

To: The Deputy Leader and Members of the Planning and Development Board

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via
e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

20 MAY 2025

The Planning and Development Board will meet on Tuesday, 20 May 2025 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719221 / 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 7 April 2025** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- 5a **Application No: PAP/2025/0040 - 91, Whitehouse Road, Dordon, B78 1QQ**

New drive to front and dropped kerb.

- 5b **Application No: PAP/2025/0027 - Land Between Holmfield And Oakdene, Bennetts Road North, Corley**
- Erection of two 3 bedroomed bungalows.
- 5c **Application No: PAP/2025/0041 - 10, Austrey Lane, Newton Regis, B79 0NL**
- New drive to front garden and dropped kerb.
- 5d **Application No: PAP/2024/0577 - Land North Of Park Lane Farm, Park Lane, Astley**
- Application for the proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements.
- 5e **Application No: PAP/2024/0395 - Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ**
- Change of use of land to a residential caravan site for 6 Gypsy/Traveller families, each with one static caravan/ mobile home, together with erection of one amenity building.
- 5f **Application No: PAP/ 2025/0142 - 6, 8 10, 12, 14,17, 32,33,63,67,75,81 Ralph Crescent, 195, 201,207, 213 Tamworth Road, Kingsbury**
- Application No: PAP/2025/0143 - 32 Properties in Westwood Road and Westwood Crescent, Atherstone**
- Fit new UPVC windows and external wall insulation to 12 properties.
- 5g **Application No: PAP/2024/0582 - Land 230 Metres West Of Marston Fields Farm, Kingsbury Road, Lea Marston, Warwickshire**
- Installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access.
- 5h **Application No: PRE/2024/0089 - Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston**
- Diversion Order application to implement diversion to Public Footpath M23, granted under planning permission PAP/2023/0567 dated 22/05/2024.

5i **Application No: PAP/2024/0127 - Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU**

Installation of roller shutters and rooflights to two-storey building, construction of a ramp to delivery area, new doors and roof covering to existing animal pens, the provision of new animal pens and storage areas for refuse and hay/straw, new site office and external alterations

6 **Appeals Update - Report of the Head of Development Control**

Summary

The report updates Members on recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719310).

7 **Planning Enforcement and Land Charges IT System Replacement Update - Report of the Head of Development Control**

Summary

This report offers an update on actions taken in respect of the replacement of the Planning and Enforcement and Land Charges IT systems.

The Contact Officer for this report is Erica Levy (719294).

8 **Exclusion of the Public and Press**

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

9 **Staffing Matter - Report of the Head of Development Control**

The Contact Officer for this report is Erica Levy (719294).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

7 April 2025

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Dirveiks, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, O Phillips, Ridley and Smith.

Apologies for absence were received from Councillors Ririe (Substitute Councillor O Phillips) Chapman (Substitute Councillor Jackson) and Reilly (Substitute Councillor S Smith)

83 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Ridley declared non-pecuniary interests in Minute No 85e (Application No's: PAP/2025/0008 - Land East Of And 75 Metres North Of Oaklands, Dordon) and Minute No 85g (Application No: PAP/2024/0446 - 64-66, Long Street, Dordon, B78 1SL) by reason of being a Dordon Parish Councillor.

84 Minutes

The minutes of the meeting of the Planning and Development Board held on 3 March 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

85 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application No: PAP/2025/0091 - Land between Rush Lane, and Tamworth Road, Cliff, Kingsbury be noted;**
- b That Application No: PAP/2023/0314 - Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis be refused for the reasons set out in the report of the Head of Development Control;**

[Speaker: David Clarke]
- c That Application No: PAP/2024/0113 - Coachmans Cottage, Purley Chase Lane, Mancetter, Atherstone, CV9 2RQ be granted, subject to the conditions set out in the report of the Head of Development Control;**

- d That Application No: PAP/2024/0546 - Wood End Recreation Ground, Johnson Street, Wood End be granted and three replacement trees are planted as set out in the plan as set out in Appendix A to the Head of Development Control's report.**
- e That in respect of Application No 2025/0008 - Land East Of and 75 Metres North Of Oaklands, Dordon be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Mark Fletcher]

- f That in respect of the following applications at Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Sutton Coldfield, B76 0DA:**

- a) That planning permission be granted for Application PAP/2019/0451 subject to:**

- i) The substantial completion of the bund and acoustic fencing together with the removal of temporary structures and vehicles, as all defined through a completed Section 106 Agreement, with**
- ii) the draft heads of Terms of that Agreement being referred back to the Board for consideration, together with a**
- iii) draft schedule of planning conditions for consideration by the Board, based on those set out in the report of the Head of Development Control.**

- b) That planning permission be granted for Application PAP/2022/0170 subject to the requirement for a legal agreement requiring the removal of containers on the adjacent land at the shooting club and to the planning conditions set out in the report of the Head of Development Control.**

- c) That planning permission be granted for Application PAP/2023/0567 subject to the planning conditions as set out in the report of the Head of Development Control.**

[Speakers: Ian Watts, M McNulty and Louise Thorne]

- g That Application No: PAP/2024/0446 - 64-66, Long Street, Dordon, B78 1SL be deferred for a site visit; and**

[Speakers: Terri Adams, Chris Evans and Ray Evans]

- h That application No: PAP/2023/0324 - White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB be refused, for the following reason:**

“It is not considered that the proposal accords with Policy LP29 (6) of the North Warwickshire Local Plan 2021 and Policy H1(b) of the Mancetter Neighbourhood Plan 2016, in that it represents “tandem development” with no direct highway frontage access, thus leading to a situation where there are unacceptable road safety impacts at the site’s junction with Ridge Lane. This is because of a combination of the increased use of that narrow junction, the degree of on-street car parking along Ridge Lane limiting clear visibility, together with access being gained through an inadequately sized car park used by public house patrons as well as neighbouring residential properties.”

[Speakers: John Tither and William Brearley]

86 Planning and Infrastructure Bill

The Head of Development Control explained that the Government had published its Planning and Infrastructure Bill and the report provided a summary of the main matters that will be introduced if the Bill is enacted.

Resolved:

That the report be noted.

87 Submission of Fillongley Neighbourhood Plan for Public Consultation

The Chief Executive Informed Members of the submission of the Fillongley Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Recommended:

That the Fillongley Review Neighbourhood Plan be publicised for a six-week public consultation.

(The Chief Executive has subsequently received a notice signed by Councillors Hayfield, Hobley, H Phillips, Parsons, Jarvis and Humphries under Standing Order No 30(1)(b)(Minority Report) with regard to the decision of the Board on this matter and it is therefore referred to Council for confirmation).

88 Exclusion of the Public and Press

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.

89 Exempt extract of the Minutes of the meeting of the Planning and Development Board held on 3 March 2025.

That the exempt extract of the Minutes of the meeting of the Planning and Development Board held on 3 March 2025, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

20 May 2025

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

- 4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 Availability

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 9 June 2025 at 6.30pm in the Council Chamber

6 Public Speaking

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP2025/0040	1	91 Whitehouse Road, Dordon New drive to front and dropped kerb	General
5/b	PAP/2025/0027	6	Land Between Holmfield And Oakdene, Bennetts Road North, Corley, Erection of two 3 bedroomed bungalows	General
5/c	PAP/2025/0041	36	10 Austrey Lane, Newton Regis New drive to front garden and dropped kerb	
5/d	PAP/2024/0577	41	Land north of Park Lane Farm, Park Lane, Astley Proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements	
5/e	PAP/2024/0395	90	Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath Change of use of land to mixed use as commercial stables (existing) and as a residential caravan site for 6 Gypsy/Traveller families, each with one static caravan/ mobile home, together with erection of one amenity building	
5/f	PAP/2025/0142 PAP/2025/0143	117	Properties in Ralph Crescent and Kingsbury Road, Kingsbury Properties in Westwood Westwood Crescent, Atherstone Fitting new UPVC windows and external wall insulation	

5/g	PAP/2024/0582	123	Land 230 metres west of Marston Fields Farm, Kingsbury Road, Lea Marston Installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access.	
5/h	PRE/2024/0089	165	Land 500 metres south east of Lea Marston Shooting Club, Haunch Lane, Lea Marston Diversion Order application to implement diversion to Public Footpath M23, granted under planning permission PAP/2023/0567 dated 22/05/2024	
5/i	PAP/2024/0127	170	Butchers Shop, Glenside, Ansley Lane, Arley. Installation of roller shutters and rooflights to two-storey building, construction of a ramp to delivery area, new doors and roof covering to existing animal pens, the provision of new animal pens and storage areas for refuse and hay/straw, new site office and external alterations	

General Development Applications

(5/a) Application No: PAP/2025/0040

91, Whitehouse Road, Dordon, B78 1QQ

New drive to front and dropped kerb, for

Mrs A Coates - North Warwickshire Borough Council

Introduction

This application is brought to the Planning and Development Board under the adopted Scheme of Delegation as the dwellinghouse is a Council owned property.

The Site

The property is 170 metres south-east of the Birchwood Primary School and Children's Centre. It is shown at Appendix A.

The Proposal

The application is for a dropped kerb and the formation of an off-street parking space at the front of the semi-detached dwellinghouse.

The proposal is at Appendix A.

Development Plan

North Warwickshire Local Plan 2021 - LP29 (Development Considerations); LP30 (Built Form) and LP34 (Parking)

Dordon Neighbourhood Plan 2022-23 – DNP8 (Design)

Other Relevant Material Considerations

National Planning Policy Framework December 2024 - ("NPPF").

Supplementary Planning Guidance: A Guide to the Design of Householder Developments, adopted September 2003.

Consultations

Warwickshire County Council as Highway Authority – No objection.

Representations

No representations have been received.

Observations

The proposal is to introduce a dropped kerb to provide off-street parking on a busy road connecting Dordon to Polesworth near to Birchwood Primary School.

Local Plan Policy LP30 states that, *“All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.”* In this case, its scale, design and materials are sympathetic to the existing building, and it relates well to its surroundings. Its siting would be visible in the streetscene as it requires the removal of part of a timber picket fence and part of the lawn area. No hedgerows or significant natural habitats will be lost and given that most of the houses in the vicinity have off-street parking on the frontages, the proposal is not considered to adversely impact on the streetscene.

Local Plan Policy LP29 at point 9 states that developments should *‘...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use...’* It is not considered that the proposed dropped kerb and off-street parking would have significant impact on the neighbouring properties because it is separated from both neighbours by an existing but reduced lawn to the south-east of the proposed drive, and an existing grass verge to the north-west boundary. Both neighbours have existing parking on their frontages. The parking bay is to be set back from the front of the dwellinghouse so that parked vehicles will not significantly impact on light to the windows. The positioning of the proposed parking area will separate the parked vehicle from neighbouring windows.

Local Policies LP29(6) and LP34 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. This requires two spaces per residential property. The proposal will not have a significant impact on highway safety because, although the proposal is for an off-street parking space measuring 3 metres wide and 4 metres long, that will only achieve one off-street parking space and does not accord with Local Plan Policy LP34 which requires two off-street parking spaces. However, the provision of one off-street parking space is an improvement on the existing on-street parking solution. The Highway Authority agrees.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, block plan and drawing of proposed works, received by the Local Planning Authority on 26 February 2025.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The proposed works shall be constructed with an even material that does not incorporate any loose gravel. The proposed driveway must be designed to ensure that surface water does not run into the public highway.

REASON

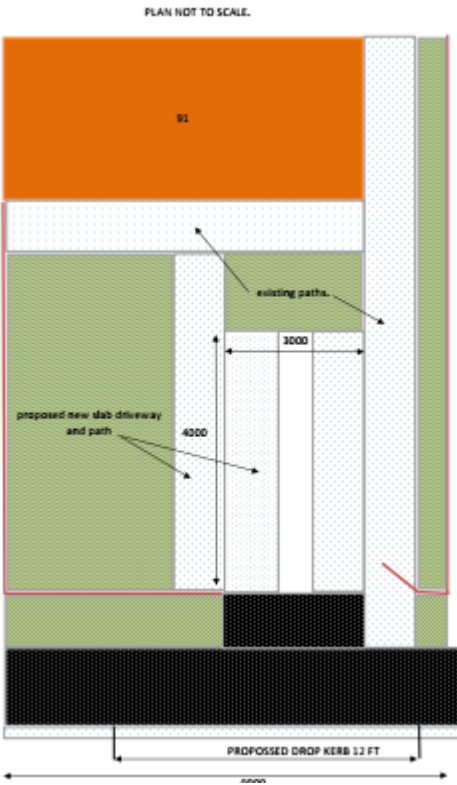
In the interests of the amenities of the area and the building concerned, and to prevent slips or localised flooding of the highway.

Notes

1. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

3. The proposal includes works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.
4. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/ developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the application. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

Appendix A – Street View and proposed plans.



General Development Applications

(5/b) Application No: PAP/2025/0027

Land Between Holmfield And Oakdene, Bennetts Road North, Corley,

Erection of two 3 bedroomed bungalows, for

Mr Dereck Beverley

1. Introduction

- 1.1. The case is referred to the Planning and Development Board at the request of the Head of Development Control given the Board's past involvement with this site.

2. The Site

- 2.1. The application site is a 0.3ha L-shaped parcel of land situated between Holmfield to the northwest and Oakdene to the southeast. The site is situated along Bennetts Road North which is comprised of houses in a ribbon form along the northern side of the road, between Stains Farm and Holly Farm. The M6 Motorway and Corley Services are located approximately 500m to the north. Corley is located around 1.6km to the west and Keresley End is located around 1km to the southwest.
- 2.2. The site location plan is at Appendix A.

3. The Proposal

- 3.1. Full planning permission is sought for the erection of two, three-bedroom self-build bungalows. The floor area of each bungalow will be approximately 190m². Both bungalows will have a lounge, an open-plan kitchen/dining room, bathroom, ensuite, garage and laundry room. The bungalows will incorporate solar panels and air source heat pumps.
- 3.2. The proposed bungalow to the front of the site will share the access with Holmfield. The proposed bungalow to the rear of the site will share the access with Oakdene. Both of these bungalows are to be self-build to be lived in by the applicant and the applicant's children and family.
- 3.3. Proposed plans are at Appendix B.

4. Background

- 4.1. Planning permission PAP/2018/0234 was refused in June 2018 for the demolition of the existing house where Holmfield is (to the west) and for the erection of two, five-bedroom dwellings. This application extended over the current application site. An appeal was lodged but dismissed in October 2018 (APP/R3705/W/18/3205131).

- 4.2. Planning permission PAP/2018/0645 was then granted in January 2019 for a single replacement bungalow for Holmfield which included a double garage. This is the building now on site. The red line boundary for this application incorporated the site of this current application.
- 4.3. Planning permission PAP/2020/0236 was refused in August 2020 for the erection of a new detached bungalow on the current application site. An appeal was lodged but dismissed in January 2021 (APP/R3705/W/20/3258573) (At Appendix C).
- 4.4. Planning permission PAP/2021/0531 was refused in August 2022 for the erection of a new detached bungalow on the current application site. An appeal was lodged but dismissed again in December 2022 (APP/R3705/W/22/3304390) (At Appendix D).
- 4.5. Planning permission PAP/2023/0439 was refused in March 2023 for the erection of a new dormer bungalow on the current application site. An appeal was lodged but dismissed again in September 2024 (APP/R3705/W/24/3340380) (At Appendix E).

5. Development Plan

North Warwickshire Local Plan 2021 - LP2 (Settlement Hierarchy); LP3 (Green Belt); LP7 (Housing Development); LP16 (Natural Environment); LP29 (Development Considerations); LP30 (Built Form); and LP34 (Parking).

6. Other Relevant Material Considerations

National Planning Policy Framework December 2024 - (the "NPPF").

Planning Practice Guidance - (the "PPG")

North Warwickshire West Midlands Greenbelt Review Study 2016.

Previous Appeal Decisions (referred to in Planning History Section).

7. Consultations

Warwickshire County Council as Highways Authority - No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions.

- A noise impact assessment should be submitted by a suitably qualified acoustician to assess the impact of the heat pumps on existing properties, and
- A Construction Management Plan.

8. Representations

Corley Parish Council – It objects referring to the following

- Cannot support an application for two dwellings as this appears totally contrary to all the rationale that made one dwelling unacceptable.
- If planning were to be approved this would undermine everything that has been done so far.

One public comment of support has been received. It says that the application would bring the site into use as a family home; complete the row of houses along this part of Bennetts Road and be sustainable development utilising grey belt given there is a demonstrable unmet need for that type of housing (self-build).

9. Observations

a) The Green Belt

- 9.1. The site is situated within the Green Belt. This means that any new development on this site is considered inappropriate and harmful to the Green Belt unless it can be demonstrated that the proposed development meets the criteria set out in the NPPF.

b) Grey Belt or Not Grey Belt

- 9.2. The first consideration for decision making is to assess whether the site constitutes 'Grey Belt' land within the Green Belt. The Grey Belt definition is contained within the Glossary to the NPPF. It says that, Grey Belt is defined as "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143."
- 9.3. Previously developed land is also defined in the glossary as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, included the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). Previously developed land excludes land that is or was last occupied by agricultural buildings.
- 9.4. As accepted within the previous appeal decisions for the site, there is some evidence on the site of previous development in the form of bricks and footings. The evidence suggests that this is the remains of a house which was demolished a significant amount of time ago. In these circumstances, Planning Inspectors have acknowledged that the site can be regarded as being previously developed land. As such, the proposed site may well be grey belt land.

- 9.5. The next point to consider is thus whether the site strongly contributes, or not, to three of the five purposes of green belt mentioned within the definition. These three are:
1. To check the unrestricted sprawl of larger built-up areas (purpose a).
 2. To prevent neighbouring towns merging into one another (purpose b).
 3. To preserve the setting and special character of historic towns (purpose d).
- 9.6. Advice on how to assess the matter of whether a site “strongly contributes to the purposes” is set out in the PPG. In regards to purpose (a), the PPG is clear that this purpose relates to the sprawl of large built-up areas and thus villages are not to be considered large built-up areas. Sites that strongly contribute to purpose (a) are likely to be free from existing development and lack physical features in reasonable proximity, that could restrict and contain development. They are likely to be near larger built-up areas. In this instance, the nearest towns are Coventry to the southeast and Bedworth to the northeast. Birmingham is a considerable distance to the west of the site. The site is considered to serve a weak contribution to checking the unrestricted sprawl of larger built-up areas. The site is situated between two dwellinghouses and along a row of existing built development. Therefore, it is not considered to strongly provide protection from urban sprawl between Coventry and Bedworth and, Birmingham.
- 9.7. The point of purpose (b) is to maintain a clear physical separation between neighbouring towns in order to preserve the distinct indemnity and character of the individual towns. The PPG states this purpose relates to the merging of towns, not villages. Sites that strongly contribute to purpose (b) are likely to form a substantial part of a gap between towns and its development would likely result in the loss of the visual separation of towns. The site does not form part of a gap between Coventry and Bedworth, and Birmingham such that its development would result in the loss of the visual separation. The site is therefore considered to serve a weak contribution in maintaining a clear physical separation between neighbouring towns.
- 9.8. Finally, with regards to purpose (d), sites that strongly contribute to purpose (d) are likely to form part of the setting of the historic town and make a considerable contribution to the special character of a historic town. This could be as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. The site does not form part of the setting of an historic town, and it does not have any visual, physical or experimental connection to one. Therefore, the site is considered to serve a weak contribution to preserving the setting and special character of historic towns either.
- 9.9. Additionally, Grey belt land does exclude land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. The assets referred to relate to habitat sites and/or designated as Sites of Special Scientific Interest, Local Green Space, National Landscape, a National Park, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. In this case, none of these would be applicable to the site. Where the application of policies listed at footnote 7 would not give a

strong reason for refusing or restricting development, the development is not excluded from being Grey belt.

- 9.10. In taking all of the above into account, it is considered that the site meets the definition of Grey Belt land as set out in Glossary of the NPPF.

c) Inappropriate or not inappropriate development

- 9.11. After concluding that the site is Grey Belt land, the next consideration is to assess whether a development which utilises grey belt land, is inappropriate development or not. Members will be aware that there is no conclusion in the NPPF which states that development on grey belt land, is automatically not inappropriate development. Paragraph 155 of the NPPF provides the conditions against which this judgement is to be made. All four of conditions have to be satisfied if the proposal is to be not inappropriate development. Each will be looked at below. The four conditions are:

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan
- b) there is a demonstrable unmet need for the type of development proposed;
- c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
- d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.

- 9.12. In reaching a judgement on condition (a), the PPG says that Local Planning Authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Hence this assessment now also takes in account the other two purposes as set out in paragraph 143 of the NPPF. These are purpose (c) - (to assist in safeguarding the countryside from encroachment) and purpose (e) - (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

- 9.13. The Coventry and Warwickshire Joint Green Belt Study was produced in 2016. This has undertaken a comprehensive assessment of Green Belt land within the administrative areas of Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on Avon District Council and Warwick District Council. It looked at a number of parcels of land within the Green Belt. The current site is within the parcel known as KY3. It is therefore pertinent to consider the assessment of the KY3 in this Green Belt Study to assess whether the development of the site would undermine the remaining Green Belt across the plan area. Appendix F is a plan illustrating the extent of KY3.

- 9.14. The Green Belt Assessment concludes that Parcel KY3 inhibits development along one side of a road corridor; it has limited development and a relatively strong sense of openness. A significant amount of ribbon development has already occurred along the northern edge of Bennetts Road North reducing the significance of the parcels role in preventing the north eastwards sprawl of Coventry within the parcel. However, there are gaps in the ribbon development along the northern side of Bennetts Road North. The majority of the parcel is open agricultural land however, there are several residential dwellings on the north side of Bennetts Road. The buildings associated with these developments compromise the openness of the Green Belt within the parcel. In taking the remaining Green Belt across the plan area, the West Midlands Green Belt has prevented sprawl of Birmingham, Wolverhampton and Coventry. It is not considered that the development of the site would fundamentally undermine this.
- 9.15. Parcel KY3 is not within an existing settlement boundary. The parcel sits between Keresley Newlands on the edge of Coventry, the village of Corley to the west and Corley Motorway Services to the northwest. Measured along Bennetts Road North, the distance between them is less than 1km. However, in considering the remaining Green Belt across the plan area and preventing neighbouring towns from merging into one another, it is not considered the site would fundamentally undermine this.
- 9.16. Parcel KY3 is assessed as containing the characteristics of the countryside; has limited urbanising development and is relatively open. The northern boundary of KY3 follows the M6 Motorway. However, there are no significant boundaries to the east or west that assist in safeguarding the countryside from encroachment. The majority of the parcel is open agricultural land. There are several residential dwellings on the north side of Bennetts Road North. The buildings associated with these developments urbanise the countryside and compromise the openness of the Green Belt within their immediate vicinity. It is not considered that the development of the site would therefore fundamentally undermine the ability for the remaining Green Belt to prevent encroachment.
- 9.17. The Green Belt Assessment considers Coleshill as an historic town in the assessment (as well as Alcester, Birmingham, Henley-in-Arden, Redditch, Stratford and Tamworth). Parcel KY3 does not overlap with a Conservation Area within an historic town. In addition, there is no intervisibility between the historic core of a historic town and the parcel. It is not considered that the development of the site would therefore fundamentally undermine the ability for the remaining Green Belt to prevent preserve the setting of historic towns.
- 9.18. Purpose (e) of the Green Belt serves to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. This objective centres on promoting sustainable development. It is considered that all Green Belt achieves this purpose to the same extent, and that the Green Belt value of parcels when assessed against purpose (e) is unlikely to be distinguishable.
- 9.19. In drawing the above together, the site would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. As such, condition (a) of paragraph 155 is satisfied.

