

Good morning Sir, Ladies and Gentlemen and welcome to Sandwell for all those who have travelled into the borough today.

The overriding main issue in this appeal is whether the benefits of the proposed development (the 'other considerations') clearly outweigh the overall harm, in order to establish the Very Special Circumstances necessary to allow this appeal.

In some appeal decisions which I have read, the green belt has been afforded less weight than others. You can be assured, sir, that I have read a lot of appeal decisions and most of these have been written in the last year.

Of course, a lot has happened in the last year, including the part of Sandwell covering Great Barr getting a new MP. I have read interesting theories about what the new government are going to do with respect to green belt boundaries but speculation and assumptions are the enemy of lawyers such as I.

Like Mr Armfield, I am familiar with this site and possibly like Mr Armfield, I feel passionate about it. Its quietness overwhelms one when one walks down the Beacon way or the permissive footpath which runs down the side of the Q3 academy.

The world has speeded up since I was a child and the population of this country has increased by about 14 million people. I recognise that in a first world country, everyone aspires to a home and everyone who has a home aspires to walk (assuming they are ambulant) amongst greenery. To escape the rat race and if they're lucky, to hear a lark singing as it rises from a field.

There are places in France such as Normandy which have no fear of population explosion or shortage of houses because nobody, except for French farmers, wants to live there.

Birmingham isn't like that at all. Over the last 100 years, the spaces between the towns have gradually been eaten up. Motorways criss-cross the city and eventually, green belts were created to save what little greenery there is. Sandwell is rightly proud of Sandwell Country Park, which affords an interesting use of green space on the edge of the green belt.

There is also an area of green belt which sits between greater Birmingham and Walsall. It includes the appeal site, which sits between Wilderness Lane, Peak House Road and the A 34, the latter road for interests sake, runs from Southampton to Salford. The function of the green belt at that point is openness. The area lies between the two great conurbations and beyond Walsall is open countryside all the way to Telford. The appeal proposals seriously threaten to narrow that gap in the green belt in both spatial and visual terms.

The site sits on a Site of Important Nature Conservation. It has ancient hedgerows in it, which are estimated by the Council's expert to be pre-parliamentary field patterns. Field patterns don't survive redevelopment. They look more like housing estates.

The appeal site is elevated such that any development within it will necessarily be visible from medium and longer views. There are the two aforementioned permissive footpaths, principally used by dog walkers and other locals when they need to escape their urban existence. The Appellants claim that the footpath along the side of the Q3 Academy will have access into the countryside park, when that is completed. The Council counter-suggest that a Country Park isn't necessary in this location because of the access gained by many people to open areas of greenery beyond.

The Council has a large waiting list for its own rented properties. Council Houses are only social rented properties and housing benefit is automatically paid to those claiming benefits which qualify. Thus they are available to everybody. After 3 years, they can be bought at a 35% discount and that discount increases each year that the occupants are in the Council house to a maximum of 70% discount. That is greater even than "First Homes".

They are therefore the ultimate affordable dwelling even if they don't qualify as "affordable housing". The Right to Buy legislation has now been extended to Registered Providers of Social Housing.

Great Barr has seen many Council Houses bought under the Right to Buy scheme over the years since the Housing Act 1980. This had led to a social housing shortage. However, Great Barr isn't a large area of employment except for retail. Most of the nearby employment exists in the greater

Birmingham conurbation or out in Walsall or Wolverhampton to the West. Great Barr itself is a well-connected commuter area. It has a good bus service, as highlighted by the Appellant, which takes some of the commuters to both Birmingham and Walsall. It also has about 50% more green space than most Sandwell towns. That is because of the green belt which sits within it and a number of public open spaces in Great Barr itself. Thus, it's a desirable location to live. It doesn't have the large industrial sheds of West Bromwich and Oldbury or the concentration of industry around the Black Country New Road.

I walked in this morning and the road took me past industrial park after industrial park. It clearly wasn't a housing area. What struck me was the low vacancy rate and that is typical of Sandwell. Industrial land doesn't surrender easily to housing land.

The push is on, in a crowded borough, as evidenced in the 2023 Strategic Housing Land Availability Assessment, to find adequate housing land for the numbers required in the Black Country Core Strategy and it's not an easy task. That is why every new house is relevant to that push. That elevates the Appellant's claim that the green belt must be sacrificed.

But there, the Appellants and the Council differ in how to achieve housing figures. The appellants say that housing can be built on green belt and the council says that the green belt is sacrosanct. It is the most convincing part of their very special circumstances. However, you will hear evidence during this inquiry as to why that part of the green belt should remain farmed or even put to scrub as it has been in parts by the Appellants. Still, silage crops are taken from the land and it still performs its function under current green belt purposes and none of the exceptions in paragraph 154 of the NPPF apply to this site.

Very special circumstances must therefore be proven. You will hear evidence that a Countryside Park isn't necessary in this location. If a Countryside Park isn't necessary, the appellants offer to provide 20 % Biodiversity net gain will be unachievable onsite and the appellants will be left with 150 houses and an extra 22 of them being affordable. I might say that the appellants, at outline stage, cannot determine the types of tenure although if the ministerial statement still stands at the time of your decision sir, assuming it permits the scheme, we can assume that 25 % of those houses will be First Homes.

It's important to remember that the guidance specifically states that Openness is the greatest factor of the green belt. How can 150 houses ever give the impression of openness? The green belt is narrow enough at that point and any more inappropriate development in it will add to the coalescence between the Birmingham conurbation and Walsall. The development represents urban sprawl. In fact, the development cannot be much more unacceptable in green belt terms. And yet, the Appellants still push the two mantras of housing and affordable housing. I say, housing but not at any cost. I say that Sandwell will try to meet its housing targets within its urban boundaries by building up and by achieving denser yield in appropriate areas. That is the only way. This appeal must be refused sir.