

MINUTES OF THE PARISH COUNCIL MEETING OF LOWER PENN PARISH COUNCIL HELD AT VICTORY HALL, LOWER PENN HELD ON THURSDAY 3RD SEPTEMBER 2026 AT 7.15pm

Councillors: S McEwen (Chairman), D Hughes, D Williams, M Mulvihill, G Fanthom, Mrs C Taylor, K Crane.

Also in attendance: Mrs J Cree (Clerk), County / District Cllr Mrs V Wilson District Cllr R Reade and 14 members of the public.

90/26. Apologies for Absence.

All members were present.

91/26. Declarations of Councillors' Interest.

Cllr R Reade declared an interest in anything to do with planning applications.

92/26. Public Forum - Democratic fifteen-minute period / public question time

Standing orders were raised to enable members of the public to speak

The following items were raised: -

- At the last Parish Council meeting a resident reported that they have now undertaken a survey to the drain in Market Lane, the drain is blocked, and they ask that the Parish Council maintain and repair the drain, as they believe it is owned by the Parish Council. Cllr R Reade stated that he has been in the village since 1962 and he has not known this to be a Parish Council drain. The resident has paid for a survey personally. This will be taken forward with the Parish Council and District Councillor R Reade. The Clerk will try to look through the minutes as well to try to confirm ownership.
- Motor bikes on the Railway Walk, a resident wrote last year to the MP (in November) and he is still has had no response.
- 2 weeks ago the Police had been on the walk near Wombourne stopping the bikes.
- A dog walker reported that the pavements on Penstone Lane need to be replaced / repaired. County Cllr Mrs V Wilson reported that 3 years ago pavement repairs were suspended as pavements were being dug up by fibre companies. Last Summer they started the works again, but the list is very long for he repairs, and the pavements are prioritised by the type of access i.e to schools, doctors etc.
- The hedgerows also overhang the pavements forcing people to walk in the road. Staffordshire County Cllr replied that the hedge cutting is the responsibility of the land-owners. These should be reported to SCC, who will contact the landowner.
- The wild fires near by in Stoubridge raised the question that if this happened in Lower Penn, what would happen with the BESS sites. The Chairman reported that this is being discussed with the MP to introduce a National Regulation to protect the areas by these sites.
- Only 1 site has been constructed, and the Parish have submitted an FOI with NESO, which has not been supplied and is in the hands of the MP.
- The railway walk was raised re half tarmacking / softer surface. County Cllr Mrs V Wilson reported that using UK Prosperity fund, and they have tarmacked the Wombourne end. The stretch from this area to the Lower Penn end was discussed but discussions are taking place with British Horse Society, as they did not want it to see it tarmacked. This is not a

bridlepath. She will look into this. Cllr R Reade reported that to stop motorbikes, it prevents other users accessing the areas.

Standing orders were reinstated.

93/26. To receive for confirmation and adoption, the Minutes of the Parish Council meeting held on 2nd July 2026.

The minutes of the above meeting were agreed and accepted. They were proposed by Cllr K Crane and seconded by Cllr Mrs C Taylor.

94/26. County / District Councillors to address the Council on any matters relevant to the Parish

District Cllr R Reade reported that: -

- 3 the Ridings – garage this was visited on the 7th August and has been demolished.
- Dirty Foot Lane – 3 containers have been located and no action will be taken.
- Radford Lane – the caravans will be going at the end of the month.
- 43 Springhill Park, still waiting for the appeal decision – the Chairman added that he has spoken to the officer at SSDC and construction has re started.
- Robins Nest – rubbish being tipped at the site, SSDC have taken onboard the concerns and the owner of the site had till the 17th August to remove the contents of the site, but rubbish is still being brought in. The Officer is visiting the site this week. Residents have stated that this is happening out of normal working hours.
- 88 Springhill Lane, the application has been refused on the grounds of Greenbelt, but the applicant has re-applied we believe.