- 9.20. However, paragraph 155 is clear that all the conditions need to apply in order for development to not to be regarded as inappropriate. Addressing criteria (b) of paragraph 155, the latest Annual Monitoring Report (2023/2024) shows that North Warwickshire has a 5.1 year's housing land supply. The Housing Delivery Test is 81%, above the 75% of the housing requirement for the preceding three years. Consequently, there is not a demonstrable housing need.
- 9.21. Section 1 of the Self Build and Custom Housebuilding Act 2015 provides that Local Planning Authorities, are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom build needs. As of January 2025, North Warwickshire's Self Build Register had 41 entries. The majority are these are for detached houses, with four bedrooms. Of the 41 entries, 8 are for detached bungalows, 1 is for a semi-detached bungalow and 1 is for a fully eco-detached bungalow. The preferred locations of these are wide ranging, including some where there is no preference and the larger settlements, as well as in rural villages. In terms of meeting the council's duties under the relevant Act, entrants onto the self/custom build register over the last five base periods are as follows:

Base period 6 – 31 st October 2020 – 30 th October 2021 – 9 new entries (9 plots by 30 th October 2024)
Base period 7- 31 st October 2021 – 30 th October 2022 – 3 new entries – (3 plots by 30 th October 2025)
Base period 8 - 31 st October 2022 – 30 th October 2023 – 3 new entries – (2 plots by 30 th October 2026)
Base period 9 - 31 st October 2023 – 30 th October 2024– 1 new entry (1 plot by 30 th October 2027)
Base period 10 - 31 st October 2024 – 30 th October 2025 – 4 new entries (as 21/01/2025)
Total – 20 entries up to 21/01/2025, Base periods 6 to 9 (10 not yet ended)

Recent permissions granted are as follows:

Base Period 6 – 5 plots (PAP/2021/0234 and PAP/2021/0213)
Base Period 7 – 7 plots (PAP/2022/0219, PAP/2022/0166, PAP/2022/0106, PAP/2021/0691, PAP/2021/0602, PAP/2021/0542)
Base Period 8 – 4 plots (PAP/2022/0523, PAP/2022/0506 and PAP/2023/0124)
Base Period 9 – 6 plots (PAP/2023/0201, PAP/2023/0093, PAP/2023/0220, PAP/2023/0315, PAP/2024/0211 and PAP/2024/0055)
Base Period 10 – 2 plots (PAP/2024/0189 and PAP/2024/0398)
Total permissions granted – 24

- 9.22. The Council is considered to be fulfilling its duties under the Act and the Council is providing for this type of development. In light of the housing supply, there is not a demonstrable unmet need for the type of development proposed and therefore condition (b) is not satisfied.

- 9.23. Moving onto condition (c) which is in relation to the development being in a sustainable location, it states that particular reference should be given to paragraphs 110 and 115 of the NPPF. The guidance does say 'particular reference' meaning that other relevant paragraphs can be taken into account when determining the sustainability. Paragraph 110 seeks that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 ensures that sustainable transport modes are prioritised, that there is safe and suitable access to the site, that the design of parking reflects current national guidance and that any significant impacts from the transport is mitigated to an acceptable degree through a vision-led approach. The PPG states that for the purpose of decision making, where Green Belt land is not in a location that is or can be made sustainable, development on this land is inappropriate. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations
- 9.24. As concluded in the most recent of the appeal decisions set out in Section 4 above, the site is not located within a village. Neither is it located within a defined settlement boundary as set out in Local Plan policy LP2. The area has none of the characteristics of a village, lacking a focal point or any services or facilities that would give it such character. The closest doctor's surgery, pharmacy, primary school and local store is located within a reasonable walking distance to Keresley End (less than 1km). However, most journeys for 'day-to-day' living particularly for economic and social reasons, would have to be made via private car making the development car reliant which is contrary to the sustainable travel objectives of paragraphs 110 and 115 of the NPPF. There are bus provisions in the area however, there are varying degrees of service. The closest bus stop at Howart Road provides three bus routes (57, 79 and 79A) to/from Nuneaton. The 57 provide a bus per day in both directions. The 79 provides 3 buses per day in both directions. The 79A provides 1 bus per day, in just 1 direction from Nuneaton. The closest bus stop at Bennetts Road provides two bus routes (16 and 42) to/from Coventry. The 16 is the more reliable service offering 4 buses per hour in both directions. The 42 provides 1 bus per day, in just 1 direction to Coventry. There is a lack of consistency with the bus timetables and in most cases, there is limited provision meaning there would be a reliance on cars for future occupiers. It is not considered that two dwellings would warrant the bus companies putting on more buses thus, transport matters cannot be mitigated in order to be more sustainable. There are no immediate train stations either. In this regard the development is not considered to be a sustainable location.
- 9.25. Finally, with regards to condition (d), whilst the development is concerned with housing, because it is not a 'major development' in the Green Belt, the 'Golden Rules' do not have to be met. These relate principally to affordable housing, improvements to local infrastructure and the provision of new or improved green space which are accessible to the public which would not be required for a development of this size and nature.

- 9.26. In drawing all of the above together, it is not considered that all of the conditions set out in paragraph 155 are met. This is because there is not a demonstrable unmet need for the type of development proposed and the development would not be in a sustainable location. As not all of the conditions have been met, the development is to be regarded as inappropriate development in the Green Belt.

d) Green Belt Harm

- 9.27. Having concluded that the proposal is inappropriate development in the Green Belt, it means that substantial weight has to be given to this definitional harm. However, it is still necessary to assess what the actual level of harm might be. This would look at whether the openness of the Green Belt is preserved or not. There is no definition of openness in the NPPF, but in a planning context it is generally taken to be “the absence of development”. The PPG however advises that four elements should be assessed – spatial and visual impacts; the degree of activity arising from a proposal and whether that proposal is for permanent change or not. Rather than assess each of these in this case, it is of substantial weight that the Planning Inspectors dealing with the appeal cases recorded above, all had to deal with this assessment. All concluded that openness was not preserved. At paragraph 14 of appeal 3258573 (Appendix C) the Inspector concluded the development of the dwelling would have a moderately adverse impact on the openness of the Green Belt. This is upheld at paragraph 12 of appeal 3304390 (Appendix D). The Inspector concluded the proposal would have a moderately adverse effect on the openness of the Green Belt. In the most recent appeal decision 3340380 (Appendix E), the Inspector concluded the introduction of a new dwelling would have an adverse effect upon the openness of the green belt in both a spatial and visual dimension.

e) Other Harms

- 9.28. As it has been found that the proposal is inappropriate development, it is necessary to undertake the planning balance in this case. That is, in the terms of the NPPF, whether the planning considerations put forward by the applicant and any planning benefits, are of such weight to “clearly” outweigh the cumulative harms caused – that is Green Belt harm together with other harms. If they do, then the very special circumstances will exist in order to substantiate supporting the proposal. It has been found that there is substantial definitional Green Belt harm together with “limited” actual Green Belt harm. It is now necessary to assess whether there are any other harms to be added to this side of the planning balance.

i) Highway Impacts

- 9.29. Local Plan Policy LP29 at point 6 says that development should ‘*provide safe and suitable access to the site for all users.*’. Local Policy LP34 requires development proposals to have particular regard to adequate vehicle parking provision. This requires two spaces per residential property over two bedrooms. The plans indicate there would be ample space to the front of both bungalows to accommodate at least two cars per property.

9.30. The Highway Authority has been consulted and have no objections. The principle of development is acceptable to the Highway Authority. However, a number of pre-commencement conditions would be required in order to ensure the submission of suitable plans for the final design layout. It is worth noting that in the previous appeal decision, the Inspectors did not have highway reason for refusal. NPPF paragraph 116 says that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety. In this case, it is acknowledged that the development would not lead to unacceptable highway impacts. The proposal would generally accord with Local Plan Policies LP29 and LP34, and the relevant paragraphs of the NPPF.

ii) Character and Appearance

9.31. Local Plan Policy LP30 states that, *'All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.'*

9.32. Paragraph 135 of the NPPF concentrates on guiding the overall quality of the area through good design, landscaping and layout that is, *'sympathetic to local character and history, including the surrounding built environment and landscape setting'*. It goes on to say that developments should *'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials.'*

9.33. In this case there are predominately semi-detached two storey dwellinghouses and detached bungalows along Bennetts Road North. There are also larger detached dwellinghouses dispersed throughout. As such, it is accepted there is not one specific architectural style which dominates the street scene. The immediate property to the west (Holmfield) is a newly constructed bungalow of orange brick. Subsequently, there is not a specific material or colour in the area the two bungalows would be expected to reflect.

9.34. However, whilst the proposed development would not be out of-keeping with the general materials of the properties, the development would not reflect the surrounding *'patterns and features'* as set out in Local Plan policy LP30. This is because the houses along this section of Bennetts Road North (to the northwest) are characterised by long rear gardens, in a ribbon development pattern. The development represents tandem development which goes against the grain of the area.

9.35. The proposed dwelling will not respect the surrounding area, including *'the arrangement of [the] streets'* as set out in paragraph 135 of the NPPF. The siting of one house behind another house would be at odds with the layout and form of the local area which would cause harm to the street scene. It would introduce a depth which is not typical of the area and would be out of the existing line of development, thus would not naturally flow. This juxtaposition would be at odds with Local Plan policy LP30 and therefore, would not be supported.

iii) Neighbour and Occupant Amenity

- 9.36. Local Plan Policy LP29 at point 9 states that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution;*'. This policy ensures that new developments will minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land.
- 9.37. Paragraph 135, part (f) of the NPPF states that planning decisions should '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.
- 9.38. The first assessment is on the impact on Holmfield. The proposed bungalow to the front of the site would be the closest to the Holmfield. However, there is only one window in the facing gable wall of Holmfield which is obscure glazed, therefore it is considered to be associated with a bathroom/toilet. Given there are no other windows along this boundary, it is not considered that bungalow 1 will cause an adverse impact on overshadowing or overlooking. This is also helped by the low profile of the dwellinghouses. Concerning bungalow 2 to the rear of the site, there will be a separation distance of approximately 40m to Holmfield meaning there will be negligible impact from overlooking and overshadowing.
- 9.39. The second assessment is on the impact on Oakdene. Bungalow 1 (to the front of the site) will be the closest property. The separation distance will be approximately 15m. There will be a separation distance of approximately 40m to bungalow 2. In both cases, and when considering the low profile of the bungalows, it is considered there will be negligible impact from overlooking and overshadowing on this neighbour.
- 9.40. Overall, there would be change for the neighbouring properties as there would be greater levels of activity on the site, particularly when considering there has been no residential property on the site in a considerable number of years. The general locality is not isolated nor immune from human activity, therefore it is considered this will not cause an adverse impact, above that which is acceptable. The proposal is to include the installation of heat pumps. Heat pumps do generate noise and operate night and day. They do have the potential to cause adverse effects to people living nearby, particularly if not installed correctly. The Environmental Health Officer has asked for a noise impact assessment to be completed by a suitably qualified acoustician to consider the impact of the heat pumps on existing properties. This has been requested to support the application. This could be conditioned in the event of an approval.
- 9.41. NPPF Paragraph 135 part (f) states that development should ensure '*a high standard of amenity for existing and future users*'. Whilst there is no specific policy in the Local Plan regarding the size of amenity space, Local Plan Policy LP29 at point 2 says that development should '*be adaptable for future uses and take into account the needs of all users.*'. In this instance it is considered there would be adequate private amenity space for both bungalows. In terms of amenity for both neighbours and future occupiers, the proposal would generally accord with LP29 and the relevant paragraphs of the NPPF.

iv) Ecology

- 9.42. Biodiversity Net Gain of 10% is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), unless a development is exempt. In this case, self-build applications are exempt provided that the development consists of no more than 9 dwellings, is on a site that is no larger than 0.5ha and consists exclusively of dwellings that are self-build as defined in section 1(A1) of the Self-build and Customer Housebuilding Act 2015. In this case the development meets these criteria and is exempt from providing the mandatory 10% BNG.
- 9.43. Nonetheless, Local Plan Policy LP16 does seek to '*minimise impacts on, and provide net gains for biodiversity*' and therefore in accordance with Local Plan policy, the Local Planning Authority would expect that consideration of the natural environment has been taken in account.
- 9.44. To date, the applicant has planted approximately 100 trees to the north of the site, some of which are now of a considerable height. No plans have been provided for the landscaping that is to be provided as part of this development. However, this could be secured through an appropriately worded landscaping condition.
- 9.45. A preliminary ecological appraisal has not been provided with the application either. However, consideration is given to the fact it is an open site which is covered over in rubble and grass/weeds. There is unlikely to be habitats on the site. Due to the open fields to the north and south of the site, the site may provide the opportunity for foraging. The site is not within an SSSI Impact Zone. There are no Local Nature Reserves or Local Wildlife Site's within the vicinity either.

v) Bin Storage

- 9.46. In accordance with the Council's Waste and Recycling Facilities SPD, there is ample storage around the properties to ensure that bins will not be visible from the street and will not be stored permanently on the adopted public highway. There is a clear, flat access without steps or obstacles from the proposed dwellings to the public highway.

f) The Harm Side of the Planning Balance

- 9.47. As a consequence of all of these matters, it is concluded that the harm side of the planning balance comprises the substantial Green Belt definitional harm; the limited actual Green Belt harm and the moderate harm caused by the introduction of tandem development contrary to Local Plan policy LP30.

g) The Applicant's Planning Considerations

- 9.48. There are several matters raised by the applicant. The first one advanced is that in light of the updated NPPF, the application should be approved due to the site being Grey Belt Land and as such the policy context has changed since the previous refusals. As Members will have seen above, the use of grey belt land does not automatically mean that a development is not inappropriate in the Green Belt. The NPPF at paragraph 155 outlines the conditions to apply to that assessment. It appears that the applicant has not done so. Given the analysis above, the proposal fails to meet all of those conditions. As such the applicant's conclusion carries no weight.
- 9.49. The second consideration is that the proposal would enable the development of land which is currently "an eyesore". The Planning Inspector in the most recent appeal did not attribute weight to this argument. In this case of this application, the concern with the land becoming an eyesore could easily be resolved through adequate site security and maintenance. There are other opportunities for the land which do not require the construction of two dwellings on land, which by way of not meeting all of the criteria for paragraph 155 of the NPPF, is inappropriate, in order to prevent the land from becoming an eyesore. As such, this argument carries no weight.
- 9.50. The applicant's third consideration is that he is ex-service personnel having served in the Royal Navy and that the development of a self-build will be the only means to having an affordable home in the countryside, which will allow him to live a quiet and fulfilling life. The Housing and Planning Act of 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housing in the authority's area. The benefits of self-build housing are recognised in helping to diversify the housing stock. This is supported by paragraph 73b of the NPPF. Local Plan policy LP7 does say '*development proposals should make serviced plots available for self-build to address relevant demand identified in the Council's Self and Custom Build Register at the time of the planning application*'. Due regard is had to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which is a legal requirement for public authorities. There is however limited evidence to indicate that this proposal is the only way this need could be met. The new dwellings will remain long after such personal circumstances cease to be material. Therefore, and in the absence of supporting evidence, very limited weight is attributed to the personal circumstances.
- 9.51. The applicant also draws attention to two recent appeal decisions in light of the revised NPPF and the revision to the policies relating to development in the Green Belt. These are APP/M3645/W/24/3347328 and APP/R3650/W/24/3352222. To summarise;
- APP/M3645/W/24/3347328 (this was for the demolition of an existing dwelling and construction of two dwellings). This appeal site is not considered to be comparable to the land between Holmfield and Oakdene as there is an existing dwellinghouse on this appeal site and therefore the context of the site is different. It has been determined that a house has not stood on the site between Holmfield and Oakdene in excess of 30 years,

unlike this appeal case. As this appeal decision is to replace an existing dwellinghouse, albeit with two dwellinghouses, the quantum of development and magnitude of visual change is considerably different for to the Holmfield situation.

- APP/R3650/W/24/3352222 (this was for the construction of a 4-bedroom dwelling). Again, this appeal is not considered to be comparable to the land between Oakdene and Holmfield either. It was observed by the Inspector for the appeal site that the area consists of a sporadic and spread arrangement with built development occupying linear patterns. It was deemed that the appeal site is located at the end of the linear pattern of development, thus not considered to be a gap between an otherwise continuous built-up frontage, as there is no gap to fill. The context of this is also very different to the context of the Holmfield site given the surrounding built form.

9.52. Given that each development is determined on its own merits and given the two above appeals are not directly comparable to this application, no weight is given to this.

9.53. In light of all of the above matters, the considerations on the other side of the planning balance here would be the benefit of self-build housing.

h) The Final Planning Balance

9.54. This report has followed the sequence through which proposals decisions should be considered within the new changed NPPF context – the inclusion of “grey belt land” within the Green Belt. This has shown that the proposal does satisfy the definition of Grey Belt land as set out in the Glossary of the NPPF. However, in this circumstance, it does not accord with all of the conditions as set out in paragraph 155. The proposal is thus inappropriate development in the Green Belt. This carries substantial harm on the harm side of the planning balance. Other harm is also caused – non-compliance with Policy LP30. The other side of the balance comprises the benefit of providing a self-build scheme.

9.55. The test in the balance is to assess whether the benefit side of the balance “clearly” outweighs the harm side of that balance. It is not considered that this is the case here. The significance of maintaining the essential characteristics of the Green Belt – openness and permanence - are considered to outweigh that benefit.

10. Recommendation

That planning permission be **REFUSED** for the following reasons:

1. Whilst the site meets the definition of Grey Belt land as set out in the NPPF 2024, the development is considered to be inappropriate development because the proposal does not accord with all of the conditions of paragraph 155 of the NPPF 2024. This is because there is not a demonstrable unmet housing need, and the development would not be in a sustainable location. It is not considered that the planning considerations put forward by the applicant are of insufficient weight to

outweigh the cumulative harms caused. This is because of the proposal does not preserve the essential characteristics of the Green Belt – its openness and performance.

2. The proposed development would be contrary to the character of the area. The proposed development fails to respect or reflect the existing characteristics of the area. It is of a layout which would conflict with the appearance of the area. The development of tandem built-form would introduce a depth of building which would be detrimental to the character. The development would be contrary to Policy LP30 of the North Warwickshire Local Plan 2021 as well as guidance in the National Planning Policy Framework.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of concerns and seeking to resolve planning objections and issues. However, despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

Appendix A



Appeal Decision

Site Visit made on 8 December 2020 G Sibley MPLAN MRTPI **Decision by Chris Preston**

BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/R3705/W/20/3258573 Orchards, Bennetts Road North, Corley CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0236, dated 19 May 2020, was refused by notice dated 20 August 2020.
 - The development proposed is new build bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan documents.
 - ii. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

4. Paragraph 143 of the National Planning Policy Framework (the Framework) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. The exceptions include, under paragraph 145 (e), limited infilling in villages.

5. There is no specific definition of 'limited infilling' within the Framework or the North Warwickshire Local Plan Core Strategy (adopted 2014) (CS) and,
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similarly, what constitutes a 'village' is not defined. The site is not located within any of the defined settlements referred to in Categories 1 – 4 in Policy NW2 of the CS and, in terms of planning policy, is outside of any defined settlement boundary within the countryside that is washed over by the Green Belt. However, category 5 of the policy identifies that there are settlements within the district that are washed over by the Green Belt where no settlement boundary has been identified. Whether any given settlement or location would amount to a 'village' is not specifically defined within the settlement hierarchy of the development plan.

6. Policy NW3 of the CS sets out the Council's approach to development in the Green Belt in more detail and states that infill boundaries will be brought forward to indicate where infill and limited redevelopment would be permitted. I understand that the Council is seeking to identify 'infill boundaries' within an emerging plan which has reached examination stage. The Council have indicated that village locations have been identified and that the appeal site falls outside an area where infill would be permitted. Notwithstanding that point, no extracts from the plan have been provided and it is not clear if there are any outstanding objections to it. As such, I can give little weight to emerging policy and it is necessary to exercise planning judgement to ascertain whether the proposal would amount to 'limited infilling' within a 'village'.
7. Infilling is normally associated with the completion of an otherwise substantial built up frontage of several buildings or at the very least, the consolidation of a largely built up area.
8. The site is located between two dwellings within a run of ribbon development along Bennetts Road North which is located to the north of Coventry but outside of the settlement boundary for the city. The site and the wider ribbon development is washed over by the Green Belt and other than the line of houses, there does not appear to be the services and facilities that would typically be associated with a village.
9. The prevailing character of the immediate area is semi-rural with rural roads featuring ribbons of primarily single depth residential development interspersed with fields and countryside. The site is located towards the end of a row of development on such a road. The dwellings either side of the appeal site create a built-up frontage and the site is capable of accommodating a single dwelling in such a way as to continue the built-up frontage. Accordingly, the proposal would fall within the scope of the 'limited infill' aspect of Paragraph 145 (e) of the Framework.
10. However, whilst there are other residential properties nearby, the presiding character around the site remains semi-rural. The site is physically and visually disconnected from Coventry as well as any other settlements nearby. Residents would have to travel to reach the services and facilities available in Coventry City centre or the suburbs to the north of Coventry. Given the separation and the absence of nearby local services or facilities, this leads me to conclude that the location of the infill would not be within a 'village' for the purposes of Paragraph 145 (e).
11. For the reasons outlined above, I do not consider that the appeal scheme represents a limited infill development in a village. It cannot therefore be treated as being within the exceptions identified in paragraph 145 of the Framework. Consequently, I conclude that the proposal would not meet criterion (e) of paragraph 145 of the Framework.

12. Paragraph 145 (g) permits the infilling or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
13. The appellant notes that there was a dwelling on the site that has since been demolished but the remains of foundations are still in place. Third party comments support that position and noted that the house was demolished in the late 1980s. Having viewed the site there is evidence of previous development in terms of the composition of the base material on the ground. As such, despite the site being presently free of built form, there was in all likelihood a dwelling on the site and I am satisfied that the site is previously developed land having regard to the definition within the Framework.
14. Nevertheless, the dwelling has been demolished and as such, the site is now open and undeveloped. The proposed dwelling would introduce new built form into the Green Belt where there is none above ground level. This would have a harmful impact upon the spatial openness of the Green Belt. Furthermore, whilst the site is bounded by hedgerows and the proposal would be a single storey dwelling with a garage, the buildings would be seen over the hedges as well as through the driveway for the proposed dwelling. As such, the proposal would have a greater impact on the visual openness of the Green Belt than the currently undeveloped site. As a consequence, the proposal would have a moderately adverse impact on the openness of the Green Belt.
15. The appellant also notes that the site could be considered previously developed land because it is garden land located outside of the built-up area. Notwithstanding whether or not the site is garden land, as noted above, the proposal would have a greater impact on the openness of the Green Belt and as a result, the proposal would fail to meet criterion (g) of Paragraph 145 of the Framework.
16. Given that the proposal would infill the gap between two existing dwellings, and that the site represents previously developed land, I am satisfied that it would not result in encroachment in the countryside. Nonetheless, that does not affect my conclusions on whether the proposal amounts to inappropriate development, having regard to the specific criteria within paragraph 145 of the Framework.
17. Therefore, the proposed development would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

18. The appellant has referred to paragraph 79 (e) of the Framework which permits isolated homes where the design of the dwelling is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
19. Notwithstanding whether or not the dwelling would be truly outstanding or innovative, the proposed dwelling is located within run of ribbon development with dwellings either side of it. As such, it cannot be considered isolated in either a physical or a functional sense for

the purposes of Paragraph 79 (e) of the Framework. Consequently, the proposal would fail to meet criterion (e) of the Paragraph 79 of the Framework.

