface Water Drainage Design including:

- Confirmation of the lifetime of the development;
- Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change);
- Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates in accordance with BRE365 methodology;
- Confirmation of discharge rates and volumes (both pre and post development);
- Confirmation of proposed discharge location;
- Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMBC Policy and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm;
- Engineering details for all surface water drainage features;
- Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD; and
- Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site.

d) Surface Water Drainage adoption and maintenance strategy.

e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding.

f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

g) A timetable for implementation.

The scheme shall be implemented, maintained and managed in accordance with the approved details and maintained thereafter for the lifetime of the development.

- 17) No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until a comprehensive lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include full details of all external light fittings, columns, and spill control measures, and shall incorporate a Lux contour plan clearly showing areas of light spill across the site, including all boundary vegetation, wildlife corridors, and areas containing installed bat or bird boxes.

The Lighting Strategy shall demonstrate full compliance with the Institute of Lighting Professionals (ILP) and Bat Conservation Trust (BCT) Guidance Note GN08/23 'Bats and Artificial Lighting at Night' and shall ensure that lighting is designed to avoid impacts to nocturnal species including bats.

The development shall not be carried out otherwise than in full accordance with the approved lighting strategy, and all approved lighting controls and mitigation measures shall be retained and maintained thereafter for the lifetime of the development.

- 18) The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of pre-commencement checks for badger, bats, breeding/nesting birds, small mammals i.e. hedgehog and reptiles and amphibians and appropriate working practices and safeguards that are to be employed whilst works are taking place on site. The CEMP shall incorporate appropriate methodology for the confirmed bat roost on site, including:
- A Natural England licence must be sought and granted, and agreed mitigation in place prior to the demolition of the building with a confirmed bat roost;
 - Prior to the demolition of the building and loss of brown long-eared bat roost a bat emergence survey must be carried out immediately prior to demolition if the building work is to be carried out between April and October;
 - A thorough internal inspection must be carried out by a suitably qualified ecologist prior to any demolition commencing; and
 - The CEMP shall incorporate the measures that will be included in the Natural England bat licence.

The agreed CEMP shall thereafter be implemented in full.

- 19) Prior to submission of the Biodiversity Gain Plan to discharge the deemed biodiversity gain condition, a final completed statutory metric, pre- and post-habitat maps, and updated biodiversity net gain report must be submitted to and approved in writing by the Local Planning Authority. The final biodiversity assessment must reflect detailed landscape plans and Habitat Management and Monitoring Plans. The biodiversity net gain report and associated metric outputs should then be implemented in full and managed and maintained for a period of no less than 30 years from the date they commence.
- 20) Prior to commencement of the development, details of ecological enhancement plan, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a range of ecological enhancement measures including integrated bat features and integrated bird nest features. Additional

enhancement measures for hedgehogs, invertebrates and reptiles, incorporated within the detailed landscape design (e.g. hedgehog highways, log/brush habitats, amphibian/reptile refugia, and native pollinator-friendly planting).

These features will need to be positioned with consideration of aspect, location, surrounding habitat and lighting to maximise potential for uptake by relevant species. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved features shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development and retained in perpetuity.

Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved fencing holes shall be maintained and retained in perpetuity.

Except for the trees to be removed for the creation of the vehicular access, the submitted plan and associated landscape documents shall demonstrate the retention and protection of all mature trees, including those along the western boundary. The proposed development details must ensure there is sufficient margin and appropriate design along this western corridor to function as a wildlife corridor connecting to the wider landscape. This shall include consideration of public accessibility and seeking to maximise benefits through habitat delivery and management.

The plans must also include details of the dedicated bat house as stated within the submitted EclA version 4 (CWS, November 2025) for the maternity brown long-eared roost which shall be lost as part of this development. The roost shall be like-for-like, positioned and designed to deliver suitable mitigation.

- 21) No dwelling shall be occupied until evidence has been submitted to demonstrate that the ecological enhancements are in place as detailed within the approved ecological enhancements plan and lighting strategy.
- 22) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:
 - a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority,

Notice in writing shall be given to the Council when the:

- HMMP has been implemented; and
- habitat creation and enhancement works as set out in the HMMP have been completed.

No occupation shall take place until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

**** END OF CONDITIONS ****

Richborough