County Cllr Mrs V Wilson addressed the Council on:

- Retrospective S106 Funds – this hit a block with SSDC re BESS sites that have been approved, another company in South Staffordshire is looking at installing a solar farm. They are talking of allocating £30,000 per year to communities and perhaps this could be a way forward with the BESS companies.
- She is pleased with the Pothole repairs in the area with the roadmaster piece of equipment. A message of thanks was agreed to be sent to them by the Clerk.
- Parish Council Assembly is due in October and Lower Penn had agreed to host it. A date to be confirmed.
- Community and Business fund. Lower Penn have been allocated funds, memorial stone / plaque, kitchen at the village hall and outside work to the sum of £15,000.
- With regard to the flooding last week, anywhere that was prone to flood would, due to the quantity of rain. The drain in Market Lane has not been maintained, but water is coming from further up the village. Several officers have been to have a look to prevent this, but they are saying the debris from the hedgerows is causing the drains to block. The Highways team are supposed to be writing to the home-owners to ask them to cut the hedges back. She suggested getting a group of volunteers to cut back the hedge in the area. The contractor used in the village for this type of work has agreed to cut the hedge back but he does need

some help to clear up. Volunteers from the areas would be asked to help also. Cllr D Hughes will continue to liaise with the contractor.

- She gave an update on the new LGR agreement. Which starts in May 27, with a shadow council running alongside for 12 months.

95/26 To fill vacant seats via co-option if any further candidates come forward

Cllr Mrs C Taylor proposed and Cllr D Hughes to propose Stacey Adams to become a councillor. On a vote this was carried. She joined the meeting at this point.

There is still 1 vacancy.

96/26. Planning Matters to be discussed

Cllr G Fanthom reported on a recent planning meeting that he attended, he believed that the process was flawed. Cllr R Reade responded that he was at the meeting and it was conducted according to the correct procedures. Cllr Mrs V Wilson also reported that 3 recent applications, 1 was deferred, 1 was approved and 1 rejected, so it is a fair process.

Current

26/00172/OUTM – 65 houses land off Springhill Lane, Lower Penn

The Chairman reported that the Spring Hill Lane Proposed development - No date yet decided when it will go to Planning committee (LPPC posted further Consultee objections in response to the amended documents submitted by Dwello Partnerships and before the 6 Aug closing date for Consultation - our further objections were prepared by Hannah Barter and Kate Brazenell)

Many thanks were given to Kate Brazenell who has prepared documents in response to the following:-

- the recently posted drainage note
- Legal Counsel – draft response prepared but conversation with Laura Moon today to ask which way the wind is blowing – her response ‘We are minded to refuse’
- non the less will be circulating draft LPPC response for your approval) to this Dwello post

He has spoken to the Planning Officer and it appears the application may be rejected.

However, It was agreed to submit the following objection on this application:-

OBJECTION TO PLANNING APPLICATION 26/00172/OUTM Land off Springhill Lane, Lower Penn

Objection to the Applicant’s Updated Grey Belt Counsel’s Advice

1. Introduction

Lower Penn Parish Council respectfully objects to the Applicant’s updated Grey Belt Counsel’s advice submitted in support of planning application 26/00172/OUTM.

The updated submission seeks to establish that the application site constitutes Grey Belt land under the August 2026 National Planning Policy Framework (“NPPF”) and, alternatively, that very special circumstances exist to justify development in the Green Belt.

The Parish Council does not consider that either case has been adequately demonstrated.

The Applicant’s submission contains substantial factual information about the site. However, the principal concern is that the conclusion that the site makes only a moderate contribution to Green Belt purpose (a) is not sufficiently supported by site-specific evidence.

The advice places significant reliance upon matters such as the site’s partial enclosure, existing development, trees and hedgerows, the nursery, settlement pattern and the absence of an “extended finger” of development.

These factors do not, individually or collectively, demonstrate that the site is genuinely contained or that its Green Belt contribution is only moderate.

This is particularly important because the Applicant’s own submission acknowledges that the wider WMC24 parcel has been assessed as making a strong contribution to Green Belt purpose (a).

The updated advice seeks to distinguish the application site from that wider assessment, but the Parish Council does not consider that the distinction has been adequately demonstrated.

2. Principal Grounds of Objection

Grey Belt status has not been demonstrated

The central requirement of the Applicant’s Grey Belt case is to demonstrate that the site does not strongly contribute to the relevant Green Belt purposes.

The Parish Council considers that this has not been established.

The fact that the site adjoins existing development, contains trees and hedgerows, and has some degree of physical enclosure does not automatically mean that it makes only a moderate contribution to Green Belt purpose (a).

The site remains open to the north and west, and its development would introduce up to 65 dwellings and associated infrastructure into land which is currently open.

The distinction between land being adjacent to development and land being genuinely contained by development is important. The updated advice does not adequately demonstrate that the latter applies in this case.

The WMC24 assessment remains highly relevant. The Applicant accepts that the wider WMC24 parcel makes a strong contribution to Green Belt purpose (a).

The Parish Council does not consider that the updated advice has convincingly demonstrated why the application site should be treated materially differently.