20. The surrounding dwellings are a mix of two storey and single storey dwellings, some of which have garages and because the dwelling would be located within a run of ribbon development a single storey dwelling, with a garage, in this location would not appear out of character. Most of the dwellings locally are rendered, although the neighbouring dwelling is a red brick building. The proposed buff stone is not commonly used within the immediate street scene but its use here would not be unduly harmful given the existing range of materials used within the immediate area. The bungalow itself would include a central glass aperture which would separate the two side sections of the dwelling. This would create an interesting architectural feature that is not common within the area. Nonetheless, the built form either side of the glass aperture would have the appearance of a relatively standard bungalow, with some modern elements. Consequently, whilst the dwelling would be attractive, the design of the dwelling would not be exceptional. For this reason, a single storey dwelling with a garage would not appear out of character for the area and the appearance of the dwelling, whilst not exceptional, would not harm the character or appearance of the street scene. Nevertheless, good design would be an expectation of any development, having regard to local and national planning policy and this does not amount to a positive effect in favour of the proposal.
21. The appellant has provided an email where they have offered to contribute to a local project if the Council agreed. Whilst I note that offer, no legal agreement under section 106 of the Town and Country Planning Act 1990 has been provided with the appeal and the email cannot be relied upon to guarantee any contribution. In any event, it would only be possible to take into account any contributions that are necessary to make a development acceptable in planning terms. In other words, matters that would be required to mitigate the harmful impact of the scheme. I can see no obvious connection between the suggested offer of a contribution to a local project and the harm that would arise in terms of inappropriate development within the Green Belt and the harm to the openness of the Green Belt. As such, I attach no weight to that matter.
22. The appellant, as well as third parties, note that because the site has been vacant it has been used for anti-social purposes and by developing the site, the proposal would stop such behaviour from taking place in the future. Whilst the proposal could stop the anti-social behaviour from taking place, a similar outcome could be reached through appropriate security measures around the site that would not require the erection of a permanent structure which harms the openness of the Green Belt. Accordingly, I attribute very limited weight to this consideration.
23. The appellant has referred to a number of residential applications and appeals that were allowed in the Green Belt. As set out by the Council, the approved applications and appeals were substantively different to these proposals, including extensions to existing dwellings and sites located in identified settlements in Policy NW2 of the CS. Because those proposals were in the Green Belt, the assessment of each proposal is site specific and conclusions, in terms of openness, are generally unique to each proposal. As such, there are limited comparisons that can be drawn between those schemes and this one. Furthermore, each case must be assessed on its own merits and the Council or the Planning Inspectorate permitting schemes elsewhere would not justify these proposals.
24. The appellant has highlighted that the dwelling would be a self-build project, although limited supporting information in that respect has been provided. However, I have no reason to doubt that position. The Council are required to keep a register of self-build plots

and the proposed dwelling would help to the Council to deliver one additional self-build plot. To that end, I attach limited weight to this positive consideration.

25. The proposal would deliver an additional dwelling which would provide a modest contribution towards the Council's 5-year housing land supply and I attach limited weight to this positive consideration having regard to the scale of the development.

Conclusion and Green Belt balance

26. Paragraph 143 of the Framework identifies that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 144 states that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless that harm, and any other harm arising from the proposal, is clearly outweighed by other considerations. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a reduction in the openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.
27. Whilst I have found no harm to the character and appearance of the area, that would be an expectation of any development and does not amount to a positive effect in favour of the proposal. On the other side, the redevelopment of the site would stop the site being used for anti-social behaviour and the proposed dwelling would contribute towards the Council's 5-year housing land supply and redevelop a previously developed site. To these considerations I collectively attach moderate weight.
28. The other considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
29. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

Appeal Decision

Site visit made on 12 December 2022 by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/R3705/W/22/3304390 Orchards, Bennetts Road North, CORLEY, West Midlands CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0531, dated 9 September 2021, was refused by notice dated 2 August 2022.
 - The development proposed is a new build bungalow and single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal was dismissed¹ for the erection of a bungalow on the site in early 2021. It appears that the siting and scale of development was similar to the dwelling proposed in this appeal. The Inspector found that the proposal would not constitute 'limited infilling' within a village in accordance with paragraph 145(e) of the National Planning Policy Framework (the Framework). The Inspector also found that whilst the site was deemed to be Previously Developed Land (PDL) the proposal would have a greater effect on the openness of the Green Belt than the existing development.
3. Since this decision was made, the Council adopted the North Warwickshire Local Plan (2021) (LP). Consequently, local policies have changed, creating a new policy context for the scheme. Furthermore, a revised version of the Framework was published in July 2021. However, its Green Belt policies have not materially changed between versions. As such, the appeal decision remains an important material consideration for this appeal.

Main Issues

4. The main issues are;
 - whether the proposal would be inappropriate development in the Green Belt and its effect on openness having regard to the Framework and any relevant development plan policies;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

5. The Framework explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraph 149 establishes that new development would be inappropriate development in the Green Belt unless it would meet a listed exception. Paragraph 149(e) states that limited infilling in villages is not inappropriate development.
6. LP Policy LP3, bullet point 3, states that limited infilling, in settlements washed over by the Green Belt, will be allowed within infill boundaries as defined on the Policies Map. At bullet point 4, the policy also identifies that 'limited infilling' may also be acceptable where a site is clearly part of the built form of a settlement, such as where there is substantial built form on three or more sides of the site. This provides a useful understanding as to how the Council applies the policy. Nevertheless, the question of infilling is also a matter of planning judgement, taking into account the size and location of the development and its relationship to existing built form.
7. The site consists of a deep plot that is L-shaped and wraps around the adjacent residential plot of Holmfield. To the northwest the pattern of development consists of a close-knit and regular form of linear housing. To the southeastern side of the site development becomes more dispersed. Although there are two houses adjacent to the eastern side of the site, these are separated from the nearby linear form of development. The site is not therefore within an established row of linear development, but a point of transition where development becomes more dispersed.
8. The area is 'washed over' by the Green Belt. The site is relatively wide, with the open countryside beyond its rear and front boundaries. The site is not within a designated settlement infill boundary and has built form to only two sides. Consequently, the proposed site would not fulfil the definition of limited infilling advanced local policy. Furthermore, based on my own observations of the site and its context, the site is not within the built form of a settlement and instead at an edge beyond the close-knit linear form of development. Accordingly, whilst limited, the proposed site would not constitute an infilling plot within a village by virtue to paragraph 149(e) of the Framework.
9. Paragraph 149(g) of the Framework supports limited infilling of PDL which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The site shows some signs that it was previously developed, with an access point and gap in the front boundary hedge. There is also evidence that parts of the middle of site have been turned over and there are some small piles of rubble evident elsewhere. A land registry title plan has also been submitted that shows that a property was previously located on the site. I have also noted the comments from an interested party, the Council and the previous appeal decision. These all help me to conclude the site would constitute PDL.
11. Paragraph 137 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The existing development amounts to an extremely limited form of development. The house that previously stood on the site has been fully cleared with limited elements of this development remaining as 'existing'. In contrast, the proposed dwelling would be clearly viewed from the highway, and the countryside to the

rear, through gaps in the boundary hedging. The proposed dwelling would also be overlooked by the occupiers of adjacent dwellings.

12. Spatially the proposal would have a large footprint, covering a large proportion of the site's width. Visually, whilst relatively low-lying, it would substantially erode the openness of the site in comparison to the existing development on site. New landscape planting, whilst providing some screening, would not mitigate the visual effect of development or the identified loss of openness. Consequently, the proposal would have a moderately adverse effect on the openness of the Green Belt and therefore would fail to satisfy the requirements of paragraph 149(g). Furthermore, whilst relatively discrete, the proposed development would introduce built form into this currently open site resulting in encroachment into the Green Belt, in conflict with a key purpose of national Green Belt policy.
13. The supporting text for LP policy LP3 explains, at paragraph 7.24, that redevelopment within the lawful use of the PDL is acknowledged as being appropriate development. However, this in itself is not policy. The assessment of the redevelopment of PDL in the Green Belt would be subject to the criteria of paragraph 149(g) and LP policy LP3(e), that includes consideration of the visual impact of the proposed development.
14. As it has not been demonstrated that the proposal would be any of the exceptions, listed in Paragraph 149 of the Framework, or comply with LP policy LP3, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Other considerations

15. The Appellant asserts that the proposal would be close to Kersley End, offering future occupiers access to a range of goods and services, accessible by a footway. Furthermore, I understand that the proposed dwelling would include a ground source heat pump, solar panels, rainwater harvesting and highly insulated building techniques. These benefits are in favour of the proposal but are collectively of only limited weight.
16. The Self-Build and Custom Housebuilding Act 2015 has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and grant sufficient permissions to meet the identified demand. The benefits of custom or self-build housing are recognised by the Planning Practice Guidance in finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
17. The appellant asserts that the Council has not approved any self-build housing sites and there are currently 22 people on the Council's self-build housing register, this has not been disputed by the Council. It therefore appears that the Council is not fulfilling its duty to provide a suitable number of serviced plots to meet this requirement. Consequently, this benefit affords moderate weight in favour of the proposal.

Whether there would be Very Special Circumstances

18. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances

to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and would result in encroachment. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
20. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other matters

21. A recent planning approval¹ for extensions to the adjacent property of Oakdene enabled the dwelling to be substantially increased in size. Extensions to buildings in the Green Belt are governed by paragraph 149(c) of the Framework. This states that an extension to a building would not be inappropriate development provided it would not result in disproportionate additions over and above the size of the original building. The Council explain that the approved extension was off-set by the demolition of existing workshops resulting in a net gain that was not significantly greater than its 30% guidance for such extensions. As such, the proposed extension did not amount to inappropriate development and would not therefore affect the openness of the Green Belt.
22. In the case of the approval² for an extension at Little Hurst the officer report explains that whilst the extension would be inappropriate development, it would have a limited effect on openness. It was also noted that the fall-back position, of the implementation of permitted development rights, provided a material consideration that enabled the scheme to be allowed. These considerations are not engaged in the case of the current proposal.
23. The Appellant also refers to other cases of extensions to dwellings in the area. However, the assessment of such schemes in the Green Belt is subject to different requirements and these are markedly different to considerations associated to those for a new dwelling.

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24. The proposed dwelling would be a bungalow consisting of brick and tile. It would generally accord with the design and form of neighbouring development and be in keeping with the character and appearance of the area. However, this conveys only a neutral affect in respect of the merits of the case. Also, such an absence of harm would not result in 'no harm' to the openness of the Green belt.

Conclusion

25. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty INSPECTOR

¹ Planning Application Reference: PAP/2019/0115

² Planning Application Reference: PAP/2022/0303

Appeal Decision

Site visit made on 20 August 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/R3705/W/24/3340380

Orchards, Bennetts Road North, Corley, North Warwickshire CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0439.
 - The development proposed is a 3 bedroom bungalow (replacement of previous house on site).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council, in its description of the site address, identified the property as being 'land between Holmfield and Oakdene'. I have used the site address given on the application form here and in any event, am satisfied that the site location plan adequately identifies the land.
3. The description of development given in the banner heading is also that given on the application form. However, my inclusion of the reference to a previous dwelling on the site should not be taken as an inference of this as a

prejudgement of the case or indication of it as a matter of fact.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

5. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

- b) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) is consistent with the Framework in stating that inappropriate development in the Green Belt will not be approved except in very special circumstances. Criteria 3. and 4. of policy LP3 set out that limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map. Such development may also be acceptable where a site is clearly part of the built form of a settlement where there is substantial built development around three or more sides of a site.
7. The Framework contains a similar provision within criterion (e) of paragraph 154. This paragraph sets out the exceptions to the general principle that new buildings in the Green Belt are inappropriate with limited infilling in villages being such an exception.
8. The site, however, is not within a defined infill boundary and therefore the criterion of LP3 3. do not apply. In relation to LP3 4., the site is not surrounded by substantial built development on three or more sides as there are only the adjacent dwellings, Holmfield and Oakdene, to either side. Fields are located to the front and rear of the site and I do not regard the existence of Bennetts Road North as being substantial built development.
9. The development does constitute infilling, as it located between these two neighbouring homes and the gap is consistent with neighbouring plot sizes, the site is not located within a village. The area has none of the characteristics of a village, lacking a focal point or any services or facilities that would give it such character. It is part of a linear row of ribbon development on the outskirts of Coventry. Although the surroundings are semi-rural to rural in nature, this does not equate to the site being located within a village.
10. I have been mindful of the views of the Parish Council in this regard, and their observations of the dispersed nature of Corley. However, I am unwilling to accept this argument. The village itself clearly has a focal point with historic lanes having developed through and from around it. Conversely, it is readily apparent that Bennetts Road North is a relatively modern ribbon style extension of Coventry and is unaffiliated with the village in any geographic form.
11. Turning to the criteria under Framework paragraph 154(g); this allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, subject to it not having a greater impact on the openness of the Green Belt than the existing development.
12. There is some evidence on the site of previous development in the form of bricks and footings. The evidence suggests that this may have been the remains of a house which was demolished a significant amount of time ago. Indeed, a previous Inspector³ was willing to accept this point and I have no reason to disagree. The site could therefore be regarded as being previously developed land. Even so, there is no building presently in situ and the site is open and undeveloped above ground. The proposed development would introduce a

³ APP/R3705/W/20/3258573

new dwelling which would have an adverse effect upon the openness of the green belt in both a spatial and visual dimension.

13. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt which would, by definition, be harmful to it contrary to policy LP3 of the NWLP and provisions of the Framework.

Other considerations and very special circumstances

14. The appellant has put forward that the proposed dwelling would be a selfbuild or custom-build dwelling. The Housing and Planning Act of 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housing in the authority's area, in each base period.
 15. The appellant suggests that only two self-build or custom-build homes have been permitted since 2016 and there is a register of 41 people in the current base period. I have not been provided with any evidence to confirm this but nevertheless, even if the Council is not meeting its requirement to deliver such sites, due to the conflict with the Green Belt policies of the NWLP and the Framework, I can afford this limited weight.
 16. I have considered that the land remaining undeveloped may result in it becoming overgrown and attracting rubbish. However, this could easily be resolved through adequate site security and maintenance which would not adversely affect the openness of the Green Belt. It does not require, or justify, the construction of a dwelling and as such I can assign negligible weight to this argument.
 17. My attention has been drawn to various other examples of developments permitted in and around the North Warwickshire area however I have been provided with limited details of these cases. Accordingly, and given that the circumstances of each case may differ substantially, I am not able to assign weight to these examples.
 18. In reaching my decision and being mindful of the appellant's claims to being ex-military personnel, seeking an affordable home in the countryside in the interests of mental health; I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability.
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19. The appellant claims mental health concerns and the proposal would be to meet these needs. Furthermore, the proposal would enable the appellant to live in countryside surroundings. However, I have no cogent evidence that this scheme is the only way in which the appellant's needs could be met particularly given that the site location plan indicates that the appellant owns a neighbouring property. Furthermore, the new dwelling is likely to remain long after such personal circumstances cease to be material. Therefore, and in the absence of supporting evidence, I can only attribute very limited weight to such personal circumstances.

Green Belt Balance and Conclusion

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green

Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. The evidence provided by the appellant can only attract limited weight and it would not amount to very special circumstances to clearly outweigh the harm to the Green Belt I have identified. I have further considered the social and economic benefits of delivering a new home, but the benefits of a single dwelling would be very modest, and they are not sufficient to clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.
23. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR

General Development Applications

(5/c) Application No: PAP/2025/0041

10, Austrey Lane, Newton Regis, B79 0NL

New drive to front garden and dropped kerb, for

North Warwickshire Borough Council

Introduction

The application is brought to the Planning and Development Board because the dwellinghouse is a Council owned property.

The Site

The site is one half of a pair of semi-detached properties on the north side of Main Road a little to the west of Townsend Close. The properties are set back from the road frontage – see Appendix A.

The Proposal

The application is for a dropped kerb and the formation of an off-street parking space at the front of the semi-detached dwellinghouse.

Development Plan

The North Warwickshire Local Plan 2021 - LP29 (Development Considerations); LP30 (Built Form) and LP34(Parking)

Other Relevant Material Considerations

The National Planning Policy Framework December 2024 (NPPF).

A Guide to the Design of Householder Developments, adopted September 2003.

Consultations

Warwickshire County Council Highways Authority – No objection.

Representations

No representations have been received.

Observations

Local Plan Policy LP30 states that, *'All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.'* Here, the design and materials are sympathetic to the existing building, and it relates well to its surroundings. Its siting would be visible in the streetscene as it requires the removal of part of a hedge and part of the lawn area. There will remain a significant boundary of hedgerow such that there will be limited impact on habitats and several houses in the vicinity have off-street parking on the frontages. The proposal is not considered to adversely impact on the streetscene.

There are white bollards in the grass verge and there will be a similar bollard located on either side of the proposed driveway to prevent parking on the grass verge, as shown on the submitted plan.

The proposal does not adversely impact on the available private amenity space to the property, as only the frontage is affected by the proposal.

Local Plan Policy LP29 at point 9 states that developments should *'...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use...'* The proposed dropped kerb and off-street parking would not have significant impact on the neighbouring properties because it is separated from both neighbours by an existing but reduced lawn to the south-east of the proposed drive and an existing grass verge to the north-west boundary.

The parking bay is to be set back from the front of the dwellinghouse so that parked vehicles will not significantly impact on light to the windows.

Local Plan Policies LP29(6) and LP34 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. This requires two spaces per residential property. It states that development should provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

The proposal will not have a significant impact on highway safety because although the proposal is for an off-street parking space measuring some 3 metres wide and 4 metres long, that will only achieve one off-street parking space and does not accord with Local Plan Policy LP34 that requires two off-street parking spaces. However the provision of one off-street parking space is an improvement on the existing on-street parking solution.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the location plan and block plan, received by the Local Planning Authority on 26 February 2025; and the proposed drawing, received by the Local Planning Authority on 17 April 2025.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The proposed works shall be constructed with an even material that does not incorporate any loose gravel. The proposed driveway must be designed to ensure that surface water does not run into the public highway. Bollards shall be located either side of the footway crossover within the grass verge, to match the existing bollards.

REASON

In the interests of the amenities of the area and the building concerned, and to prevent slips or localised flooding of the highway.

Notes

1. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
3. The proposal includes works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP.

For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

4. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the application. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

Appendix A – Street View and proposed plans.



General Development Applications

(5/d) Application No: PAP/2024/0577

Land North Of Park Lane Farm, Park Lane, Astley,

Application for the proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements, for

Aardvark EM Ltd

1. Introduction

- 1.1 The receipt of this application was reported to the Board at its February meeting. That report is attached at Appendix A and a note of the subsequent site visit is at Appendix B.
- 1.2 For the avoidance of doubt, Members are reminded that the development would if granted, operate independently from the scheme approved on adjoining land. There would be no shared infrastructure, other than the use of the same access track to and from Nuthurst Lane. Both sites would also have separate points of connection.
- 1.3 As reported in Appendix A, the Board is reminded of the terms of the 2024 Direction, but the report will update Members.

2. Additional Information

- 2.1 Since the receipt of the application, the applicant has submitted two further letters which address matters raised in the initial report. The first of these – at Appendix C – outlines the applicant's reasoning for his conclusion that the site should be classified as "grey belt land" under the updated National Planning Policy Framework (the "NPPF"). Following on from this, it is his assessment that the proposal is not inappropriate in the Green Belt by virtue of paragraph 155 of the NPPF, and thus it should not be regarded as being harmful to the Green Belt.
- 2.2 The second letter – at Appendix D – addresses whether there would be any cumulative harms caused, when this application is assessed along with the other similar developments already granted planning permission in the Borough. The letter runs through a number of planning considerations where cumulative harm could be caused – e.g. the impact on the openness of the Green Belt, on the landscape, on heritage assets and on the use of agricultural land. He concludes that there would be no material cumulative impacts.
- 2.3 For the benefit of Members, the plan at Appendix E illustrates the locations of the solar farm sites referred to in Appendix D. The green sites are approved; the blue site is at appeal and the red site is the current application site.

3. Consultations

Warwickshire County Council as Highway Authority – No objection

Environmental Health Officer – No objection

Natural England – No objection

Warwickshire Fire and Rescue Services – No objection

Warwickshire Ecologist – No objection subject to conditions and to the completion of a “skylark” mitigation strategy through a Section 106 Agreement.

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions.

The Coal Authority – No objection

4. Representations

None received.

5. Observations

a) The Green Belt

5.1 The site is wholly in the Green Belt.

5.2 In these circumstances, Members will be aware that inappropriate development within the Green Belt, is harmful by definition to the Green Belt, and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF provides definitions for when development might be inappropriate.

5.3 As a consequence, Members are first advised that the initial assessment in this case is to establish if this particular proposal is inappropriate or not. If it found to be inappropriate development, then the planning balance as set out in paragraph 5.2 will have to be assessed. If it found to be not inappropriate, then by definition it is not harmful to the Green Belt and thus there is no scope for a Green Belt refusal. The determination in these circumstances would be as for any non-Green Belt development.

b) Inappropriate Development or Not Inappropriate Development

- 5.4 The changes to the NPPF in late 2024 introduced the concept of “grey belt land” within the Green Belt. In certain circumstances, development is defined in the NPPF as being not inappropriate, if it “utilises grey belt land”. The initial assessment therefore is to establish whether the application site is grey belt land or not, as the consequential assessment as to whether the development is inappropriate or not inappropriate differs as to whether it is or is not.
- 5.5 There is a definition of “grey belt” within the Glossary to the NPPF. There are three parts to this definition. In respect of the first, then the site is not “previously developed land” – again as defined by the NPPF.
- 5.6 The next is that the land does not strongly contribute to three of the five purposes of including land within the Green Belt. The five purposes are set out in paragraph 143 of the NPPF and are:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To prevent neighbouring towns merging into one another,
 - c) To assist in safeguarding the countryside from encroachment,
 - d) To preserve the setting and special character of historic towns, and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 The three of interest here are (a), (b) and (d).
- 5.8 There is no definition of “sprawl” in the NPPF, but the assessment of whether there would be conflict with purpose (a) depends on the relationship of the site with “large built-up areas.” Here the site is visually, spatially and physically some distance away from such areas – i.e. Nuneaton, Bedworth, Coventry and Birmingham - separated by open countryside such that it is discrete from any large built-up area. In respect of purpose (b) then the site would not in itself lead to the merging of neighbouring towns for the same reasons as above and as significant open land would remain between the site and neighbouring towns. Moreover, the proposal is for a temporary period and is reversible. Purpose (d) does not apply in this case. The third part of the grey belt definition is where the planning policies set out in Footnote 7 of the NPPF – other than Green Belt – provide a strong reason for refusal. The later paragraphs in this report will address such policies, but for the present time it is considered that they would not provide a strong refusal reason. As a consequence of all of these matters, it is considered that the application site is “grey belt land” within the Green Belt.
- 5.9 This conclusion then needs to be assessed against the four conditions set out in paragraph 155 of the NPPF to determine whether the proposal is, or is not inappropriate development, as it is this paragraph which deals with development which would “utilise grey belt land”. All four conditions need to be satisfied if the development is to be defined as not inappropriate.

- 5.10 The first condition is that “the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan”. Here therefore, it is necessary to assess whether the five purposes of including land within the Green Belt taken as whole, would be fundamentally undermined across the whole of the remaining Green Belt throughout the Borough. This condition therefore introduces purposes (c) and (e) in order that the Green Belt is looked at as a whole. It is considered that the proposal would appear to conflict with purpose (c). The site itself is part of a much wider area of Green Belt in the Borough – extending from the eastern edge of Birmingham to Coventry – which is largely open countryside. The application site itself is surrounded by open countryside. It therefore does contribute to that much wider area which could be undermined if open countryside were to be lost through “encroachment”. However, the condition here at paragraph 155 (a) asks whether the development would “fundamentally” undermine all of those five purposes when taken together over the whole of the Green Belt. It is in these circumstances that notwithstanding that there would be some encroachment, it is acknowledged that the proposal would satisfy the terms of condition (a).
- 5.11 The second is that “there is a demonstrable need for the type of development proposed”. It is acknowledged that there is such a need as set out in the applicant’s submission particularly in meeting renewable energy targets and to improve energy security.
- 5.12 The third is that the development would be in a sustainable location. The amount of traffic generated once operational would be minimal and hence this condition is not conflicted.
- 5.13 The final condition does not apply as that relates only to proposed housing developments.
- 5.14 Hence the conclusion when drawing together these four conditions taken as a whole, is that the proposal would accord with them and hence the proposal, is not inappropriate development in the Green Belt. As a consequence, the proposal would not conflict with Local Plan Policy LP3 on the Green Belt and any harm to the openness of the Green Belt is not applicable. As indicated in para 5.3 above, there is no Green Belt reason for refusal, if that course is to be recommended. The application is thus to be determined on whether the proposal gives rise to any adverse demonstrable impacts or harms that would outweigh the benefits of supporting the proposal as set out in paragraphs 5.11 and 5.54 amongst others.

c) Other Harms

i) Landscape

- 5.15 Local Plan policy LP14 says that development should “look to conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”.
- 5.16 The site is in the “Church End to Corley (Arden Hills and Valleys)” landscape character area as defined by the 2010 North Warwickshire Landscape Character Assessment and Study. This is described as being “an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodland and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets”. It continues by saying that “the majority of the character area is deeply rural and tranquil. Ancient Arden landscape is apparent in the complex pattern of woodland, former wood pasture and heath, frequently sunken hedged lanes and scattered farms and hamlets”. Additionally, “to the south of Ansley and New Arley, numerous hedgerows around larger semi-regular arable fields combine to provide a sense of parkland character towards Arbury Park”.
- 5.17 It is agreed with the applicant that there would be local landscape impacts here rather than broad impacts that affect the wider landscape character. These will be more pronounced within a kilometre of the site particularly to the south and to the east, as the site is well contained by established woodland around its other boundaries. The impacts become discernibly less beyond this distance. Mitigation measures would reduce this further. The site is in a wholly rural setting and is within an expansive open area of countryside and has extensive views. The landscape is thus sensitive to change. However, whilst there clearly will be change here, it is not considered to be significant. This is because the built development overall is low in height, it is spread through existing fields which have strong hedgerow boundaries and ground levels are flat. Existing ponds and trees would be retained and additional planting added. The landscape setting would thus largely be maintained.
- 5.18 Whilst the proposal may not fully accord with the Local Plan objectives, it is considered on balance that the overall landscape harm caused would be local and thus “limited”. It is also necessary here to look at the cumulative impact on the harm caused to the landscape given the permitted development on the adjoining land. Individually, both sites have been found to cause local and limited harm. When treated together then the development size is doubled, but because of the level topography of the setting, the significant woodland cover around the perimeter of the two sites, the retention of and enhancement of established hedgerows, the additional planting proposed and the overall general low level of the developments together with them being temporary and reversible, it is

considered that even when taken together the landscape impact would remain as local and limited.

5.19 It is thus concluded that there is no conflict with Local Plan policy LP14.

ii) Visual Impacts

5.20 Local Plan policy LP1 says that all proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area. Policy LP30 says that all proposals should harmonise with both the immediate setting and wider surroundings.

5.21 As indicated above there would be limited change to the character of the landscape setting. There would be no visual impact from residential property in New Arley or at Hill Top due to separation distances and the lack of inter-visibility due to significant established woodland. However, there would be visibility from the scattered properties along Nuthurst Lane and from the very outskirts of Astley. However enhanced landscaping within and around the perimeter of the site would mitigate this visibility such that there would only be limited harm caused. The most significant impact would be from users of the public footpath which directly crosses through the site from north to south – the M342. Notwithstanding enhanced planting, the visual impact would be substantial and unavoidable. It would however be transitory but because of the length of the path's route through the site it would amount to more than a passing glimpse. As a consequence of these matters, it is considered that there would be a limited to moderate visual impact.

5.22 It is also necessary here to look at the cumulative impact on visual harm caused given the permitted development on the adjoining land. Individually, both sites have been found to cause moderate visual harm. This is almost wholly due to the two public footpaths that are affected rather than to visual impacts from the local highways or from nearby residential property. There is however very little intervisibility between the two footpaths and thus there would be unlikely to be a greater degree of cumulative harm caused. Because of the transitory nature of this harm, it is considered that even when treated together there would be no greater than moderate visual harm caused.

5.23 As a consequence, there would only be limited conflict with these two policies.

iii) Heritage Impacts

5.24 Local Plan policy LP15 says that “the quality, identity, diversity and local distinctiveness of the historic environment will be conserved and enhanced”. An assessment of the impacts on the significance of any heritage assets and their setting therefore needs to be undertaken. Members will also be aware that heritage harms are defined in the NPPF as being “substantial”, “less than substantial” or there being no harm. The Council is also under a statutory duty to pay special attention to the desirability of preserving or enhancing the character

and appearance of a Conservation Area in the determination of an application. Additionally, the Council is also under a statutory duty to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest which it possesses. The assessment of the impacts of the proposal on local heritage assets has to be addressed in this context.

- 5.25 The nearest Conservation Area to the application site is that in Fillongley. Because of the separation distances and the intervening topography, there is no intervisibility with that Area or any of the buildings within it, such that there is no heritage harm caused to its character, appearance or indeed its setting.
- 5.26 Whilst there are no listed buildings on the site itself or directly adjacent to it, there are a number of such heritage assets in the vicinity. The closest are Astley Castle and Astley Church together with associated buildings such as the stable block and Lodge. In general terms they are a kilometre to the south-east of the application site. This group of assets has very high heritage significance – the Castle being a Grade 2 star Listed Building, the Church a Grade One building and the others are included on the statutory list as grade 2 buildings. There is no direct impact on their architectural or historic fabric, or the special attributes of these buildings. It is the potential impact on their setting – particularly as a group – that does need to be assessed. This is because of the historic, architectural and landscape characteristics of the grouping together with their community and social value. In this case, the prime significance is the contained and compact settlement of Astley with its surrounding tree cover, the visibility of the Church within a wholly rural and open landscape and the combination of the historic and cultural associations between the buildings. The proposal would have no direct impact on this significance because of the intervening separation, topography and tree cover. The contained and compact nature of the settlement would still be perceived as such in the landscape, as would the visibility of the Church tower. Enhanced landscaping around and within the application site would further mitigate any potential visual impacts. As the combined heritage significance of these assets and their setting is high, greater weight should be given to potential harms. It is considered that even so, any such harm would still be less than substantial and that this would be at the lower end of that harm.
- 5.27 Arbury Hall and its Park are also heritage assets further to the east. Again, these are of high value – the Hall having a combination of Grade 1, 2 star and 2 Listed Buildings with the Park and its garden being registered as Grade 2 star. Again, there is no direct impact on any of these assets because of the significant separation distances, the intervening topography and the surrounding well established wooded areas. The assessment again rests on whether there would be any harm caused the setting of these high value assets. It is considered that there would be no harm caused because of the substantial buffers of distance, topography and woodland between the site and the boundary of the Registered Park. The setting of the Park in the overall landscape would not be affected. Therefore, it is considered that no harm would be caused.

- 5.28 The applicant concludes that there is an overall low potential for below ground archaeological remains dating from before the medieval period, but a medium potential for archaeological remains from medieval times, probably being of woodland or agricultural in nature, but of low importance in exploring changes in the landscape. A cluster of former dwellings in the south-east corner correlates with the remains of Wood Cottages and of Dukes Farm which bordered the southern boundary. However, these remains have already been recorded through earlier excavations. Evaluation work on the adjoining site revealed no “finds” and that the topsoil was around 30 cm thick sitting on heavy clay leading to significant underground drainage features. The applicant considers that similar characteristics are to be found on the current site and indicates that these are not favourable for settlement. In all of these circumstances, it is agreed that this conclusion carries weight. The proposal is for low-level structures here with “piled” supports and concrete pads. As such it is considered that on balance, trial trenching can be agreed at the pre-commencement stage, rather than at pre-determination. Appropriate mitigation can be undertaken if necessary, including not developing parts of the site. This would be at the applicant’s “risk”. It is considered that planning conditions can provide a proportionate response to address any potential underground impacts. This was the position taken in respect of the adjoining site.
- 5.29 In conclusion therefore it considered that when taken together there would be less than substantial harm caused to heritage assets, but that this should nevertheless carry weight because of the high significance of these assets. This harm therefore needs to be addressed in the final planning balance against any public benefits of the proposal.
- 5.30 It is also necessary here to look at the cumulative impact likely to be caused to the identified heritage assets taking into account the permitted development on the adjoining land. Individually, both sites have been found to cause less than substantial harm. This is considered to remain the case when looked at together. This is because the two sites remain a significant distance away from Astley with open areas of countryside lying between the village and the sites, the retention and enhancement of existing hedgerows, the significant woodland cover and that the two sites remain separated from each other.
- 5.31 Overall therefore, there is limited conflict with Local Plan policy LP15.

iv) Ecology

- 5.32 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. Additionally, a 10% net gain in bio-diversity is required either on or off-site, as this is a major development.

- 5.33 There are no designated statutory nature conservation sites close by, but a European Sire is at Ensor's Pool, some 4.4 km from the site and an SSS1 at Hoar Park Wood some 3.7 km distant. No impacts are considered likely due to the separation distances, the lack of connectivity and the very limited transboundary effects of solar farm operations. There are two Local Wildlife Sites within a kilometre of the site – the Ansley Rail Cutting and Daffern's Wood – with potential wildlife sites within the same distance at Astley Castle and Astley Pool. However, the County Ecologist agrees as above, that any impacts are likely to be negligible.
- 5.34 Much of the site itself is intensively managed arable land with limited ecology value. The most valuable areas are the hedgerows and the ponds with their perimeter trees. The ponds have been surveyed and no traces of Great Crested Newts were found. No badger setts were found but there were signs of badger activity. Whilst the hedgerows provide opportunities for bat foraging, no roosts were found. The overall assessment is that the ecological value is low and only of local importance. The County Ecologist agrees with this overall assessment.
- 5.35 Proposals to raise the bio-diversity value of the site include 0.5 km of new hedgerows, three hectares of species rich grassland at the site margins and the creation of 29 hectares of pasture grassland under the panel arrays. It is said that these measures would give a 25% gain in habitat units and a 15% hedgerow gain. This assessment has been verified by the County Ecologist and thus it is considered that the proposal would satisfy the requirements of the relevant Development Plan policy.
- 5.36 Both this proposal and the one on adjoining land are to provide net bio-diversity gain and so cumulatively, the benefits are enhanced.
- 5.37 As a consequence there is no conflict with Local Plan policy LP16.

v) Flooding and Drainage

- 5.38 Local Plan policy LP33 requires that water run-off from new development must be no more than natural greenfield run-off and that developments should hold any surplus water back in the development site through the use of high-quality sustainable drainage systems.
- 5.39 Paragraph 3.13 of Appendix A outlines the existing drainage arrangements on the site and how the policy requirement set out above can be achieved. It is of significant weight that the Lead Local Flood Authority confirms that the proposed measures are policy compliant.
- 5.40 As both this and the adjoining development are to have self-contained drainage proposals, there is not considered to be a cumulative flooding issue caused.
- 5.41 There is no conflict with Local Plan policy LP33.

vi) Highways

- 5.42 As recorded in Appendix A, all access would be gained from Nuthurst Lane via an improved existing access track. These improvements were agreed under the previous permission for the adjoining site and would also be used for the current site. If granted, this site would be constructed after the implementation of the adjoining development and thus there is unlikely to be increased use by construction traffic. However as one site follows the other, there would be an increased duration of movements. Once operational there would be a marginal traffic use. Given that the Highway Authority did not object to the previous case, there is no objection to the proposed arrangement being a continuation of the approved scheme. In these circumstances, it is considered that the proposal would satisfy the requirements of Local Plan policy LP29 (6) as well as the appropriate paragraphs of the NPPF. There is neither any cumulative highway harm caused.
- 5.43 There is no conflict with Local Plan policy LP29 (6).

vii) Agricultural Land

- 5.44 It is agreed that the land here would be taken out of arable agricultural production. Appendix A at paragraph 3.11 indicated that some 15% of the site would be Grade 2 land and 23% would be Grade 3a – thus combining to amount to 38% use of the Best and Most Versatile Land (BMV). This would be a harmful impact to be considered in the final planning balance. However, the land would not be permanently lost, there would still be the opportunity for sheep grazing and the soils would be allowed to “rest” and thus improve. Members will be aware that the use of BMV in the adjoining site was also 38%.
- 5.45 This particular issue will be assessed later in this report.

ix) Other Matters

- 5.46 Members should be aware that there has been no objection from the Environmental Health Officer, in respect of potential noise emissions including any cumulative impacts when the use of the adjoining site was included in the analysis.
- 5.47 Given the separation distances to residential property, the intervening topography and vegetation together with the landscape mitigation proposed, it is not considered that there would be material harm on the amenity of nearby residential occupiers.
- 5.48 There has been no objection in respect of potential safety issues arising from any glint and glare impacts.
- 5.49 There has been no objection from the Fire and Rescue Service or it seeking further operational detail, because there is no battery energy storage system proposed on the site.

x) Cumulative Impacts

- 5.50 It is also necessary here to look at the cumulative impact on the harm caused to the Green Belt given the permitted development on the adjoining land. When treated together then spatially, the development size is doubled and visually, there remains the substantial transitory harm from users of the footpaths, but both are temporary and reversible proposals. Given these matters and the visual containment of both of the sites by hedgerows, woodland and enhanced landscaping, the cumulative actual harm is still considered to be moderate at most in degree.
- 5.51 The paragraphs above have looked at the cumulative impacts of the proposed development with the approval for a similar sized development on adjoining land and found that the combined level of harm would not be worsened. It is now necessary to look at the cumulative impacts of the proposal along with the other solar farm cases in the Borough.
- 5.52 For this assessment, these include those within this south-eastern quadrant of the Borough as these are the “Green Belt” sites. These are the land east of Vaul’s Farm off Astley Lane and the land at the junction of Smorral Lane and Breach Oak Lane. Account should also be taken of the Fillongley site off the Meriden Road, even though that is awaiting the outcome of an appeal – see Appendix E. The separation distances to these three cases from the current site are 2.5, 2.5 and 4 kilometres respectively. There is no inter-visibility between these sites because of the intervening topography, woodland, tree and hedgerow cover as well as other established developments. The footpath network although extensive does enable separation between the sites and the highway network to does not lead to continuous visibility. In other words, the cases are well dispersed in the landscape and their settings do not overlap. As a consequence, there would be no adverse landscape or visual cumulative impacts. This is also the conclusion in respect of the impact on the openness. They are dispersed throughout the Green Belt and there remains open countryside around and between each and with the neighbouring larger built-up areas. In all of these circumstances it is considered that there is no cumulative landscape or visual harm.

c) The Harm Side of the Planning Balance

- 5.53 From the above assessments, it is concluded that the “harm” side of the planning balance comprises the limited to moderate visual harm, the limited landscape harm, the less than substantial heritage harm and the loss of BMV. These harms are not worsened as a consequence of the permitted adjoining development, nor with similar developments in this part of the Borough.

d) The Applicant’s Planning Considerations

- 5.54 The most significant consideration put forward by the applicant relates to the need to increase renewable energy generation and to ensure the security of its supply. The evidential background to this is set out within the documentation identified in Section 6 of Appendix A. In a planning context, he points out that the NPPF at paragraph 161 says that the planning system should support renewable

and low carbon energy and associated infrastructure. Additionally, paragraph 168 says that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. Within the Green Belt, he refers to para 160 where "very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources". He also refers to Local Plan policy LP35 which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them". It is his view that this is the case here. As a consequence of all of these matters, it is considered that this overall consideration carries substantial weight.

- 5.55 The second set of considerations put forward Include the delivery of significant bio-diversity net gain, improved soil health, no permanent loss of the best and most versatile agricultural land and that the proposal will support farm diversification. Together these would carry significant weight as they are policy compliant in respect of the ecological benefits and policy compliant in respect of Local Plan policy LP11 on the rural economy.

e) The Final Planning Balance

- 5.56 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case, as set out above in section (d) above, outweighs the cumulative weight of the harms identified in paragraph 5.53.
- 5.57 Overall the actual level of cumulative harm here is considered at most to be moderate in degree. The other side of the balance carries significant to substantial weight. As such it does appear that there is a "clear" difference here. However, it is necessary to "test" this conclusion over three matters – the overall content of Local Plan policy LP35 on Renewable Energy, the impact on BMV land and consideration of this conclusion against the identified heritage harm.
- 5.58 Paragraph 168 of the NPPF says that when determining planning applications, "significant weight should be given to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future". Paragraph 165 says that Plans should provide a "positive strategy for energy to help increase the use and supply of renewable and low carbon energy whilst ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)". Local Plan policy 35 provides that "strategy". It says that such projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites of buildings of historic or cultural importance, residential amenity and local economy". It is considered that following on from the conclusions in paragraph 5.53 above in respect of the matters raised in this Policy, that the proposal can be "accommodated" at this location. As such there would be no conflict with it.

- 5.59 In respect of the issue around BMV, the current scheme would involve in round terms 38% of such land. The adjoining site had a very similar figure. Members will be aware from the consideration of other sites in the Borough that, up until this present application – some 0.3% of BMV land in the Borough would be “taken” by solar farm proposals, if all were developed. The addition of this current site would not materially affect this overall figure. The applicant would also point out that the proposal is reversible and that the soil’s bio-diversity would improve, if left uncultivated. As with other cases, it is thus not considered that there is the evidence available to lead to a refusal reason.
- 5.60 Finally, the less than substantial harm to the heritage assets does carry weight given the high status of the assets involved. However, the actual harm caused is not considered to be significant for the reasons set out above in Section (b) (iii)). As a consequence, it is agreed that the public benefits set out in paragraphs 5.54 and 5.55 above, would outweigh this level of harm.
- 5.61 Given the assessment of the three matters raised in paragraph 5.57, it is not considered that they would alter the overall conclusion reached in that paragraph.
- 5.62 As the proposal has been found to be not inappropriate development in the Green Belt, the requirements of the 2024 Direction do not apply and the case need not be referred to the Secretary of State if the Board is minded to grant planning permission. There is neither any referral needed if the Board resolves to refuse planning permission.

Recommendation

That planning permission is GRANTED subject to a Section 106 Agreement relating to the matter raised in this report together with the conditions as set out below:

Standard Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Defining Conditions

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

- a) The plan numbers AEM044/SP/01/rev03; AEMOSD/01/rev02, AEMO44/SD/02/rev01 AEMO44/SD/03/rev01, AEMO44/SD/04/rev01, AEMO44/SD/05/rev01, AEMO44/SD06/rev01, AEMO44/SD/07/rev01, AEMO44/SD/08/rev03 and AEMO44/SD/09/rev01 together with plan numbers AEMO44/PL/01/rev 04 and SPP06D,
- b) Flood Risk Assessment and Drainage Strategy – RMA/RC2798/Issue 2 and RMA/LC2798/1.
- c) The Construction Traffic Management Plan 2401/028/CTMP01 received on 14/2/25

REASON

In order to define the extent and scope of the permission.

3. Notwithstanding the plans hereby approved in Condition 2, no development shall take place until full details of the final locations, designs, finishes and materials to be used for the solar arrays, access tracks, inverters, switchgear, substations, CCTV cameras, fencing, external lighting and any other structures required for the operation of the site as a solar farm, have first been submitted to and approved in writing by the Local Planning Authority. Subsequently, this development shall be carried out in accordance with the approved details.

REASON

In the interests of the appearance of the area. The condition enables any changes that may be required following submission to be included in a final discharge of condition application.

4. The generating capacity of the development hereby approved shall not exceed 30.0 MW(AC).

REASON

In order to define the development such that it accords with approved plans.

5. The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial export of electrical power from the development. Written confirmation of the first electricity export date shall be provided in writing to the Local Planning Authority within seven days after the event.

REASON

In order to confirm that this permission is for a temporary period only.

6. If the solar farm hereby permitted ceases to operate for a continuous period of twelve months, or at the end of the 40-year period referred to in condition 4, then a scheme for the de-commissioning and removal of the solar farm and all of its ancillary equipment shall be submitted in writing to the Local Planning Authority within six months of the cessation period. The scheme shall make provision for the removal of the solar panels and associated above and below ground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the de-commissioning period together with the temporary arrangements necessary at the access onto Nuthurst Lane and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and biodiversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that the scope of the permission is for a temporary period only and to secure the operational requirements for de-commissioning at its expiry.

7. The scheme as agreed in writing by the Local Planning Authority under condition 6 shall be implemented in full within twelve months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in condition 4, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.

REASON

In order to ensure the satisfactory re-instatement of the land.

8. Notwithstanding the content of Condition 2(a) for the avoidance of doubt, the following mitigation measures shall be implemented on site:
- i) Each solar panel will maintain a gap between each individual panel to allow for surface water to run-off at multiple points onto the vegetation below to prevent concentration of run-off.
 - ii) Swales shall be incorporated into the scheme to capture run-off.
 - iii) The access tracks constructed on site shall be of a permeable nature with no hardstanding materials used

REASON

To reduce the risk of increased flooding and to improve and protect water supply.

Pre-Commencement Conditions

9. Notwithstanding the submitted details, no works, site clearance or development shall take place until an Arboricultural Method Statement and scheme for the protection of any retained trees and hedgerows has first been agreed in writing by the Local Planning Authority. The Scheme shall include a plan showing details and positions of the ground areas to be protected areas and details of the position and type of protection barriers to be installed prior to construction works first starting on site and to be maintained for the duration of the construction period.

REASON

In the interests of the protecting the bio-diversity of the area.

10. No external lighting shall be erected/used on site unless details of that lighting have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the residential amenity of neighbouring occupiers.

11. No development shall take place on site including any site clearance or preparation prior to construction, until all of the following have been completed.

- a. A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.
- b. The programme of archaeological evaluative fieldwork and associated post- excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.
- c. An Archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the pro- posed development and should be informed by the evaluation work under- taken. It should also include the procedures for relevant archival reporting and deposition.

REASON

In the interests of the archaeological value of the site.

12. No development shall commence on site until the whole of the access arrangements as shown on the approved plan drawing no.2105/025/SK016 as approved under PAP/2021/0651 have all been laid out and constructed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

13. No development shall commence on site until a Soil Management Plan (SMP) has been submitted to, and approved in writing by, the local planning authority. The SMP shall include the following:

- a) Measures to protect soils during the development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
- b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
- c) Details of how construction activities will be managed across the site to minimise impact on soils; and

d) Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.

The development shall be carried out strictly in accordance with the approved Soil Management Plan.

REASON

In the interests of protecting and maintaining the significance of the agricultural land through the management of the soils during the lifetime of the development and thus in accord with paragraph 187(a) of the NPPF 2024.

Pre-Operational Use Conditions

14. Within three months of the first commercial export of electrical power from the site a Drainage Verification Report for the installed surface water drainage system based on the Drainage Strategy approved under condition 2 together with the details set out in Condition 8, has first been submitted to and approved in writing by the Local Planning Authority. It should include:

- a. Demonstration that any departures from the approved design are in keeping with the approved principles.
- b. As built photographs and drawings
- c. The results of any performance testing undertaken as part of the application process,
- d. Copies of all statutory approvals such as Land Drainage Consent for Discharge,

REASON

To reduce the risk of flooding.

15. There shall be no commercial export of electrical power from the site until a detailed site-specific maintenance plan for the approved surface water drainage system based on the details as approved under conditions 2 and 8, has first been submitted to and approved in writing by the Local Planning Authority. It shall:

- a. Include the name of the party responsible, including contact names, address, email address and phone numbers.
- b. Include plans showing the locations of features requiring maintenance and how these should be accessed,
- c. Include details of how each feature is to be maintained and managed throughout the lifetime of the development,
- d. Include details of how site vegetation will be maintained for the lifetime of the development.

The approved maintenance plan shall be implemented in accordance with the approved details.

REASON

To reduce the risk of flooding.

16. There shall be no commercial export of electrical power from the site until a Land scape and Ecological Management Plan (“LEMP”) has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan SPP06D approved under condition 2 The LEMP shall include:

- a. a description and evaluation of the features to be managed;
- b. ecological trends and constraints on site that might influence management,
- c. the aims, objectives and targets for the management, and for the avoidance of doubt this shall include measures to minimise runoff during construction whether by vegetation or otherwise
- d. descriptions of the management operations for achieving the aims and objectives,
- e. prescriptions for management actions,
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a forty-year period),
- g. Details of the monitoring needed to measure the effectiveness of management,
- h. Details of each element of the monitoring programme,
- i. Details of the persons or organisations(s) responsible for implementation and monitoring,
- j. Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k. Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l. The mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m. How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in this Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

17. Prior to the commencement of the development hereby approved a scheme of landscaping together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme should take into consideration the requirements of the approved Landscape Strategy Plan (drawing ref: SPP06D), and shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing.

The development shall be carried out in accordance with the approved details.

REASON

In the interests of securing landscape enhancements to the site.

18. Prior to the First Electricity Export Date, a grazing management plan (GMP) shall be submitted to and approved in writing by the local planning authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, how the grazing is to be managed and monitored. Within one year of the First Electricity Export Date, or in an alternative period to be agreed in writing by the Local Planning Authority, the grazing of livestock shall be implemented on the site in accordance with the GMP.

REASON

In the interests of maintaining the agricultural use of the land during the lifetime of the development and thus in accord with para 187 (a) of the NPPF 2024.

Other Conditions

19. The landscaping scheme as approved under conditions 2 and 17 shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub hedgerow, or replacement is removed, uprooted, destroyed or dies, then another of the same species and size of the original shall be planted at the same location within the next planting season.

REASON

In the interests of the visual amenities of the area.

20. Public footpath number 108/M342/1 shall be maintained open to the public at all times and provide a minimum two metre wide usable access route throughout the site for the lifetime of the development.

REASON

In the interests of retaining public access.