Its smaller size and existing boundary features may be relevant considerations, but they do not by themselves alter the site’s fundamental relationship with the wider Green Belt and the open land beyond it.

Development of the site would extend the settlement into that open land and change the relationship between the existing built-up area and the wider countryside.

The “extended finger” argument does not resolve the issue. The Applicant places considerable reliance on the assertion that the proposal would not create an “extended finger” of development.

The Parish Council considers this to be too narrow an approach.

The absence of a literal “finger” does not establish that the development would constitute a logical or appropriately contained extension of the settlement.

The scale, position and relationship of the proposal with the open land to the north and west remain important considerations.

Trees and hedgerows do not automatically provide permanent containment

The updated advice places considerable weight on trees and hedgerows as robust and defensible boundaries.

The Parish Council does not consider that visual enclosure should automatically be equated with a permanent settlement boundary.

Trees and hedgerows may screen development, but that does not necessarily mean they prevent further outward expansion of development.

The Applicant has not sufficiently demonstrated that these features would provide a durable and defensible limit to future development.

Existing development does not remove the Green Belt function of the site

The nursery and adjoining residential development are identified as urbanising influences. However, the existence of development on adjoining land does not necessarily mean that the remaining open land has ceased to perform a Green Belt function.

There is a danger of circular reasoning whereby existing development is said to urbanise the site, the site is consequently regarded as having a reduced Green Belt contribution, and that reduced contribution is then used to justify further development.

The Parish Council considers that the actual Green Belt function of the application site must be assessed in terms of its own characteristics and its relationship with the wider open land.

3. The Cited Appeal Decisions

The Parish Council does not consider that the appeal decisions relied upon in the updated advice provide relevant or persuasive evidence that this site is Grey Belt.

Appeal decisions are determined on the individual facts and characteristics of the particular sites before the Inspector. The finding that another site did not make a strong contribution to a Green Belt purpose does not establish that the Springhill Lane site has the same characteristics.

In particular, the Whitburn Lodge decision involved an already developed site and is therefore not a directly comparable example when considering an open Green Belt site such as Springhill Lane.

Likewise, the Longwood Lane decision does not establish a general principle that sites adjoining existing development should be regarded as Grey Belt. It reinforces the need for a site-specific assessment.

The cited decisions should therefore not be treated as establishing that the application site is Grey Belt or as materially displacing the existing assessment of the wider WMC24 parcel.

4. Housing Need and Other Benefits

The Parish Council acknowledges the importance of housing delivery and affordable housing provision.

The Applicant refers to the Council's claimed 0.87-year housing supply, as well as the proposed 50% affordable housing provision.

These may be significant planning considerations and benefits. However, they do not establish that the application site is Grey Belt.

Housing need, affordable housing provision and the site's accessibility to services and public transport must be considered within the appropriate planning framework, but they cannot replace the requirement to demonstrate that the site satisfies the relevant Grey Belt tests.

Similarly, compliance with the Golden Rules does not make land Grey Belt.

5. Very Special Circumstances

The Applicant alternatively relies upon very special circumstances to justify development in the Green Belt.

However, this case depends substantially upon the Applicant's assessment of Green Belt harm and, in particular, its contention that the site is already sufficiently contained and closely related to the existing settlement.

That is precisely the proposition which the Parish Council disputes.

If the site is properly understood as open Green Belt land forming part of the transition between the settlement and the wider countryside, the harm to Green Belt purposes and openness would be greater than the Applicant's assessment suggests.

The Parish Council does not consider that the identified benefits have been demonstrated to clearly outweigh the resulting Green Belt harm.

6. Conclusion

The Applicant's updated Grey Belt advice does not, in the Parish Council's view, provide sufficient evidence to establish that the application site constitutes Grey Belt land.

The presence of existing development, trees, hedgerows and other features does not automatically reduce the site's Green Belt contribution from strong to moderate.

The wider WMC24 assessment of a strong contribution to Green Belt purpose (a) remains highly relevant, and the Applicant has not convincingly demonstrated why the application site should be treated differently.

The cited appeal decisions are not sufficiently comparable to establish that Springhill Lane is Grey Belt and should not be treated as a precedent for this site.

The identified housing, affordable housing and sustainability benefits are acknowledged but do not establish Grey Belt status or remove the need for a proper assessment of Green Belt harm.

If the site does not constitute Grey Belt land, the proposal must be assessed under the provisions applying to inappropriate development in the Green Belt, including the very special circumstances test.