Informatives

1. The Local Planning Authority has met the requirements of the NPPF in this case through working with the applicant to achieve a positive outcome.
2. Attention is drawn to Sections 59, 149, 151, 163 and 278 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
3. Prior to commencement of any works involving disturbance of the surface of any public footpath, the developer must contact Warwickshire County Council Rights of Way Team as Highway Authority to obtain the necessary consents.
4. All public footpaths must remain open and available for the public to use at all times unless closed or diverted by legal order. The Consent of the County Council is needed for the installation of any gate or other structure on the public footpath.
5. Attention is drawn to the Coal Authority's Standing Advice where relevant.
6. Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy, the LLFA advises that the details are submitted are the minimum required. At the discharge of conditions stage, it expects details to be approaching a level of detail suitable for tender or construction.

General Development Applications

(6/b) Application No: PAP/2024/0577

Land North Of Park Lane Farm, Park Lane, Astley,

Proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements, for

- AGE Solar Limited

1. Introduction

- 1.1 The receipt of this application is reported to the Board for information and a determination report will be brought to the Board in due course.
- 1.2 As the development is inappropriate development in the Green Belt, the Board is advised that should it be minded to support the proposal, the matter would need to be referred to the Secretary of State under the 2024 Direction as a consequence of it being "Green Belt" development as defined by that Direction.
- 1.3 An Environmental Impact Screening Opinion concluded that the proposal would not need an accompanying Environmental Statement, as it was not likely to result in significant environmental effects.

2. The Site

- 2.1 The site is 33.5 hectares in extent comprising four arable fields to the east of the built-up edge of New Arley beyond three woodlands known as Astley Gorse, Gorse Spinney and Gorse Wood. The fields are bounded by well-defined existing hedgerows and ditches with isolated hedgerow trees together with small clumps of trees set around two ponds within the centre of two of the fields. There is open agricultural land to the east extending to Nuthurst Lane, as well as to the south extending to Park Lane. The surrounding land has an open rural setting. The site slopes slightly towards the south-east aligning with the general topography here giving a height difference of around 27 metres over the site.
- 2.2 The built-up edge of New Arley at Sycamore Crescent is around 140 metres from the western boundary and Astley is some 170 metres from the south-east boundary. There is collection of properties at Hill Top in Arley, 300 metres to the north-west and two private residential properties at Church Farm off Nuthurst Lane some 250 metres to the east and at Fitzroy Farm some 260 metres to the east also off this Lane. The nearest dwellings to the south are scattered residences along Park Lane some 900 metres distant.
- 2.3 Overhead electricity cables cross the southern portion of the site.

2.4 A public footpath the M342 is routed through the centre of the site running from Astley up to Gorse Spinney and into Arley. Another footpath runs alongside the western side of Astley Gorse – the M341.

2.5 A location plan is at Appendix A.

3. The Proposals

3.1 As described above, this is for a solar farm comprising solar PV panels and its associated infrastructure to be present for a 40-year period. The area covered by the panels would amount to just over 70% of the application site and they would generate some 30MW of electricity - said to supply some 7000 homes. The panels would face south and they would be some 2.9 metres off ground level at their higher edge, have a distance of 5.75 metres between each row and be fixed to the ground by pole-driven posts. Associated infrastructure would include four inverter/transformer stations – housed within metal containers which would sit on a concrete pad and measure 6 by 2.5 metres with a height of 3 metres. They would be located within the centre of the panel arrays. Each array would connect via underground cables to a private switchgear station at the southern end of the site. This would measure 2 by 2 metres and be 2.6 metres tall. This would then connect to the local electrical distribution network using the 33kv overhead lines within the site, via a DNO substation. This sub-station would be a brick and tile construction measuring 6.7 by 6.2 metres and 5.5 metres tall. A spares/maintenance storage building would also be needed, again comprising a steel container measuring 2 by 2.5 metres and 2.6 metres tall.

3.2 Two metre tall, deer proof fencing would be erected around the perimeter of the site comprising wooden fence poles and galvanised fences with gates. These would enclose the panel arrays in each field. CCTV cameras would be placed on poles at 4 metres off the ground, some 50 metres apart. No security lighting is proposed.

3.3 Construction traffic would utilise an existing farm track off Nuthurst Lane whose entrance is to be improved. This would lead to the south-western corner of the site where the DNO substation is to be located. Construction is expected to last for 30 weeks with operational working hours of 0800 to 1800 on weekdays and 0800 to 1300 on Saturdays. It is anticipated that during construction, three HGV movements would access the site each day – six two-way movements. Routing would be via Junction 3 of the M6, the A444 to Newton Road/Heath Road and Smorral Lane/Astley Lane.

3.4 Landscaping proposals include enhancing the existing field hedgerow boundaries and retention of existing trees together with additional structural planting.

3.5 The proposals are said to provide a 25% gain in habitat units, a 14% hedgerow gain and a 16% watercourse gain.

- 3.6 An overall layout plan is at Appendix B with Appendices C to F illustrating the proposed buildings and panels.
- 3.7 Several Documents also accompany the application.
- 3.8 A Noise Impact Assessment in respect of five Noise Sensitive Receptors ("NSR's"), being residential property at the end of Sycamore Crescent in New Arley; two of the closest properties at Hill Top in New Arley at Church Farm and Fitzroy Farm on Nuthurst Lane has been submitted. Background noise levels were taken at these locations over a ten-day period with a general description being of road traffic, rustling trees, bird song as well as the use of the Gun Hill Recreation Ground. The predicted noise impact of the proposal in full operation has concluded that there would be no impact at night or day times and the proposed development would thus conform to British Standards as well as to the requirements as set out in the NPPF.
- 3.9 A Glint and Glare Assessment has been undertaken. This looked at ground-based receptors such as roads, rail and residential dwellings within a kilometre distance from the site as well as aviation assets at Birmingham and Coventry. The conclusion is that without the existing hedgerow that runs along the site's eastern boundary being infilled, strengthened and allowed to grow to three metres, there would be four residential receptors that would perceive an impact - these are at properties in Astley that face Nuthurst Lane and occupiers at Fitzroy Farm. However, there would be no impacts for road users and none affecting air travel.
- 3.10 An Arboricultural Survey found that some 70 of the combined 113 individual trees, groups of trees, hedgerows and wooded areas on and around the site were of high and moderate quality – some 60%. There are no Ancient Woodlands on or adjacent to the site and neither are there Veteran trees present or any trees protected by Order. No trees are in fact proposed for removal, however small lengths of hedgerow will require removal in order to implement the development. The Assessment concludes that the overall impact would be minimal with proposed new planting mitigating any minor loss.
- 3.11 An Agricultural Land Classification shows that it comprises of 15% Grade Two land, 23% of Grade 3a and 58% Grade 3b and the remainder being classed as non-agricultural land –i.e. the ponds and woodlands. It also outlines the benefit of allowing the soils to improve through being allowed to "rest". In this case the fields would be grazed. It concludes that being a reversible development on predominantly Grade 3b land (58%), the proposal would not significantly harm national agricultural interests and thus align with NPPF guidance.
- 3.12 An Ecological Impact Assessment is submitted. It identifies the presence of a European Site at Ensors Pool some 4.4km from the site and an SSSI at Hoar Park Wood some 3.7 km from the site, but no impacts are considered likely due to separation distances and the very limited transboundary effects of solar farm operations. There are two Local Wildlife sites within a kilometre of the site – The

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Ansley Cutting and Dafferns Wood – with potential wildlife sites within the same distance – the closest being Astley Castle and Astley Pool. Much of the site itself comprises arable land for cereal and non-cereal crops with negligible ecological value. The most valuable areas are the hedgerows and the ponds with their perimeter trees. The ponds have been investigated, but no traces of Great Crested Newts were found. No badger setts were found on the site, but badger activity was noted. The hedgerows provide opportunities for bat foraging, but no roosts were found on site. The overall assessment is that the ecological value of the site is low and of local value. Proposals to raise the bio-diversity value include 0.5km of new hedgerows; 3 hectares of species rich grassland at the site margins and the creation of 29 hectares of pastoral grassland under the panel arrays. It is said that these measures would give a 25% gain in habitat units and a 14% hedgerow gain.

- 3.13 A Flood Risk Assessment shows that the whole site is in Flood Zone One – the one at lowest fluvial flooding risk. Small watercourses cross or bound the site flowing south-eastwards to join a larger water course which at some 0.75km from the site is in Flood Zone 2, but that land is some 10 metres lower than the site and the Assessment discounts this in its conclusions. The Environment Agency's surface water flooding maps show that the majority of the site has a very low risk from surface water but parts of the eastern portion of the site have a low risk with the access track having a higher risk. Any incidents are considered to relate to the boundary watercourses and the low flood risk depths are very low – between 150 to 300mm. As the panels are 0.8 metres above ground they will remain above these levels. The inverters are to be located outside of these areas. However, the DNO substation has to be located close to the point of connection to the overhead lines. The building and its compound would thus be raised around 300mm above the estimated surface water levels. Because of the infrequent need to visit the site and the fact that the access track would not be accessed by the public, the impact of any surface water flooding here is considered to be at low risk. The proposed development is considered to lead to a reduction in run-off rates because of the absence of ploughing and soil compaction, with the grassland under the arrays reducing infiltration acting as "sponge". Additionally, a number of swales are proposed along the downslope boundaries throughout the site; a gravel-filled trench would be provided around the DNO compound; the inverters would stand on granular sub-bases and all maintenance tracks will not be hard-surfaced.
- 3.14 A Heritage Assessment concludes that there is an overall low potential for below ground archaeological remains dating from before the medieval period, but a medium potential for archaeological remains from medieval times probably being either woodland or agricultural in character, but of low importance in exploring changes in the landscape during the medieval period. There is however a higher potential for below ground remains relating to post-medieval agriculture and a cluster of former dwellings in the south-east corner correlating to historic mapping for the location of Wood Cottages and for the remains of Dukes Farm which bordered the southern boundary. These remains are already recorded and thus there is likely to be no further potential for below ground remains.

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- 3.15 There are no above ground designated heritage assets within the site. However, there are eight designated assets beyond the site comprising three Grade 2 star listed buildings, three grade 2 Listed Buildings, a single Ancient Monument and a Registered Park and Garden. Five of these are nucleated around the scheduled Astley Castle moated site, fish-ponds, and garden remains including the Church, the stable block, the gatehouse, curtain walls and Astley Lodge a little apart from this complex. The Registered Park is the Arbury Estate some distance to the east and there is a small sandstone monument known as the Duke of Suffolk's Monument some way to the south of the site. The applicant's assessment concludes that there would be no direct impact on the fabric of any of these assets and that any impacts on their settings would be less than substantial because of separation distances, intervening topography and vegetation as well as proposed landscaping.
- 3.16 A Landscape and Visual Impact Assessment has also been submitted. This describes the general setting is one of a generally flat open agricultural and rural nature, with significant perimeter woodlands set on a low south-east slope with a degree of traffic disturbance from the local road network. Built development includes the modern farm buildings at Fitzroy Farm and the dwelling at Church Farm a little further to the north with some parts of Astley evident beyond intervening hedgerows and trees. The Assessment therefore concludes that overall, the site and its surroundings does display compliance with the relevant Character Area described in the North Warwickshire Landscape Assessment as the "Church End to Corley – Arden Hills and Valleys". In visual terms the report concludes that there is limited public visibility, mainly from footpath and road users and that footpath users would be most affected. In overall landscape impact terms, the Assessment concludes that the change to the landscape will be reversible and planting would improve mitigation, such that there would slight to moderate adverse harm to the overall landscape character. In respect of the visual harm the overall conclusion after mitigation planting is that the impact would also be slight to moderate because of the location of the footpath through the site, but that after decommissioning the impact would be neutral.
- 3.17 A Green Belt Evaluation first looks at the impact of the proposal on the openness of the Green Belt. It is concluded that there will be some visual and spatial harm, but that because the development is reversible and can be mitigated through increased planting, the overall impact on openness is relatively neutral. It then looks at whether there is any conflict with the five purposes of including land within the Green Belt. Its overall conclusion is that it does not, but that there would be temporary conflict with the purpose that seeks to "safeguard the countryside from encroachment". The Assessment concludes that the proposal, through the introduction of new structures and buildings would amount to inappropriate development and that this, although limited, would still have to carry substantial weight. The applicant refers to potential other harms as being of limited weight evidenced by the conclusions arrived at from the above Assessments. On the other side of the planning balance, he identifies a number of planning considerations – the urgent requirement for renewable energy as

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expressed through national energy policy; the need for energy security, the use of best available technology, the temporary and reversible life-span of the development, bio-diversity net gain, soil regeneration and farm diversification. He argues that the cumulative weight of these matters “clearly” outweighs the combined harms.

- 3.18 A Statement of Community Involvement describes the applicant’s approach to pre-application public consultation. It identifies a public exhibition held in Astley in September 2024; a postal notification to some 479 residential properties and 25 local businesses, posters in Astley and Arley and references on the Astley Parish Council website. There were 14 responses to the feedback and online survey forms. It is said that 12 were in favour and 2 objected. Matters raised by these returns and as expressed verbally at the exhibition related to construction traffic, site security, landscape impacts and whether it is an appropriate use of land. The proposal illustrated at pre-application stage was subsequently reduced in size as a consequence of this pre-application response. The submitted scheme as described in this report is smaller by some 6.5 hectares by removing panels from the field immediately north-east of the present site adjacent to Church Farm.
- 3.19 A Planning Statement is submitted which draws together the conclusions reached above and places them into a planning policy context referring to the Development Plan as well as to the NPPF and to National Energy Policy.

4. Background

- 4.1 Members will be aware that planning permission was granted in 2022 for the Astley Gorse solar farm immediately to the south-west of this current site using the same vehicular access onto Nuthurst Lane. Its planning reference is PAP/2021/0651. That site extended to 40 hectares and is anticipated to generate some 21MW of electricity, enough for 5100 houses.
- 4.2 The current proposal is described in much of the above documentation, as an extension to this previous permission which has not as yet been taken up.
- 4.3 Clarification with the applicant confirms that this present proposal will operate as a separate development with its own infrastructure and a different point of connection. It will however share the access track and its improvements onto Nuthurst Lane. It too, would be constructed and become operational, if permission is granted, after completion of the already consented scheme. It is described as being an “extension” because of its proximity to that consented scheme.
- 4.4 The applicant has been requested to provide a Cumulative Impact Assessment in regard of the consented site in addition to the documents outlined above.
- 4.5 The Plan at Appendix G illustrates the two sites together.

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy)

6. Other Material Planning Considerations

The National Planning Policy Framework 2024 – (the “NNPF”)

National Planning Practice Guidance – (the “NPPG”)

Climate Change Act 2008 and the 2019 Addendum

UK Solar PV Strategy 2014

Clean Growth Strategy 2017

Energy Security Strategy 2022

UK 25 Year Environment Plan 2018

National Planning Statement for Renewable Energy – EN3 – November 2023

The North Warwickshire Landscape Character Assessment 2010

7. Observations

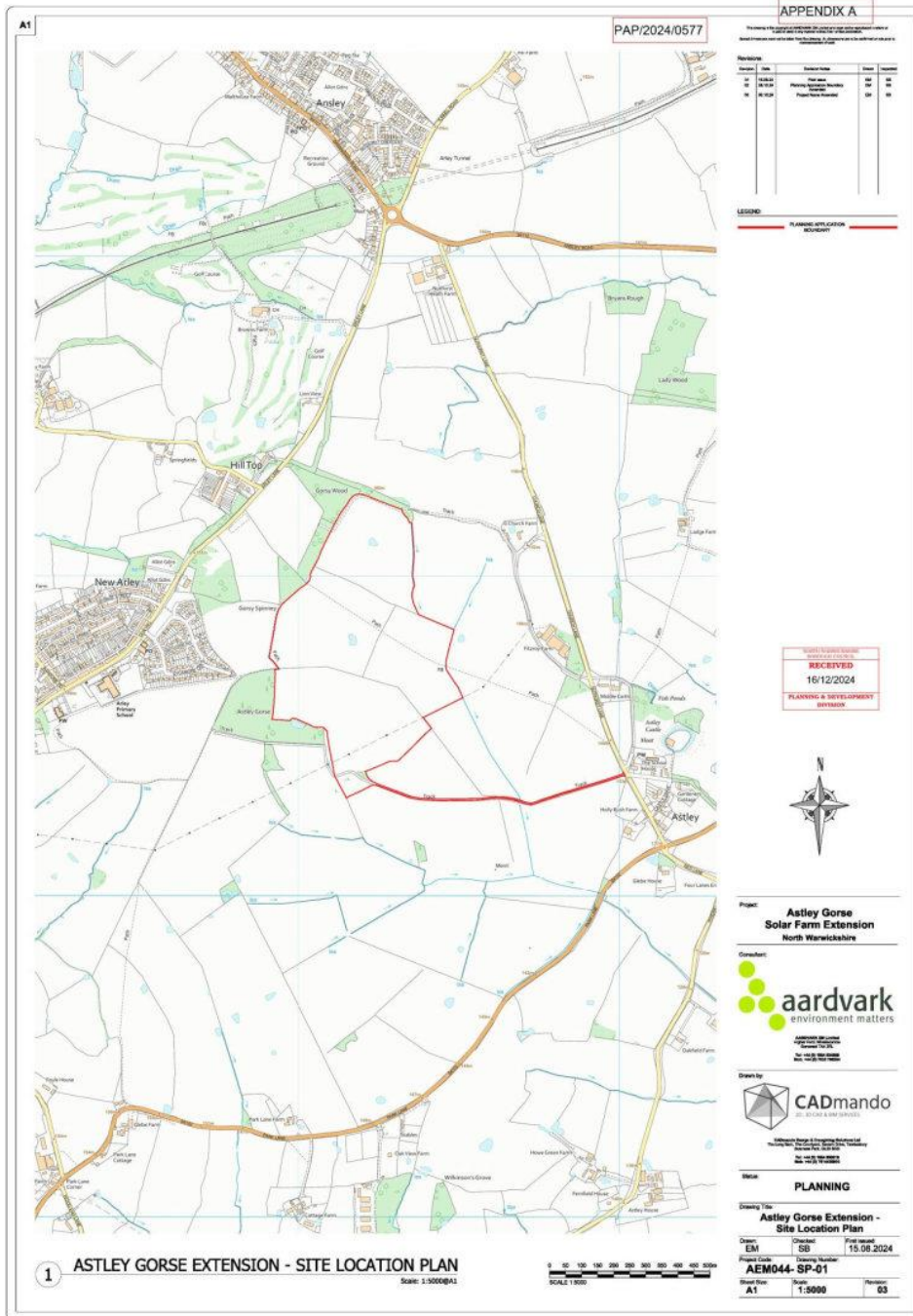
- 7.1 Members will be familiar with the planning issues involved with this type of application - it is the seventh application that has had to be determined. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the Green Belt and whether it conflicts with the purposes of including land within it. As in previous cases the use of agricultural land will need to be assessed as well as whether there are likely to be any flooding or traffic consequences.
- 7.2 However, in this case there is the added need to assess the cumulative impacts arising from an implementation of both the 2022 permission and the current application. This will in the main revolve around Green Belt, landscape and visual assessments. Additionally, the applicant should be requested to look wider and assess the cumulative impacts of the developments already permitted and the outstanding cases in this part of the Borough.
- 7.3 It is advised that as with the other cases, the Board should visit the site.

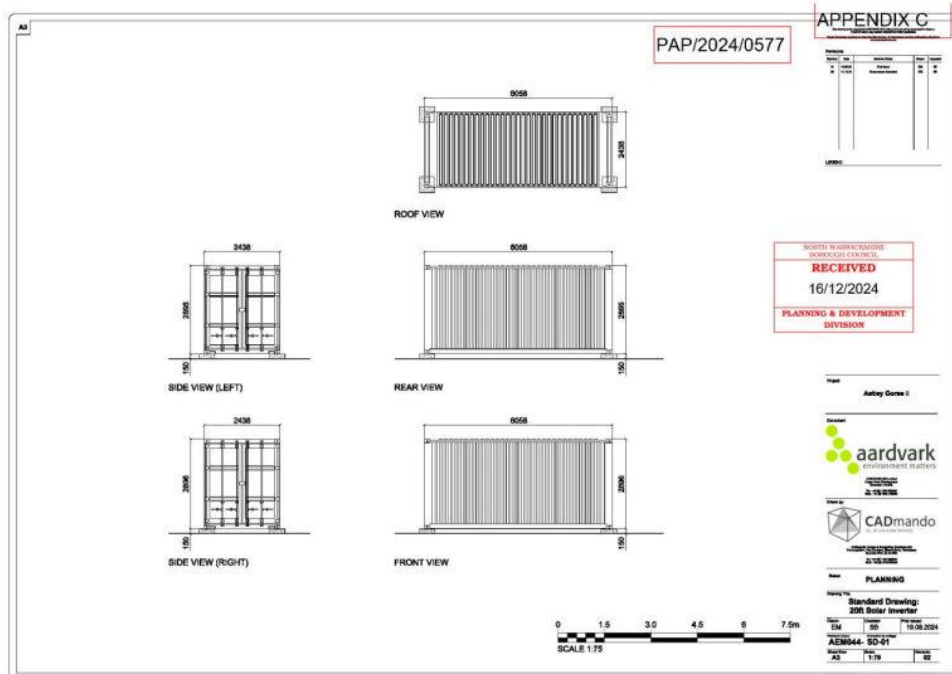
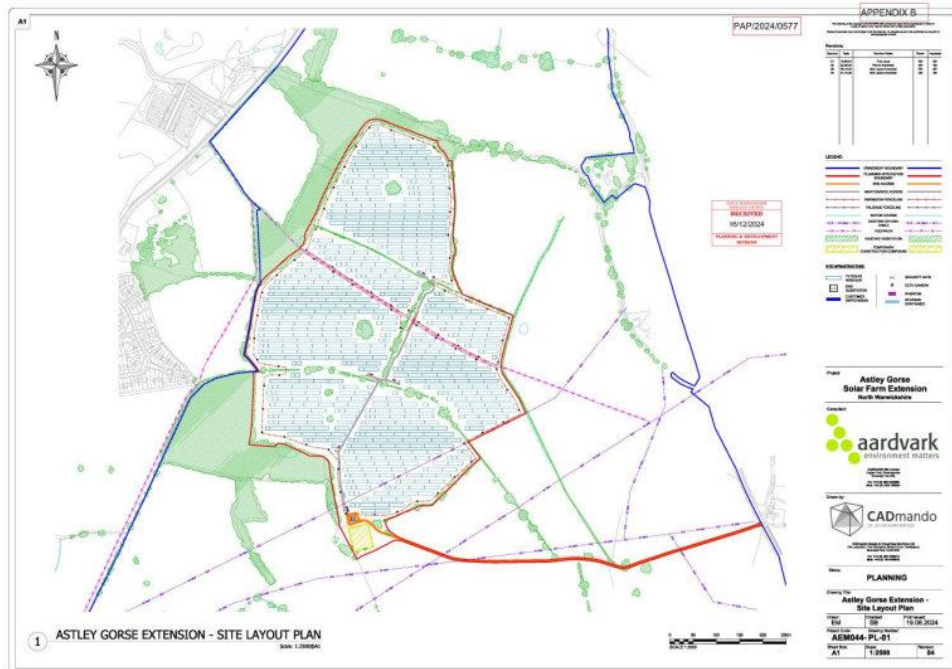
Recommendation

That the Board notes receipt of the application and visits the site prior to its determination.

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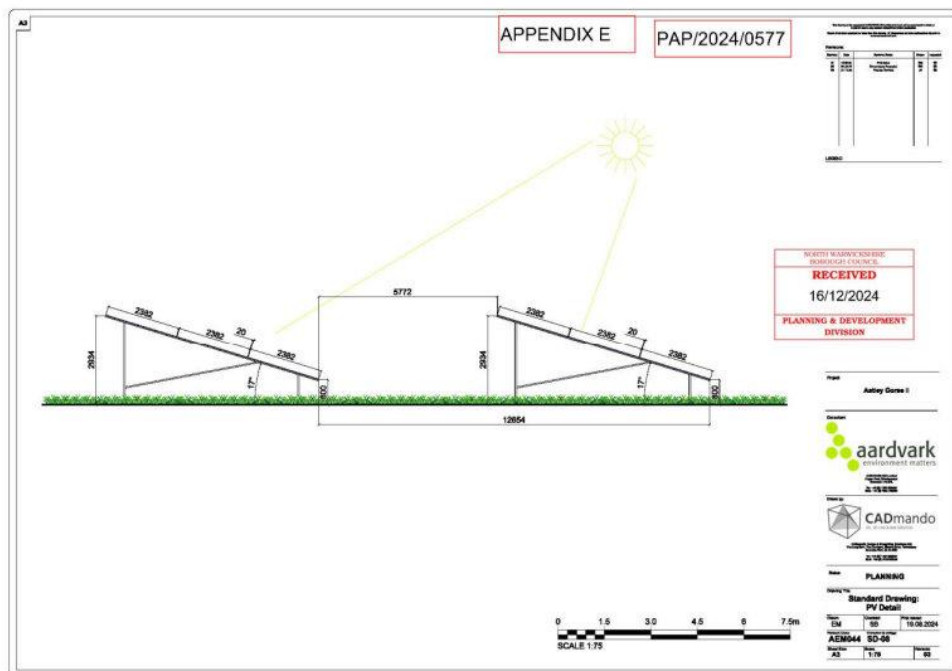
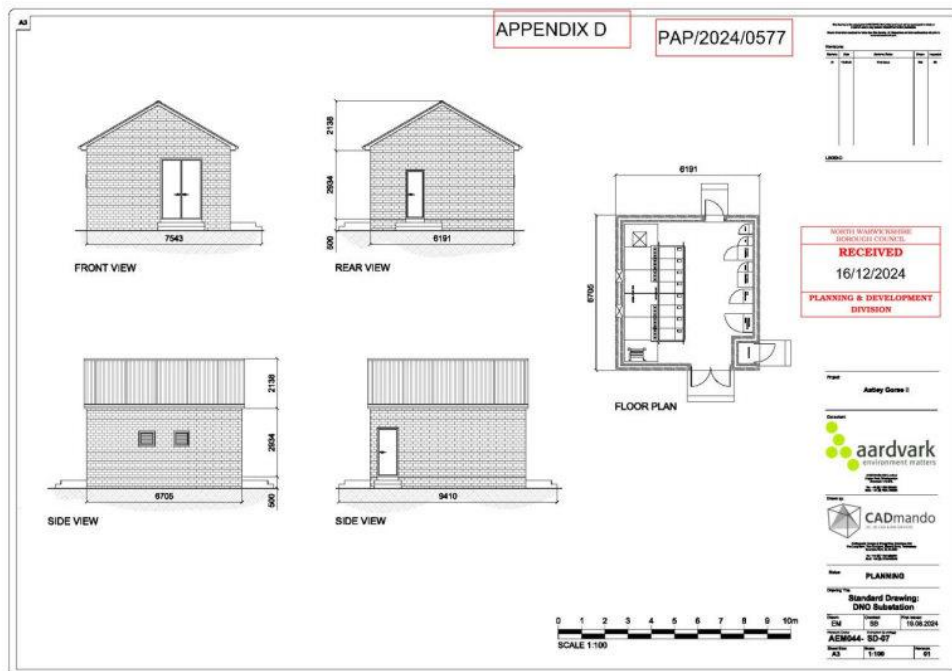
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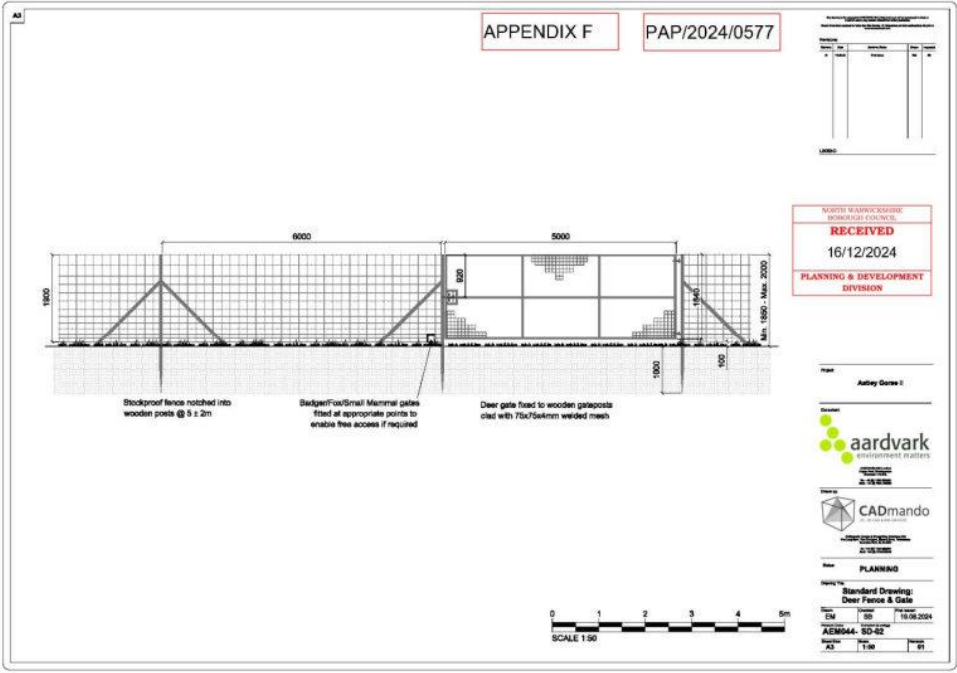
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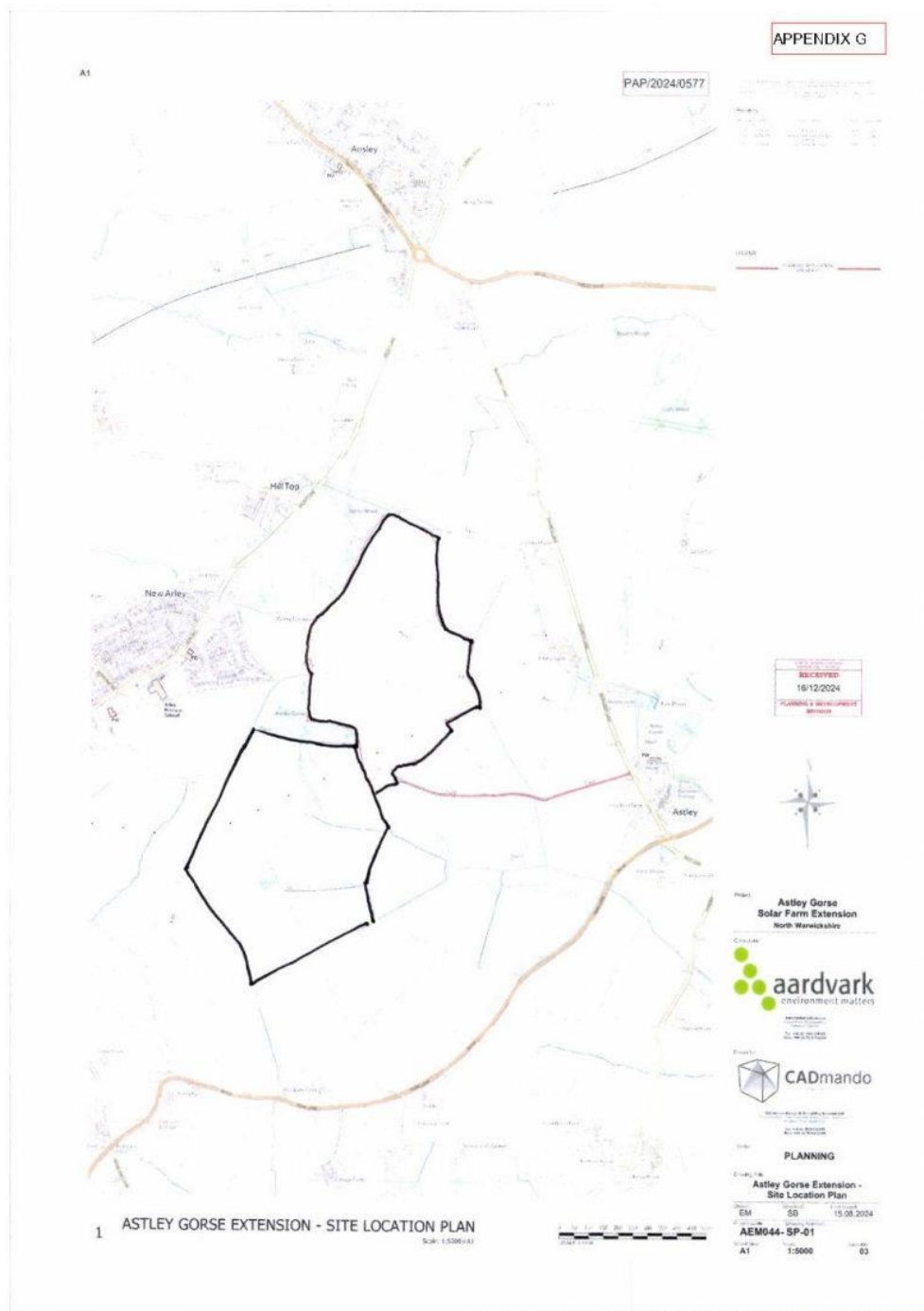
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Appendix B

PAP/2024/0575 - Astley Gorse Solar Farm

Site Visit – Friday 25th April 2024 at 1500

Present: Cllrs Bell, Dirveiks, Parsons, Philips, Ridley and Simpson together with J Brown

1. Members met at the Astley cross-roads and walked up Nuthurst Lane to where the public footpath – the M342/1 - leaves the road en-route to New Arley.
2. Prior to reaching this point, Members saw the vehicular access that is to be used for the solar farm site that had been approved a couple of years ago. This would also provide access to the current site.
3. At the footpath, members were shown plans of the proposed site.
4. A number of features were outlined and identified – the woodland areas to the north and west of the site, the existing tree and hedgerow cover, the location and route of Nuthurst Lane as well as that of the path that crosses through the site and the position of the approved site to the west.
5. The overall setting was seen – the ground levels, the slopes of the site and the surrounding land as well as the extensive views to the south.
6. Members also noted the absence of residential property.
7. Attention was drawn to the group of buildings at Astley – particularly to the Church and its tower.
8. The visit concluded at around 1530.



APPENDIX C

PAP/2024/0577



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■ Our ref: 2399/6491sb
Your ref: PAP/2024/0577

Mr J Brown
Planning Department
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

31 January 2025

Dear Mr Brown,

PAP/2024/0577 - PLANNING APPLICATION FOR THE 'PROPOSED EXTENSION TO THE CONSENTED ASTLEY GORSE SOLAR FARM (PAP/2021/0651) TO INCLUDE GROUND MOUNTED SOLAR PV PANELS, ANCILLARY INFRASTRUCTURE AND EQUIPMENT, LANDSCAPING AND ACCESS ARRANGEMENTS – LAND AT NUTHURST LANE, ASTLEY, WARWICKSHIRE, CV10 7QH

I write with reference to planning application reference PAP/2024/0577 for the *'proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements'* at Land at Nuthurst Lane, Astley, Warwickshire, CV10 7QH.

Just prior to the submission of this application, on the 12 December 2024, the Ministry of Housing, Communities and Local Government published the latest iteration of the National Planning Policy Framework (NPPF). This update includes reaffirmation of the Governments support for renewable energy development and now explicitly sets out at paragraph 168 that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

The updated NPPF also introduces a number of changes to the policy situation with regards to development within the Green Belt. The main change that is of relevance to the Proposed Development is the introduction of the notion of 'Grey Belt' land, which is defined within the NPPF Glossary as *'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

Following the introduction of the updated NPPF, planning decisions have begun to be made on the basis of the updated policy situation, including Appeal Reference: APP/V4630/W/24/3347424 for a temporary 49.35MW battery energy storage facility at land off Chapel Lane, Great Barr, Walsall. Within that appeal decision, the Inspector included an assessment of the proposal against Green Belt purposes (a), (b), and (d) contained within paragraph 143 and concluded that the site should be considered as Grey Belt. The Inspector went on to add that for the proposal to be considered as not

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inappropriate development it must also satisfy all of the criterion, a to d, listed in Framework paragraph 155. The Inspector then carried out an assessment of the proposals against these criteria and ultimately concluded that the proposal was not inappropriate development.

With regards to application reference PAP/2024/0577 (the Proposed Development), a Green Belt Assessment (Ref: 2399-R005) was prepared and submitted in support of the application. Whilst this assessment pre-dates the updated NPPF and does not include an assessment of whether the Proposed Development constitutes Grey Belt land, it does include an assessment of the site and Proposed Development against the Green Belt purposes set out in paragraph 143. With regards to purposes (a), (b) and (d) assessment concludes as follows:

Assessment Criteria	Assessment
GB Purpose (a) – To check the unrestricted sprawl of large built-up areas	<p>The topography and vegetative network of the Site, physically and visually separate the Site from the any settlement edge and would contain the Development limiting the perception of unrestricted sprawl and harm to this purpose of the GB.</p> <p>The Proposed Development would not represent 'unrestricted sprawl' in terms of its scale, in relation to existing settlements and remaining GB.</p> <p>The sensitive design of the Proposed Development proposes a solar array function as an extension to the existing solar farm that would operate within the extent of the existing field pattern; utilising existing and new vegetation, within and along the boundaries of the Site to visually contain the Development as far as possible.</p> <p>The type of development proposed is fully reversible (after its operational phase), meaning that any harm to this purpose would not be permanent.</p>
GB Purpose (b) - To prevent neighbouring towns merging into one another	<p>There would be no perceptible reduction in the distances between the settlements as a result of the existing vegetation (comprising field boundary hedgerows and woodland) that are within and surround the Site and in turn, visually contain it.</p> <p>In combination with the comprehensive landscape and ecological strategy, enhancement planting would further reduce intervisibility between the Proposed Development and the surrounding settlements.</p> <p>The perception of an unbuilt gap and separate identity of neighbouring settlements would remain intact.</p> <p>The proposal would not cause harm by way on GB purpose (b).</p>
GB Purpose (d): To preserve the setting and special character of historic towns	<p>The Site plays a limited role in this purpose of the GB. Whilst it forms part of the general countryside, the LVIA submitted with the application considers that Heritage designations identified as relevant in the baseline studies</p>

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	<p>include Astley Castle Scheduled Monument and a number of listed structures around Astley Village. There is also the 'Forest of Arden' area with effects demonstrated in the National Landscape Character Area 'Arden' above. Mitigation proposals include the low nature of the development which is well screened within the improved hedge network and the temporary nature of the development. The LVIA goes on to conclude that while there may be reduced levels of tranquillity upon the setting of the resource during the construction phase, but they are at some distance, and this will be low. These will improve upon operation and the mitigation planting will improve screening and reduce intervisibility with the site, such that their understanding within the landscape is not substantially and negatively impacted.</p> <p>Any limited harm to this purpose can be fully reversed on cessation of electricity generation.</p> <p>The proposal would not cause harm by way on GB purpose (d).</p>
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With the above in mind, it is our position that the Proposed Development should be considered by the Council as being 'Grey Belt' for the purposes of footnote 55 to paragraph 153 of the National Planning Policy Framework.

Turning to Paragraph 155, this states that *'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) *There is a demonstrable unmet need for the type of development proposed;*
- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*

Taking each of criterion a-d in turn, we would comment as follows:

Criterion a – This criterion requires that the development would not fundamentally undermine the purposes, when taken together, of the remaining Green Belt across the area of the plan. This is taken to mean an assessment of the proposal against all 5 of the purposes of the Green Belt. The impact on purposes (a), (b) and (d) has been considered above, concluding there would be no conflict. Purpose (c), encroachment, is also considered within the submitted Green Belt Assessment, where it is concluded that *'Given the nature and design of the Proposed Development, appreciation of the landscape as 'countryside' in terms of its fabric, including vegetation network and field patterns and in terms of its topography, would still be possible. The strategic performance of the GB would prevail, with the wider countryside continuing to provide a rural setting to local settlements, which would retain their countryside setting. Any limited harm to this purpose can be fully reversed on cessation of electricity generation.'* Regarding purpose (e), there is considered to be limited applicability to the Proposed Development.

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Criterion b - Requires a demonstrable unmet need for the development proposed. The demonstrable unmet need for renewable energy development is well established in both national and local planning (and other) policy. Most recently, The National Energy System Operator (NESO) published its Clean Power 2030 in November 2024. This report aims to provide advice on achieving clean power for Great Britain by 2030 and identifies a required expansion of UK Solar PV from 15GW to 47GW in order to displace gas, to meet growing demand and to replace retiring plants.

The associated Clean Power 2030 Action Plan: A new era of clean electricity (December 2024) sets out how the government will work with the clean power sector, including industry, trade unions, investors, policy makers and others to achieve our clean power goal, setting out the government's view of the pathway to 2030 and the steps needed to get there.

Successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK. This includes 45-47 GW of solar power, and the Action Plan outlines that accelerating clean infrastructure projects through the planning system is critical to achieving our goal and unleashing investment to support the Prime Minister's Growth Mission.

Turning back to planning policy, paragraph 161 of the NPPF which is clear that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. As previously stated, paragraph 168 now explicitly states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

This position has been reaffirmed through appeal decision reference APP/Q4625/W/24/3343977 for the installation of a battery energy storage system at Beechwood Farm, Hodgetts Lane, Berkswell, Solihull CV7 7DG, in which the Inspector found that *"The development proposed would provide substantial economic, social and environmental benefits. The submitted evidence also demonstrates the clear need for energy storage facilities. Collectively, these are significant considerations which attract very substantial weight in favour of the proposal."*

Criterion c - with reference to APP/N4630/W/24/3347424, 'Criterion C requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Framework paragraph 110 indicates that significant development should be focussed on locations that are or can be made sustainable, through limiting the need to travel. This paragraph goes on to say that opportunities to maximise transport solutions will vary between urban and rural areas, and this should be taken in to account in both plan-making and decision-making. Framework paragraph 115 seeks to ensure amongst other things, that sustainable transport modes are prioritised taking account of the type of development and its location, safe access can be achieved and any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated.

The thrust of Framework paragraph 110 appears to relate to development that would generate significant level of vehicle movements, particularly by car. With this development there would be 2 phases, the construction phase and the operational phase. During the [30-week] construction phase the development would lead to an increase in traffic on the road network of, on average, [three], 2-way vehicle movements per day. During the operational phase, there would one van accessing the site on 2 occasions per month. This level of traffic movement is not significant, nor would it have an unacceptable effect of highway capacity or safety. The Highway Authority has no objection on access or traffic generation grounds. Moreover, given the nature of the development, whether it was located in a rural or urban area, the scale of traffic generation could not be limited or changed to alternative transport modes. The requirement of criterion C of Framework paragraph 155 is met.'

Criterion d - Criterion d, the "Golden Rules" does not apply here.

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As a result of the above assessment, it is concluded that the relevant criteria contained in Framework paragraph 155 are met and this development does not fall to be considered as inappropriate development in the Green Belt.

The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

I trust that the information above and enclosed is sufficient for you to proceed with the determination of the application, however should you require any further information / clarification, please do contact me.

Yours sincerely



Steve Boundy BA Hons MSc MRTPI
Associate Planning Consultant
For Aardvark EM Limited

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APPENDIX D

PAP/2024/0577



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■ Our ref: 2399/6492sb
Your ref: PAP/2024/0577

Mr J Brown
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14 February 2025

Dear Mr Brown,

PAP/2024/0577 - PLANNING APPLICATION FOR THE 'PROPOSED EXTENSION TO THE CONSENTED ASTLEY GORSE SOLAR FARM (PAP/2021/0651) TO INCLUDE GROUND MOUNTED SOLAR PV PANELS, ANCILLARY INFRASTRUCTURE AND EQUIPMENT, LANDSCAPING AND ACCESS ARRANGEMENTS – LAND AT NUTHURST LANE, ASTLEY, WARWICKSHIRE, CV10 7QH

I write with reference to planning application reference PAP/2024/0577 for the '*proposed extension to the consented Astley Gorse Solar Farm (PAP/2021/0651) to include ground mounted solar PV panels, ancillary infrastructure and equipment, landscaping and access arrangements*' at Land at Nuthurst Lane, Astley, Warwickshire, CV10 7QH.

Following submission of the above application, a cumulative impacts note has been requested in order to draw together the conclusions of the relevant assessments in respect of cumulative impacts of the proposed development in conjunction with the adjacent consented Astley Gorse Solar Farm (PAP/2021/0651) and also with other renewable energy development identified by the Case Officer within the wider locality. The other sites identified to be considered are set out in Table 1 below.

Table 1 - Renewable energy development within the wider locality		
Application Refence	Description	Status
PAP/2021/0605	Solar farm and Battery Energy Storage, Land 350 metres north west of Marlwood Bungalow & Land east of Breach Oak Lane, Corley, Smorral Lane, Astley	Approved
PAP/2022/0544	Solar Farm, Land 550 Metres East Of Vaults Farm, Astley Lane, Astley	Approved
PAP/2023/0071	Solar Farm, Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley	Refused – Appeal Pending

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Assessment of cumulative impacts with the consented Astley Gorse Solar Farm (PAF/2021/0651)

The consented Astley Gorse Solar Farm obtained planning permission in July 2022 and construction is set to commence imminently. The proposed development functions as an extension of the consented site being located immediately adjacent to the north. Consequently, there is potential for cumulative impacts arising from the two schemes together including in respect of the following:

- Green Belt
- Landscape and Visual Impacts
- Historic Environment
- Noise
- Glint and Glare
- Flood Risk
- Agricultural Land

Cumulative impacts relating to these topics has generally already been assessed within the relevant technical documents submitted in support of the application. This note draws this assessment information together into a single place and includes additional commentary where necessary.

Taking each topic in turn;

Green Belt

A full Green Belt Assessment (2399-R005) is submitted in support of the proposed development. A comparable assessment was provided in respect of the consented scheme. Table 2, below, sets out a further cumulative assessment of the two development together on Green Belt purposes.

Table 2 – Cumulative Assessment of Green Belt Purposes	
Assessment Criteria	Assessment
GB Purpose 1 – To check the unrestricted sprawl of large built-up areas	<p>The topography of, and vegetative network surrounding both the consented and proposed development, physically and visually separate them from any settlement edge and would contain the two developments limiting the perception of unrestricted sprawl and harm to this purpose of the GB.</p> <p>Cumulatively, the consented and proposed developments would not represent 'unrestricted sprawl' in terms of their scale, in relation to existing settlements and remaining GB.</p> <p>The sensitive design of the Proposed Development proposes a solar array which will function as an extension to the existing consented solar farm that would operate within the extent of the existing field pattern; utilising existing and new vegetation, within and along the boundaries of the Site to visually contain the Development as far as possible.</p> <p>The type of development proposed is fully reversible in respect of both sites (after their operational phases), meaning that any harm to this purpose would not be permanent.</p>

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<p>GB Purpose 2 - To prevent neighbouring towns merging into one another</p>	<p>There would be no perceptible reduction in the distances between the settlements due to the existing vegetation (comprising field boundary hedgerows and woodland) that are within and surrounding the Site and in turn, visually contain it.</p> <p>In combination with the comprehensive landscape and ecological strategy, enhancement planting would further reduce intervisibility between the Proposed Development and the surrounding settlements. The same is true of the consented site.</p> <p>The perception of an unbuilt gap and separate identity of neighbouring settlements would remain intact.</p> <p>There would be no cumulative harm in respect of GB purpose 2.</p>
<p>GB Purpose 3: To assist in safeguarding the countryside from encroachment</p>	<p>Given the nature and design of the proposed and consented developments, appreciation of the landscape as 'countryside' in terms of its fabric, including vegetation network and field patterns and in terms of its topography, would still be possible.</p> <p>The strategic performance of the GB would prevail, with the wider countryside continuing to provide a rural setting to local settlements, which would retain their countryside setting.</p> <p>Any limited cumulative harm to this purpose can be fully reversed on cessation of electricity generation.</p>
<p>GB Purpose 4: To preserve the setting and special character of historic towns</p>	<p>The two sites plays a limited role in this purpose of the GB. Whilst it forms part of the general countryside, the LVIA submitted with the application has considered that there would be no significant adverse impacts that would arise because of the Proposed Development including cumulatively with the consented scheme.</p> <p>Any limited harm to this purpose can be fully reversed on cessation of electricity generation.</p> <p>The proposal would not cause cumulative harm by way of GB purpose 4.</p>

The submitted Green Belt Assessment (2399-R005) sets out detailed consideration of the proposed development in respect of its impact on openness and other harm. For brevity, I will not seek to repeat that here other than to set out that The concept of "openness" in paragraph 142 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is "*to prevent urban sprawl by keeping land permanently open...*". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. It is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development; some forms of development are appropriate and as such are compatible with the concept of openness¹.