For these reasons, Lower Penn Parish Council respectfully objects to planning application 26/00172/OUTM and requests that planning permission be refused.

25/01115/FUL - Keepers Coppice , Showell Lane, Lower Penn - Replacement dwelling
Closing date is 15 September; North / South and East West elevations show current and new plans reveal an extensive development. The Chairman will prepare a response.

26/00539/FULHH 60 Showell Lane, Lower Penn - Resubmission of application previously approved for Single storey outbuilding. Previous application approved under 21/00930/FUL Document of approval by Wombourne has been posted and signed off conditionally by Cllr Dan Kinsey

26/00666/TREE Lower Penn Conservation Area: Pine trees x3 - dismantle and remove. Yew - reduce to provide 2 metres clearance from property side only. Crown reduce by 2 metres. Lower Penn Farmhouse Dirty Foot Lane Lower Penn Consultation was due by 11 August. The Arboricultural Officer makes these decisions.

26/00692/FULHH Single storey rear extension to replace existing conservatory and associated landscaping works. Location: 110 Springhill Lane Lower Penn
Suggest there is no problem with this application ie comparing drawings existing and proposed this application seems a straightforward replacement with some minor works to garden steps. No objection.

26/00676/FUL – replacement dwelling at 2 Market Lane, Lower Penn. Comparing existing and proposed street scenes that include an improved side elevation can see no reason for LPPC to object but there are concerns over the existing building having asbestos in it, so comments to be submitted.

Decisions

Open Reach – recently posted notices in Springhill Park to install 9x Communication Poles x9m tall – objections have been acknowledged by Open Reach, this morning indicates that they have now withdrawn their intention to erect these poles.

26/00600/FULHH|Single storey extension at the rear of property, extensions over existing first floor layout and new windows. Sunnymead Wynne Crescent Lower Penn – application withdrawn

Appeals

88 Springhill Park – referred to in the District Cllrs report.

Enforcement

26/00173/BOC - Alleged breach of conditions of 19/00027/FUL. Unauthorised construction of a large metal barn and site being used for a skip hire / scrap metal business. The Lindens, Penstone Lane, Lower Penn

NPPF Update

National Policy Planning Framework – NPPF published in August, a summary note was circulated by the Chairman, This has come up in connection with the 65 houses application.

S106

Covered under the District Report by Cllr Mrs V Wilson.

Bess Update

The following has been received:-

"I am writing on behalf of [Pulse Clean Energy](#) regarding the construction of [Penn Battery Storage Facility](#) on land off of Union Lane, Lower Penn, South Staffordshire.

The site is located south of Lower Penn Substation, northwest of Blackpit Lane, 1.1km south of Lower Penn, 1.6km north of Wombourne and 1km northeast of Trysull.

We would like to invite you to a public consultation event for Penn Battery Storage Facility. The event will take place on Thursday 17th September from 6pm – 8pm at Lower Penn Victory Hall, Greyhound Lane, Wolverhampton, WV4 4UN.

Those in the local area will soon be receiving a construction update newsletter for the scheme which details the current construction details, the indicative construction timeline and details of the public consultation event. We would also be grateful if you could share this invitation with anyone else who may be interested in attending. "

97/26. To receive an update on ongoing Parish Council Projects / works and items for SSDC funding

It was noted that the SSDC Funding that has been agreed as detailed below:-

Lower Penn

£ 10,000 - kitchen for the Victory Hall

£ 3,000 - memorial stone
£ 2,000 - community garden

a) Community Speed-watch update on sessions undertaken in the last month

No sessions took place in August, they will be going out shortly, and hopefully more people may come to volunteer following the questionnaire.

b) Speed Indicator Device data

Cllr K Crane reported that the SID Data for August will be shared shortly. The battery is being changed every 2 weeks. 30% of all traffic going through the SID are over the speed limit. Due to changes in Police personnel it is difficult to inform local officers of concerns as well as speeding issues. The community speed-watch co-ordinator may be the best contact. It was noted that the council has precepted for new SIDS, as well as posts.

c) Community Activities (updates on local activities/events)

The following items were noted: -

- Litter picks will be taking place shortly as in August it was too hot to take place.
- Fly tipping is increasing and photos have been taken and reported.
- The Roughs has been cleared, but there are items thrown over the hedge into fields.
- £1700 raised for charity from the Cricket Club event.
- 5th September gentleman songsters event is taking place, the profit made is for Victory Hall.
- An event in November is also taking place.
- 16th December Pre Christmas gathering
- Womens health retreat booked in, for a small number of participants in October, confirmation if this is open to the public.
- Gym classes are growing.

d) Victory Hall Update

Cllr D Williams reported that each day in September / October are now booked.