¹ (Roao Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 at [22]

The word 'openness' is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs...and factors relevant to the visual impact on the aspect of openness which the Green Belt presents². It is clear from '*Samuel Smith*' (footnote 1) that visual impact is a factor that may be material to the assessment of openness, and it will be for the decision maker to determine whether it is to be taken into account in any individual case.

One factor which can affect appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects³. The Application is for a 40-year temporary permission and at the end of this period the development will be decommissioned and the site returned to agricultural use. The nature of the development means that it is fully reversible, and this is therefore considered to be relevant to its acceptability within the Green Belt. This is also true of the consented scheme.

Insofar as visual impacts are considered relevant to the assessment of the impact on openness (including cumulatively), it is necessary to draw upon the submitted LVIA. This document concludes that the Proposed Development will result in some harm to the openness, however the site is enclosed by topography and existing vegetation/ woodland to the north and west, where much of the rest of the Green Belt is located, and this diminishes the visual connectivity. The following mitigation measures have been proposed to reduce this impact as much as possible:

- The perception of a loss of openness is reduced from many locations by the careful placing of mitigation planting. However, some views of the development remain at others.
- Although the landscape cover is changed, the field pattern is unaltered by the proposals, with all existing hedges retained.
- Some landscape character elements are enhanced such as habitats, new hedges and trees.
- The proposals are temporary and fully reversible.

Notwithstanding the above, just prior to the submission of this application, on the 12 December 2024, the Ministry of Housing, Communities and Local Government published the latest iteration of the National Planning Policy Framework (NPPF). The updated NPPF also introduces a number of changes to the policy situation with regards to development within the Green Belt. The main change that is of relevance to the Proposed Development is the introduction of the notion of 'Grey Belt' land, which is defined within the NPPF Glossary as '*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (c) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*'

A 'Grey Belt Update' (reference: 2399/6491sb) has now been prepared and is submitted in support of the proposed development. This document sets out that the relevant criteria contained in Framework paragraph 155 are met and this development does not fall to be considered as inappropriate development in the Green Belt.

² per Sales LJ *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 at [14]

³ *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin) at [67]; (upheld at [2014] EWCA Civ 825)

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The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

Landscape and Visual Impacts

The submitted Landscape and Visual Impact Assessment (LVIA) sets out that the development site has been considered cumulatively with other, ground mounted solar array developments in the locality. Four sites were identified for cumulative assessment, one being the adjacent 'Consented' of this development (the other three being those set out within Table 1). Cumulative landscape change was considered to be reduced as the sites are all well dispersed in the landscape and three did not occur in the same context as the development site. The adjacent Consented site does occur in this context, and both together are quite large and will involve a temporary loss of the pastoral landscape to PV development, with a perception that it is a change in character at a local level. The impact was considered slight/ moderate adverse.

For cumulative visual change this separation of the developments was also apparent with intervisibility only between the Consented and Proposed Development. The visible change is temporary but very visible from close to, and to the south and east and the impact was considered moderate adverse.

These cumulative impacts are factored into the overall conclusion of the submitted LVIA, which sets out that the proposal's siting and design have been undertaken with a careful understanding of the Site and its context and potential impacts on landscape and views. This has led to a Proposal which responds strongly to the existing landscape structure of the Site, as well as integrating the Proposal with the wider surrounding landscape in the medium to long-term. The assessment concludes that there is capacity for the landscape to accommodate the Proposal without causing significant landscape harm to the surrounding area. Visual effects arising as a consequence of the Proposal would be largely limited in scale and extent, and they would reduce over time as the proposed mitigation planting matures. The effects would be reversible with the removal of the Proposal and the reinstatement of present land management.

Historic Environment

A Heritage Desk Based Assessment has been prepared and submitted in support of the proposed development. This assessment concludes that there will be no impacts to any known heritage assets and that any potential below ground assets are likely to be of low importance. Similar conclusions were drawn within the 'Heritage Impact Assessment' (ref 210925) that was submitted in support of the consented scheme.

Given the lack of potential for both the consented scheme and the proposed development to impact upon known heritage assets, it is considered that there is very little potential for impacts to arise cumulatively.

Noise

An updated Noise Impact Assessment has been provided (23-684 version 5) in order to fully assess the potential for cumulative impacts. This document now includes a 'Cumulative Sound Assessment' at section 6. The assessment demonstrates that the cumulative sound level is predicted to exceed the prevailing background sound levels in the area by less than 1 dB, which represents a 'Low Cumulative Impact' in BS 4142:2014+A1:2019 terms.

As part of the context, it is noted that the cumulative assessment assumes a very worst-case scenario of all plant in all developments operating simultaneously and downwind direction to all Noise Sensitive Receptors.

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As a worst-case, a 'Negligible' change in ambient sound levels could be experienced at a single Noise Sensitive Receptor during the daytime. This would be classed as 'Not perceptible' with reference to the IEMA guidelines and therefore within the range of No Observed Adverse Effect Level within the NPPG context.

Glint and Glare

The submitted Glint and Glare Assessment (dated 04 December 2024 and prepared by Neo Environmental) considers Cumulative Impacts of the consented site within section 8 of the report. The assessment concludes that impacts are 'none' upon all other ground-based receptors once mitigation measures were considered. Therefore, it is anticipated that there will not be any cumulative effects on ground-based receptors as a result of the construction of the Proposed Development.

Additionally, there are currently acceptable impacts upon one ATCT approach path at Birmingham Airport. However, these impacts will remain acceptable when taking into account the existing solar farm development. Therefore, it is anticipated that there will not be any cumulative effects on aviation receptors as a result of the construction of the Proposed Development.

Flood Risk

Both the consented scheme and the proposed development have been supported by a full Flood Risk Assessment and Drainage Strategy due to their size. The proposed development is also supported by an additional Technical Note (RMA/LC2798_1 – Astley Gorse Solar Farm Extension FRA Addendum). Both assessments demonstrate that there will be no increase in flood risk to the site or elsewhere and will remain safe for its operational lifetime.

Given there will be no impact from either site in this regard, it follows that there is also no impact cumulatively.

Agricultural Land

The applicant has submitted an accredited soils assessment as part of the application documentation. This demonstrates that the area of the site under consideration is formed of agricultural land classification (ALC) Subgrades 3b (57.9%), 3a (22.8%) and Grade 2 (14.9%), which is comparable to the consented scheme PAP/2021/0651.

The independent National Food Strategy Review (2021) shows that show solar farms do not in any way present a risk to the UK's food security. Indeed, the reverse is true: the solar industry is working closely with Britain's farmers to reduce their energy costs and improve the sustainability of their operations. It should also be noted that this review identifies climate change as the biggest risk to food production and as set out the proposed development will make a valuable contribution to the production of renewable energy, which is a major factor in addressing climate change.

The installation of both the consented and proposed developments is reversible, i.e. the agricultural land can be returned to its former agricultural productivity once the generation of renewable electricity has ceased, and the solar panels and associated infrastructure is removed.

It must also be considered that setting the fields aside from modern farming production for 40 years will improve soil biodiversity and fertility for future use i.e. increase in soil organic matter, increase in the diversity of soil flora, fauna and microbes, and improve soil structure. Therefore, as the proposal sets out that the site, once operational will be grazed, the loss of the land from full time agricultural use is acceptable. Therefore, development on agricultural land at both the consent and proposed sites would not significantly harm national agricultural interests in accordance with paragraph 187 and 188 of the NPPF and would comply with Local Plan Policy.

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Assessment of cumulative impacts with renewable energy development within the wider locality

PAP/2021/0605 Solar farm and Battery Energy Storage, Land 350 metres north west of Marlwood Bungalow & Land east of Breach Oak Lane, Corley, Smorra Lane, Astley

PAP/2021/0605 was consented in July 2022 and is located on the northern side of the M6 adjacent to Corley Services. At its closest point, PAP/2021/0605 is located ~2.5km south of the Proposed Development.

PAP/2022/0544 Solar Farm, Land 550 Metres East Of Vauls Farm, Astley Lane, Astley

PAP/2022/0544 was consented in July 2023 and is located on the northern side of the M6 adjacent to Corley Services. At its closest point, PAP/2022/0544 is located ~2.5km south east of the Proposed Development.

PAP/2023/0071 Solar Farm, Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley

PAP/2023/0071 was refused in July 2024 on the grounds of the development being inappropriate within the Green Belt. An appeal has been lodged against this refusal and a Public Inquiry is scheduled for 08 April 2025. At its closest point, PAP/2023/0071 is located ~4.0km southwest of the Proposed Development.

The submitted LVIA concludes that there will be no cumulative impacts between PAP/2021/0605, PAP/2022/0544, PAP/2023/0071 and the proposed development as the sites are well dispersed in the landscape and do not occur in the same context.

With regards to the potential for cumulative impacts on the Green Belt, the same broadly applies. Given the dispersal of these sites across the area, they are located within very different areas of the Green Belt meaning that there is little potential for cumulative impacts on the purposes of the Green Belt.

As previously stated, the applicant has submitted an accredited soils assessment as part of the application documentation. This demonstrates that the area of the site under consideration is formed of agricultural land classification (ALC) Subgrades 3b (18.3ha or 57.9%), 3a (7.2ha or 22.8%) and Grade 2 (4.7ha or 14.9%), which is comparable to the consented scheme PAP/2021/0651 and other approved schemes within the Borough (PAP/2021/0605 & PAP/2022/0544) which are set out in Table 3.

It should be noted that PAP/2023/0071 (which was recommended for approval and not refused on loss of agricultural land) resulted in the temporary loss of a significantly greater amount of Best and Most Versatile land than the proposed development. In the case of PAP/2023/0071 this amounted to 63.1ha of Grades 2 & 3a land, while the proposed development by comparison is just 4.2ha of Grades 2 & 3a land.

Table 3 - Agricultural Land Classification						
	PAP/2021/0605		PAP/2022/0544		PAP/2023/0071	
ALC or other land category	Area (ha)	Percentage of site	Area (ha)	Percentage of site	Area (ha)	Percentage of site
Grade 1	-	-	-	-	-	-
Grade 2	-	-	0.9ha	3.2%	16ha	24.24%

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Grade 3a	9	42%	3.3ha	11.8%	47.1ha	71.37%
Grade 3b	12.5	58%	20.8ha	74.3%	2ha	3.03%
Grade 4	-	-	2.9ha	10.4%	-	-
Grade 5	-	-	-	-	-	-
Non-agricultural	-	-	0.2ha	0.7%	0.9ha	1.36%
Total	21.5ha	-	28ha	-	66ha	-

The submitted Agricultural Land Classification is ultimately clear that the reversible solar farm development on predominantly Subgrade 3b, i.e., 57.9% of the Study Area, would not significantly harm national agricultural interests in agricultural land quality terms regarding paragraphs 187 (a, b) and 188 of the National Planning Policy Framework (December 2024).

Overall, it is therefore concluded that the proposed development is acceptable in terms of its cumulative impacts both with the consented scheme (PAP/2021/0651) and other similar schemes within the wider area.

I trust that the information above and enclosed is sufficient for you to proceed with the determination of the application, however should you require any further information / clarification, please do contact me.

Yours sincerely

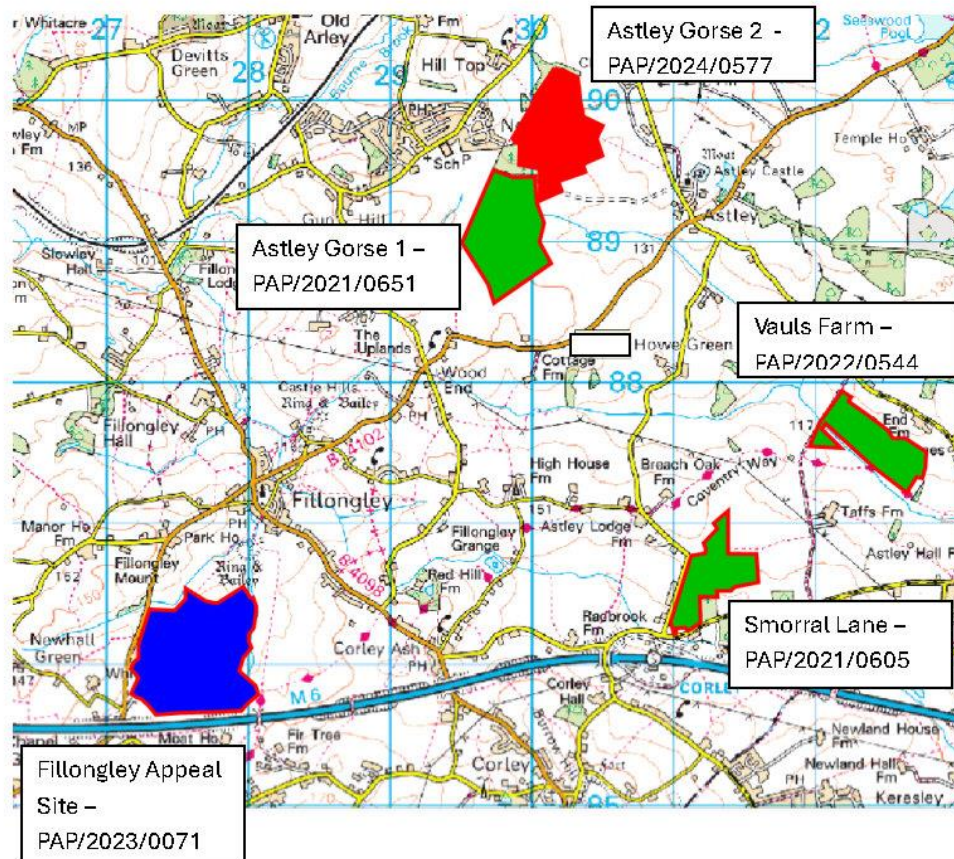


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Appendix E



General Development Applications

(5/e) Application No: PAP/2024/0395

Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ

Change of use of land to a residential caravan site for 6 Gypsy/Traveller families, each with one static caravan/ mobile home, together with erection of one amenity building, for

Mr Patrick Doherty

1 The Site

- 1.1 This is a part of a larger area of land on the east side of Bodymoor Heath Lane wholly sandwiched between it and the M42 Motorway. The whole site amounts to some 1.24 hectares in area and is largely flat. There are scattered residential properties along the lane and there is also access to a touring caravan site, a children's farm attraction and an activity centre all managed by the County Council in conjunction with its Kingsbury Water Park on the other side of the Motorway. The site has strong tree and hedgerow planting around it.
- 1.2 There are four private dwellings between the junction of the lane with the main road – including one directly opposite the site access and one dwelling adjoining the western boundary. The access to the Country Park attractions is reached just before the proposed site access.
- 1.3 A location plan is at Appendix A.

2. Background

- 2.1 In 2015, the previous owner, Mr Richards, made a planning application to develop the whole site – that is for the combined areas edged red and blue on Appendix A - as an equine business largely based around horses and donkeys being a visitor attraction particularly in connection with the operations of the nearby Country Park. This application was permitted and included a menage, 26 stables, an equine exercise walker, animal storage shelters and barns, plus ancillary office and reception facilities including a café and residential accommodation, six spaces for touring caravans and also parking space for up to 46 cars. This permission was then varied in 2016 so as to include a new shower block, temporary accommodation (caravans) for staff prior to the completion of the approved residential block and additional storage containers. The touring caravan number was reduced from six to four.
- 2.2 The layout of this 2016 permission is at Appendix B.
- 2.3 This permission was taken up with the construction of the approved barn and menage, together with some other infrastructure and use was made of the site for equine purposes. However, for various reasons, the full extent of the development was never built out – e.g. - the residential element, the reception/offices building and most of the stabling. The plan at Appendix C

illustrates what was built and by omission what was not implemented. However as with any planning permission, the development was started and therefore the whole scope of the 2016 permission remains extant.

- 2.4 Temporary planning permission was then granted in 2022 for the storage of 25 caravans on part of the site for a period up until 21 March 2024. This was never taken up and has now expired.
- 2.5 A plan illustrating the area for this caravan storage is at Appendix D.
- 2.6 More recently, it is understood that the former owner had difficulties in making the equine business viable and thus disposed of the whole of the site covered by the 2016 permission to the current applicant, who now owns that 2016 site.

3. The Proposal

- 3.1 The proposal is for the area edged red on Appendix A. This is for the change of use of this part of the wider site so as to accommodate a residential caravan site for six Gypsy/Traveller families, each with one static caravan/ mobile home, together with the erection of two amenity building for the 6 pitches. An illustrative layout is at Appendix E.
- 3.2 As can be seen, this application site covers 40% of the wider 2016 site. The remaining land - edged blue on Appendix A - would continue in use for the stabling and keeping of horses in line with the 2016 permission. The barn would be retained. Planning permission is still extant for the dwelling, and it is understood that the applicant intends to complete the dwelling and its garage to provide accommodation for someone operating the equine centre. He does not intend to build the visitor centre or permitted stables. The permitted shower block is to be used as one of the amenity blocks.

4. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP5 (Amount of Development), LP10 (Gypsy and Traveller Sites), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

5. Other Relevant Material Considerations

National Planning Policy Framework - February 2025 ("NPPF").

National Planning Practice Guidance ("PPG")

Planning Policy for Traveller Sites - December 2024 (the "PPTS")

6. Consultations

Warwickshire County Council as Highway Authority – No objection

Environmental Health Officer – There are concerns in terms of noise impact of the adjoining motorway on the residential amenity of future occupiers.

7. Representations

7.1 There have been fourteen letters of objection received from residents and one from the Camping and Caravan Club. The matters raised refer to:

- Loss of Green Belt land – it is inappropriate and affects its openness.
- Limited work carried out on the site since original permission for equine centre granted.
- Site is away from existing settlements.
- Previous use was legitimate use of rural land.
- There will be pressure for more development if allowed.
- The access is unsafe onto a very fast road.
- There will be a significant increase in traffic to the site
- There are no supporting services or jobs.
- Would set a precedent for similar sites.
- The family already live on a site at Mile Oak.
- If permission were granted more families would move onto the site over a period of time and unauthorised uses would take place on the site.
- Contrary to policy LP10 of the Local Plan.
- Planning policy for Traveller sites (PPTS) paragraph 16 indicates traveller sites are inappropriate development in Green Belt and should not be approved, except in very special circumstances.
- Paragraph 26 PPTS states that “traveller sites in rural areas should respect the scale of and not dominate the nearest settlement community” – this site would completely dominate the 3 cottages and other houses close by.
- Proposal would place additional pressure on local infrastructure and would be a disproportionate addition to Bodymoor Heath.
- There is insufficient sewage treatment for the site.
- Paragraph 17 PPTS indicates alterations to Green Belt should be done through local plan process.
- Site adjacent to Kingsbury Water Park and other attractions, inappropriate to grant permission adjacent to widely used leisure facility.
- Caravans not in keeping with the surrounding area.

8. Observations

a) Introduction

8.1 The site is in the Green Belt where inappropriate development is defined as being harmful by the NPPF. It continues by saying that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. This report will assess whether the proposal is inappropriate or not, as well as identifying any other harms. If the proposal is found to be inappropriate development, it will be necessary to look at the considerations put forward by the applicant in support of the proposal. It will then

make a judgement on this planning balance to see whether those considerations clearly outweigh the cumulative harms caused. If it is not inappropriate development, then harms other Green Belt will need to be identified and assessed against the applicant's considerations in the planning balance.

8.2 The report below will refer to the purposes of including land within the Green Belt. For the benefit of Members these are set out in paragraph 143 of the NPPF and are:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another,
- c) To assist in safeguarding the countryside from encroachment,
- d) To preserve the setting and special character of historic towns, and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

b) Inappropriate or Not Inappropriate Development

8.3. It is agreed that the applicant is a gypsy/traveller as defined by the PPTS. He has indicated that the six pitches will be used by his family, both elderly parents and his children who now have their own children. At present they are all living within the caravans at the rear of a property in Tamworth Borough Council's jurisdiction. The applicant indicates that the current site is severely limited with no toilet and shower facilities and limited bathroom and washing facilities.

8.4 Traveller sites, whether temporary or permanent, are defined as being inappropriate development in the Green Belt by virtue of paragraph 16 of the PPTS, unless the exceptions set out in Section 13 of the NPPF apply. It is thus necessary to look at this section of the NPPF.

8.5 In this regard, Members will be aware of the changes to the NPPF in December 2024 – the introduction of “grey belt” land within the Green Belt. The first issue is thus to establish whether the proposal meets the definition of grey belt land as set out in the Glossary to the NPPF.

8.6 It is agreed that the site is “previously developed land” as also defined in the Glossary to the NPPF by virtue of the implementation of the 2016 planning permission. This indicates that the site could well be grey belt land. The NPPF definition continues by saying that to be “grey belt land”, the site should not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the NPPF as set out above, and that Footnote 7 of the NPPF does not apply.

8.7 Looking at purpose (a), then there is no definition of “sprawl” in the NPPF, but the PPG says that the assessment of whether there would be conflict with purpose (a) depends on the relationship of the site with “large built-up areas.” Here the site is visually, spatially and physically some distance away from such areas – i.e. Nuneaton, Bedworth, Coventry and Birmingham - separated by open countryside such that it is discrete from any large built-up area. In respect of purpose (b) then the site would not in itself lead to the merging of neighbouring towns for the same reasons as above and as significant open land would remain between the site and neighbouring towns. Purpose (d) does not apply in this

case as there are no nearby historic towns. In respect of Footnote 7 - whether there is a strong heritage or ecological reasons for refusal - the later paragraphs in this report will address such policies, but for the present time it is considered that they would not provide a strong refusal reason. As a consequence of all of these matters, it is considered that the application site is "grey belt land" within the Green Belt.

8.8 It is thus now necessary to assess whether the proposal is inappropriate or not inappropriate development in the Green Belt because it utilises grey belt land. The four conditions for this assessment are set out in para 155 of the NPPF. In order to do so the proposal has to meet the terms of all four. The conditions are:

- i) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan;
- ii) There is a demonstrable unmet need for the type of development proposed;
- iii) The development would be in an unsustainable location with particular reference to paragraphs 110 and 115 of the NPPF; and
- iv) Where applicable the development proposed meets the "Golden Rules" requirements as set out in paragraphs 156 -157 of the NPPF.

8.9 In terms of the first condition of paragraph 155, this requires an assessment against all five purposes of Green Belt. It says that to be not inappropriate development, it should not "fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan". Paragraphs (a), (b) and (d) have been assessed above. As to purpose (c), encroachment, it is considered that the scope and scale of the extant fall-back development both of the site and its setting, would mean it would be difficult to argue that the proposal would lead to further encroachment into countryside. The proposal would thus not fundamentally undermine this purpose over the remaining Green Belt in the Borough. Regarding purpose (e), it would be difficult to argue that this would assist in urban regeneration especially as the land is already defined as being previously developed land. In these circumstances it is considered that the proposal would satisfy this condition. In terms of the second condition of 155, it is acknowledged that Planning Inspectors in recent traveller appeal decisions have found that the Borough does not have a five-year supply of gypsy and traveller sites, and thus there is a demonstrable unmet need for the type of development being proposed. This condition would thus be satisfied. The third condition refers to the site being in a sustainable location, with particular reference to paragraph 110 and 115 of the Framework. The site is within a rural area and the nearest significant settlements are Kingsbury and Tamworth. It is not considered that the site is within a sustainable location and all journeys would be car borne. The third limb of paragraph 155 would therefore not appear to be fulfilled. However, there are two material planning considerations of substantial weight to be balanced against this finding. The first is the scale and scope of the extant 2016 planning permission. It enables significant traffic to travel to and from the site to visit the premises and the 2022 caravan storage consent, albeit for a temporary period, added weight to this. Moreover, the application is for a travelling family and not for a settled family. It is in these circumstances that no weight would be given to condition (c) in this particular case. Fourthly, in terms of the meeting the final

condition in respect of the “Golden Rules”, these only apply to “major development involving the provision of housing... on sites in the Green Belt subject to a planning application”. Major development is defined in the Framework glossary as: “where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The site area is 0.44 hectares so is not a major planning application and thus the proposal does not engage with the Golden Rules. It is also made clear in paragraph 18 of the PPTS that the “Golden Rules” do not apply to traveller sites. Given the proposal meets all of the four conditions in paragraph 155, this proposal would not be inappropriate development in the Green Belt.