The current account is £3062.85, the deposit account is £85415.80, the AGM is on the 24th September at 5pm. All can attend, a notice is on social media.

It was noted and agreed that the Clerk issues the following statement to be in place until May 27, where it will have to be renewed for the next 4 years:-

"Victory Hall Trustees: When a councillor is elected for the Parish Council, he/she automatically becomes a trustee. It is the Parish Council that is the trustee and NOT the individual, and the Parish

The Council as an organisation is responsible for any failings, financial or otherwise, of the Management Committee. It should be noted that the Trustees of the Victory Hall are named as "Lower Penn Parish Council" and no individual names are recorded as Parish Council councillors can, and do change from year to year."

e) BKV improve communications and support

Using the survey comments, this can be used to help organise the community for next year, and link with local residents.

f) War Memorial plaque and a metal ornate poppies for the green

Cllr Mrs C Taylor reported that she is speaking to the Conservation Officer re the green and a plaque on the Victory Hall.

g) Neighbourhood Plan (inc residents meeting when appropriate / noticeboards)

Cllr D Hughes reported that after the survey, we need to prioritise what needs to be undertaken, this will move forward following the publication of the presentation on the website.

h) P A System

Cllr D Hughes reported that this has been purchased.

i) Noticeboards

The survey has impacted the requirement for noticeboards, this was a question in the survey, and the council needs to discuss this in more detail. For now the Council will only use the Victory Hall board, and a general notice will be placed in the others explaining why and useful contact details.

j) Phone box and other community proposals

This will be relocated by Victory Hall, Cllr D Hughes had looked at the logistics of moving the phone box, as it is 750 kg in weight, BT offered to help initially but this offer has been withdrawn.

A plan of action needs to be in place and the Chairman and Cllr G Fanthom will work on this project, and bring forward a feasibility study.

k) Grass Cutting

Cllr Mrs C Taylor to forward additional areas to be cut to the Clerk and she will ask the contractor to price these areas. A map has been requested from SSDC / SCC for the areas they look after to help understand what areas remain.

l) Newssheet

The Chairman and Cllr D Hughes will look into the newssheet to produce this 4 times a year, with support from local businesses advertising to fund it.

98/26. To discuss the call for Evidence: Shaping the Future of Local Government in Staffordshire

The Parish assembly will cover this topic.

99/26. Clerks report

The following items were noted:-

South Staffs Virtual Locality Forum – documents

Planning comments from another Parish Council against proposals to change planning system -
Checkley Parish Council Motion - Planning System Changes

Poppy Appeal Wreaths for Remembrance tide in November and Lamp Post Poppies – order early
Local Government Reorganisation Decision

Land transfer SSDC

Help Shape the Future of Housing in South Staffordshire

Annual pay settlement 3.3% for clerk back dated to 1/4/26

100/26. Accounts for payment

The accounts for payment were agreed as listed below: -

26/08/2026	£551.04	22	200984	J CREE
26/08/2026	£28.55	23	200984	J Cree
01/08/2026	£135.00	24	200987	B G Services
26/08/2026	£178.35	25	200986	HMRC
25/07/2026	£234.00	26	200988	Ro Cowell Photography
20/07/2026	£63.50	27	200988	m & S
21/07/2026	£25.00	28	200988	bluebell woods
18/07/2026	£13.98	29	200988	Moonpig
28/07/2026	£51.60	30	200988	Wombourne Printers
22/07/2026	£15.98	31	200988	TFM
01/08/2026	£490.00	32	200989	PA Equipment
26/09/2026	£551.04	33	200990	J CREE
26/09/2026	£28.55	34	200990	J Cree
01/09/2026	£135.00	35	200991	B G Services
26/09/2026	£178.35	36	200992	HMRC

There are additional invoices for the clean up of the Victory Hall Site and there was a grab vehicle hired to help complete the tidy up at a cost of £350, there will be a further smaller cost of an additional pick up for Monday. It was agreed that Lower Penn PC cover this cost, this to be finalised.

101/26. Items for future agendas to be sent in before the end of September.

To look at holding a meeting in January, pre budget meeting at 6.15pm.

102/26. Date of next meeting – Thursday 1st October 2026

Meeting closed at 9.15 pm

Cllr R Read thanked everyone for organising his birthday party, he very much enjoyed the afternoon.