8.10 In these circumstances, it is advised that the proposal would utilise grey belt land within the Green Belt and that it would not be inappropriate development because it meets all of the relevant conditions in this regard. A Green Belt reason for refusal here is therefore not applicable. Additionally, the matter of whether the proposal preserves openness or not, is neither a material planning consideration in its determination.

8.11 It is still necessary however, to consider whether any other harms are likely to be caused.

c) Other Harms

i) Landscape

8.12 Local Plan policy LP14 says that development should “look to conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”.

8.13 The site lies in the “Tamworth – Urban Fringe Farmlands” Landscape Character area as defined by the 2010 Landscape Character Assessment which is referred to in this Policy. This area is characterised by “an indistinct and variable landscape with relatively flat open arable fields and pockets of roads, bordered by the settlement edges of Tamworth, Dordon and Kingsbury”, and “generally the indistinct topography and combination of peripheral elements limits the open views to within the area”. Bearing in mind the relatively contained nature of the site, the scope and scale of recent permissions together with the degree of change that might be introduced in the event of a planning permission here, it would be difficult to indicate that the proposal causes landscape harm in the setting as described above. The degree of harm caused to the landscape character overall is considered to be of neutral weight.

8.14 It is thus concluded that there is no conflict with Local Plan policy LP14.

ii) Visual Impacts

- 8.15 Local Plan policy LP1 says that all proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area. Policy LP30 says that all proposals should harmonise with both the immediate setting and wider surroundings.
- 8.16 As above, given the setting; the established lawful use, the degree of activity associated with that as compared to that which might arise from the proposal and the scale of the proposal, it would be difficult to conclude that adverse visual impacts would arise.
- 8.17 As a consequence there would be no conflict with these two policies.

iii) Heritage Impacts

- 8.18 There are no heritage assets on or near to the site and neither would the proposal affect any underground assets. It is thus considered that no heritage harm would result.

iv) Drainage/Flooding Impacts

- 8.19 Local Plan policy LP33 requires that water run-off from new development must be no more than natural greenfield run-off and that developments should hold any surplus water back in the development site through the use of high-quality sustainable drainage systems.
- 8.20 It is of significant weight that the Lead Local Flood Authority has not commented on this proposal.
- 8.21 As such there is no conflict with Local Plan policy LP33.

v) Ecological Impacts

- 8.22 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. In this case the statutory requirements do not apply as it not a major application and the site already benefits from a permission. The proposal makes use of part of this site which currently is hard-standing.
- 8.23 There would thus be no conflict with this policy.

vi) Highway Impacts

- 8.24 Local Plan policy LP29 (6) requires developments to provide safe and suitable access for all users. Given that use will be made of the existing access; the extant planning permission and the Highway Authority not raising an objection, it is considered that there is no conflict with this policy.

vii) Impacts on Residential Amenity

- 8.25 Local Plan policy LP29 (9) requires development to avoid and address unacceptable impacts on neighbouring amenities. This is the case here given the scope and scale of the extant permission and there being no objection from the Environmental Health Officer. However, consideration also has to be given to the amenities of the future occupiers of the site under this proposal. Paragraph 135 of the NPPF sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings. The site is adjacent to the M42 and there is a significant amount of road noise to the site from the motorway which is north-west of the site. The proposal for residential homes is such that mitigation from noise to internal and external areas is required. However, as the caravans are mobile, it is unlikely that mitigation to the caravan can be provided in perpetuity. Again, in terms of external areas limited mitigation can be provided, this living environment will be a relatively poor level of amenity, however this must be balanced against other factors.

viii) Local Plan Policy LP10

- 8.26 Local Plan Policy LP10 deals with proposals for gypsy and traveller sites. The proposal does not accord with this policy as the site is in the Green Belt. However as reviewed above, it has been found that the proposal is not inappropriate development and thus a refusal under this Policy would not be advised.

d) The Harm Side of the Planning Balance

- 8.27 On this side of the balance there is the moderate harm to be given to the future occupiers due to the existing noise environment.

e) The Applicants Planning Considerations

- 8.28 It is now necessary to assess the other side of the balance. The applicant considers that because of the position of the development on previously developed land and because of the extant permission, that the impact visually is limited.
- 8.29 The second consideration advanced relates to the need for Local Planning Authorities to establish the size of the accommodation needs for the gypsy and travelling community and to identify and maintain a five-year supply of specific deliverable sites in up-to-date Local Plans. The applicant refers to the recent appeal at the Willows (Appendix F) as it provides the most up to date position in this respect. The Inspector here comments that the evidence base for the 2021 North Warwickshire Local Plan was prepared in 2019 and that the subsequent policy requirements in that Plan have now been met. Local Plan Policy LP5 identifies a need for a minimum of 19 pitches between 2019 and 2033 – that is until the end of the Plan period. The Inspector says that this number has already been met through the grant of planning permissions, but that it is a minimum figure and the continuing number of applications being received shows an on-going need which the evidence base for the Local Plan had under-estimated. It is agreed with the applicant that this consideration carries weight. The issue is what

weight should be attributed to it. There is substance to the applicant's assertion. The evidence base for the requirement set out in LP5 also looked beyond the end of the Plan period of 2033. It identified an on-going requirement beyond this date – a minimum of a further four pitches up to 2040 with a proportion of the undetermined need also having to be considered. In this most recent appeal decision cited – July 2023 – the Inspector concluded that “the need for gypsy and traveller sites in the Borough is not currently resolved” and that the Borough Council's programme for the adoption of a Development Plan Document to address the shortage had no timetable. He thus concluded that “there is no supply at all of deliverable sites to address any current need, yet alone a 5 years' worth of supply. The Council accepts there is no alternative and suitable site available for the intended occupants of the appeal development. The apparent unmet need for Gypsy and Traveller sites weighs significantly in favour of allowing the development.”. This consideration put forward by the applicant is considered to carry significant weight.

- 8.30 Officers have tried to ascertain for the personal circumstances of the applicants. The six pitches will be occupied by the members of the applicant's family which includes both elderly members and families with children. The elderly residents have some medical needs and the children on the site are hoping to attend the schools in either Kingsbury or Two Gates. Limited weight can be attributed to this issue.
- 8.31 The third consideration is the “best interests” of children. Policy E of the PPTS says that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” The applicant has said that in this case there would be one child of school age on the site and two others of nursery age. Officers have no knowledge of whether they are in any local schools in Tamworth, only that they intend to be schooled close to the site. It would be the case that the site could provide a settled base from which the families could access education and health care, however this is no more than currently exists for them in their current location within the settled community in Tamworth. There is therefore a neutral impact in the best interests of the children. In terms of the medical position of the applicant's family it is considered that the relatively “isolated” position of the site in open countryside away from doctors and medical facilities carries limited weight as there is no evidence as to the “severity” of those needs or whether they are unusual.
- 8.32 The applicant's considerations on the other side of the final planning balance are considered cumulatively to amount to significant weight.

f) The Planning Balance

- 8.33 The assessment of the balance is now set out. The development here is considered to be not inappropriate development in the Green Belt and therefore the balance here is an assessment of the cumulative harms caused by the development as set out in paragraph 8.27, against the considerations summarised in paragraph 8.32.

- 8.36 The final assessment is thus that whilst there would be harm to future occupiers, the overall need for the development is much greater. The recommendation is therefore that the application should be approved.
- 8.37 If the Board reaches a different conclusion, then Members are reminded that they will need to explicitly indicate where they depart from the assessments made in this report together with the evidence to justify that position, and to evidence the different weights that might be applied in the final planning balance.

Recommendation

That planning permission is **GRANTED** subject to the following conditions:

- 1) Three years implementation limit.
- 2) Standard plan numbers condition – plan numbers Dunton Stables site payout plan.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on the grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people, or circus people travelling together as such.

REASON

In order to recognise the very special circumstances of the case and thus to restrict the occupancy of the site.

- 4) There shall be no more than six pitches on the site and no more than two caravans (as defined by the Caravan Sites and Control of Development Act 1990 as amended by the Caravan Sites Act 1968 as amended), shall be stationed at any one time on each pitch, of which only one caravan shall be a static caravan.

REASON

In order to reflect the circumstances of the case and to restrict residential development to that of the occupier so as to preserve the openness of the Green Belt.

- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

REASON

In the interests of highway safety and the amenities of neighbouring occupiers.

- 6) No development shall commence until a landscaping scheme for the whole of the site, is submitted to the Local Planning Authority for approval. The approved scheme shall be implemented within the next available planting season following the Authority's approval. Upon implementation of the approved planting scheme specified in this condition, that scheme shall thereafter be maintained and any tree, hedge or shrub that is removed uprooted or destroyed or dies within five years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted.

REASON

In the interests of the visual amenities of the area.

- 7) No external lighting shall be installed or provided within the site unless full details of its design, location and the specification of the illuminance have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed on site.

REASON

In the interests of the visual amenities of the area and to protect the residential amenity of neighbouring occupiers.

- 8) Notwithstanding the details as shown on the approved plans, the Gypsy residential site use hereby permitted shall not commence until details of a foul water drainage scheme to serve the development has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details on how the drainage system is to be maintained. A foul water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.

REASON

To ensure acceptable drainage provision for the development.

- 9) Notwithstanding the submitted noise assessment, the Gypsy residential site use hereby permitted shall not commence until unit details of noise attenuation to the caravans and garden areas has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and how the attenuation will be provided for future caravans on the site. The noise attenuation shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.

REASON

In the interests of the future occupiers of the site and their amenity.

- 10) The Gypsy residential site use hereby permitted shall not commence until a surface water drainage scheme to serve the whole of the development, including the tarmac part of the access drive, has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details on how the drainage system is to be maintained. A surface water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.

REASON

To ensure acceptable drainage provision for the development.

11. The Gypsy residential site use hereby permitted shall not commence until details of a bin collection point have been submitted to and approved in writing by the local planning authority. A bin collection point shall be provided in accordance with the approved details prior to the first use of the site for residential purposes and shall thereafter be retained.

REASON

In the interests of highway safety.

- 12 The extent of the Gypsy residential site use hereby permitted shall be restricted to the areas defined on the approved plans as static pitch, touring pitch, patio area, garden area and parking area. No residential use including the stationing of caravans, parking or erection or provision of domestic paraphernalia shall take place on any other part of the site as defined by the dash red line on the approved plans.

REASON

In the interest of the openness of the Green Belt and to protect visual amenities of the area.

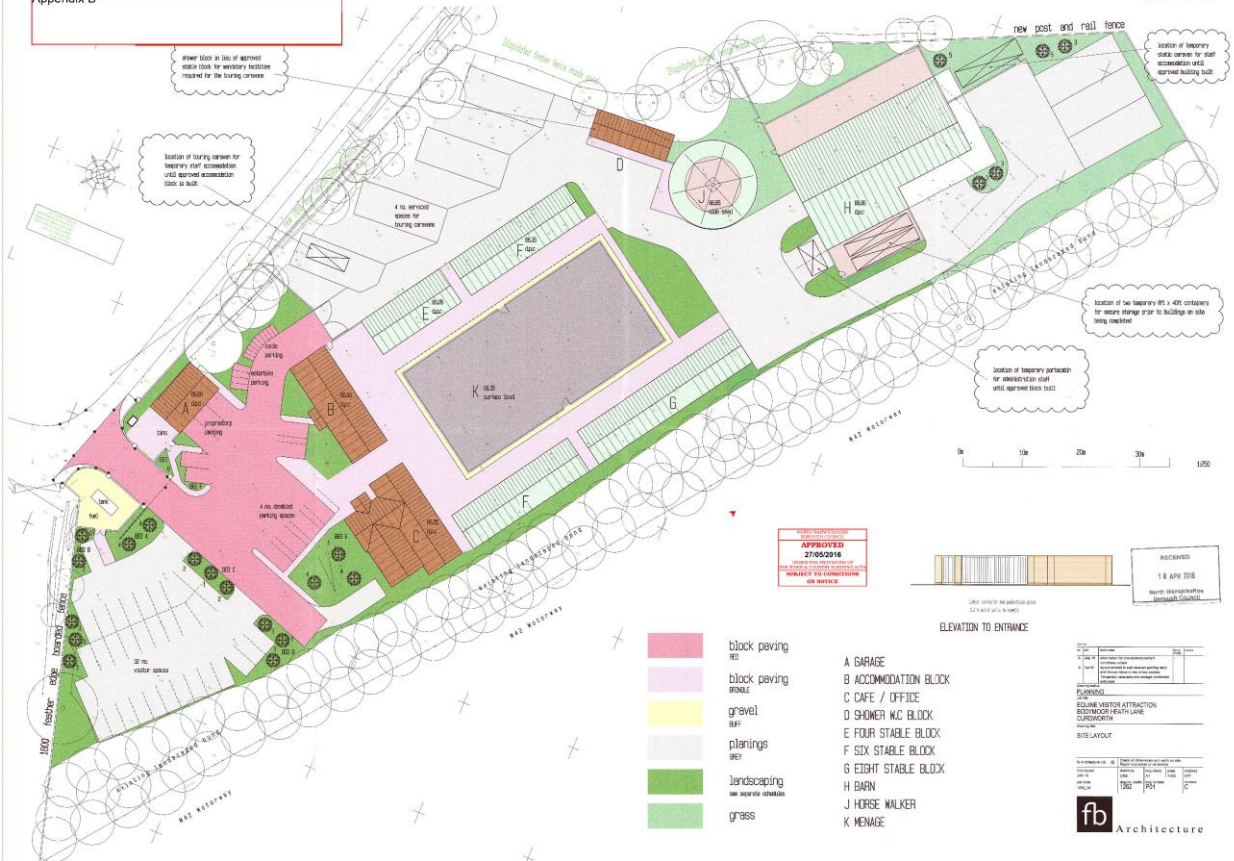
Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, Kingsbury, Warwickshire, B76 0EQ



Location Plan shows area bounded by: 420195.12, 296122.27 420435.12, 296422.27 (at a scale of 1:1250), OSGridRef: SP20349627. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.
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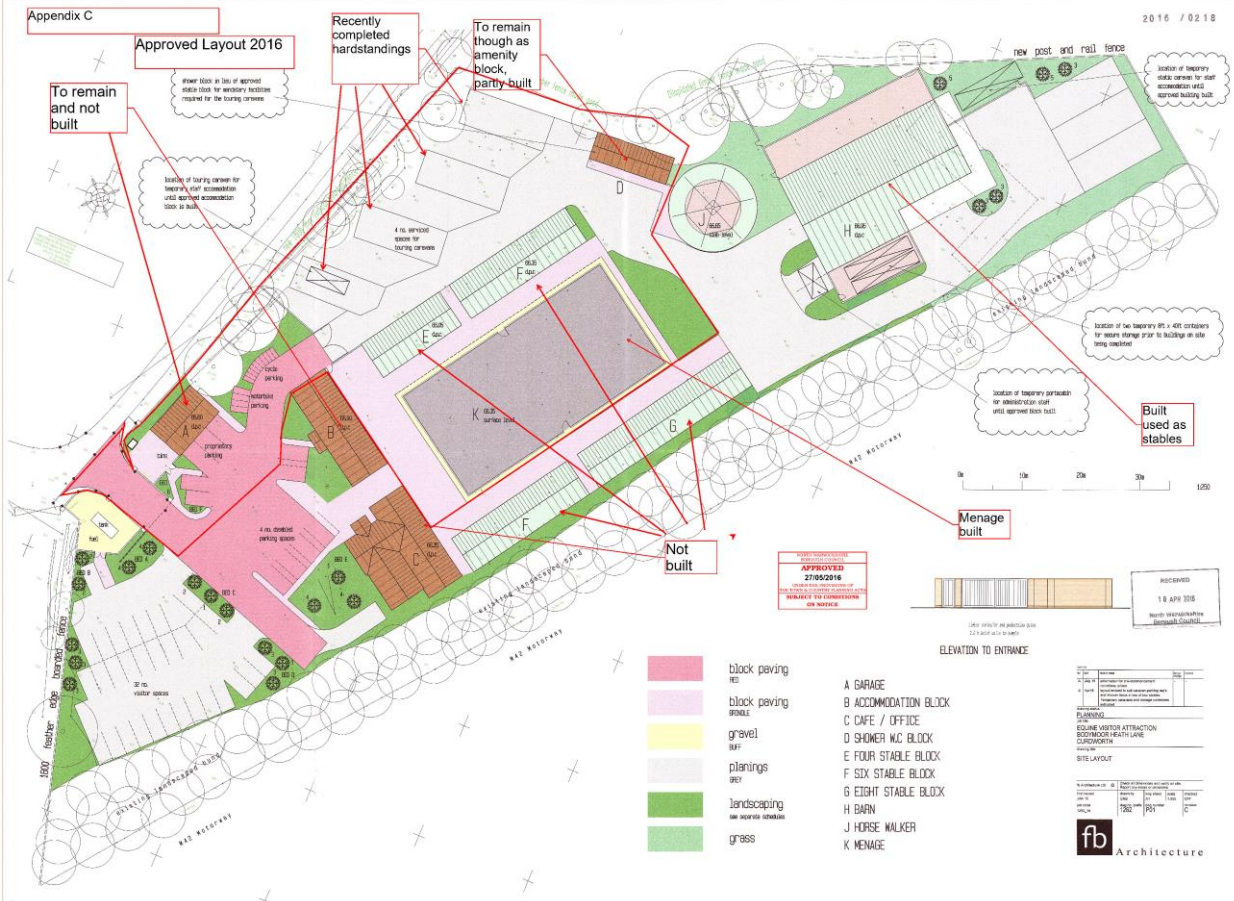
Appendix B

2016 / 0218



Appendix C

2016 / 0218



[illegible]

Appendix E - Proposed layout

NORTH WAIRYSSIDE BOROUGH COUNCIL
RECEIVED
22/08/2024
PLANNING & DEVELOPMENT DIVISION

M42

EXISTING BUND

ROSE COTTAGE

OLD BODINMOOR HEATH LANE

SCALE 1:500

0 25



Appeal Decision

Hearing held on 23 July 2024

Site visit made on 23 July 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2024

Appeal Ref: APP/R3705/W/24/3338275

The Willows, Tamworth Road, Cliff, Kingsbury, Warwickshire B78 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Doherty against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0191.
 - The development proposed is described as "the change of use of land for a single pitch Gypsy site, installation of septic tank and relocation of the access".
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for a single pitch Gypsy residential site, installation of septic tank, creation of access, driveway, parking area and patio, construction of bunds and erection of gate at The Willows, Tamworth Road, Cliff, Kingsbury, Warwickshire B78 2DS in accordance with the terms of the application, Ref PAP/2023/0191, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the header is taken from the application form. At the hearing, the appellant confirmed the Gypsy site was to be used solely for residential purposes. Also, it was confirmed that the development includes the creation rather than relocation of an access as well as the creation of a driveway, a parking area and a patio, construction of bunds and the erection of a gate. All of these features are identified on the drawing submitted with the planning application leading to this appeal. As such, no prejudice would be caused to any party by treating these features as part of the proposal. The description of development in my decision was agreed to by the main parties at the hearing and it reflects the various elements to the scheme.
3. The extent of bunding as shown on the appeal drawings has already been constructed, although in places it would appear to be less than 2.5m in height as annotated. Also, a gap in the roadside hedgerow has been formed at the position of the proposed access. In these respects, the development has commenced.
4. A revised National Planning Policy Framework (the Framework) has been published since the appeal was lodged. On the same day, the government published an amendment to the national Planning Policy For Traveller Sites (PPTS) and the definition it contains for Gypsies and Travellers. I have had regard to these revised documents in my assessment. The intended occupants

<https://www.gov.uk/planning-inspectorate>

of the site are the appellant and their family. The Council accepts that they meet the definition of Gypsies and Travellers as set out in the PPTS. My decision is made on this basis.

Main Issues

5. It is agreed between the Council and the appellant that the change of use to a Gypsy site represents inappropriate development in the Green Belt. In light of paragraph 16 of the PPTS, I find no reason to disagree with the parties on this matter. As such, the main issues are:-
 - the effect of the development on openness and on the purposes of Green Belt policy;
 - its effect on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Planning history.

6. The appeal site is a single field. Since 2019, there has been 3 appeal decisions relating to the same site. Appeal decision reference number APP/R3705/W/19/3220135 (hereafter referred to as the 2019 appeal) relates to a proposed change of the land to equestrian use and as a Gypsy site comprising of 5 pitches with dayrooms, stable block and ménage. This appeal was dismissed in November 2019. Appeal decision reference APP/R3705/W/19/3242521 (referred to as the 2020 appeal) relates to a scheme for change of the land to equestrian use and as a single pitch Gypsy site with day room. This was dismissed in June 2020. Most recently, appeal reference number APP/R3705/W/20/3260829 (2021 appeal) relates to the change in the use of land for stationing of caravans for residential use for a Gypsy-Traveller family with associated development. This was also dismissed in December 2021. I have had regard to these decisions in my assessment.

Effect on openness and purposes of Green Belt.

7. Prior to the construction of the bunds, I understand the appeal site was fairly flat and open. The bunding follows parts of the field boundary, stretches across the field towards the rear and follows part of the route of the proposed driveway. As such, it has a significant overall length as well as a height and a width. The bunding's mass and volume has reduced the site's spatial openness.
8. I saw the bunds largely covered by ruderal plant species and so they appeared as lines of higher vegetation rather than defined earthworks. Moreover, the bunds are set back from the road and they are seen from the pavement against the backdrop of mature trees beyond the rear of the field. The bunding has reduced visual openness by obstructing views across the site. Nonetheless, the field still maintains a degree of openness as it contains no buildings.
9. Overall, I find the bunding has resulted in a moderate loss of openness. As such, the creation of the bunds has not preserved openness and so it does not accord with the provisions of paragraph 155 of the Framework. The creation of the bunds in itself constitutes inappropriate development in the Green Belt.

10. The volume of the static caravan on the proposed residential pitch would lead to a loss of spatial openness. So too would the touring caravan, parked vehicles and the proposed gate. It is likely the development would lead to domestic paraphernalia on the garden area and patio, which would also erode spatial openness. The access, driveway, patio and drainage would be at or below ground level and so they would have no meaningful effect in these regards.
11. The pitch would be towards the rear of the site away from the road. Therefore, the caravans, parking and domestic paraphernalia would not be easily seen from off the site, particularly given the screening effect of the bunds and existing and proposed planting. Therefore, the pitch's effect on visual openness would be limited. The entrance gate would be more obvious from the road but it is likely to have only a minor effect on visual openness.
12. The introduction of a residential pitch into a field would go against the purpose of Green Belt policy to safeguard the countryside from encroachment. However, this would not be particularly obvious from public vantage points. The bunds themselves do not stand out as encroachment as their vegetated appearance is consistent with a rural area. The gate and access would indicate a non-agricultural use of the field and the development would generate activity typical of a residential property. Even so, the proposal would avoid a significant sense of encroachment as most of the front part of the field would be left open and planted. I find no conflict with any of the other purposes of Green Belt policy as set out at paragraph 143 of the Framework.
13. In summary, I consider the overall scheme would lead to a moderate loss of openness given its scale and its visual effects. The proposal would also slightly conflict with the purpose of Green Belt policy to safeguard the countryside from encroachment. I understand that other major developments in the area have already affected Green Belt openness but these have no influence on my assessment of the appeal development.

Effect on character and appearance.

14. The site lies in a predominantly rural area with roadside hedgerows, fields and belts of mature trees. Road traffic noise as well as several nearby properties all have an effect on its character and appearance but nevertheless the locality has an obvious countryside feel.
15. The North Warwickshire Landscape Character Assessment 2010 identifies the site as being in the Tamworth – Urban Fringe Farmlands area. This is described as predominantly open arable land with little tree cover, although it is also noted as being an indistinct and variable landscape with pockets of pastoral land and other uses. The Inspector for the 2019 appeal described the appeal site at that time as having an open and undeveloped rural character. As such, the evidence suggests the site prior to the construction of the bunds was consistent with a fairly open agricultural landscape.
16. The constructed earthworks follow fairly straight lines and so they do not appear as natural landforms as suggested by the appellant. Also, the bunds and the vegetation upon them have created a sense of enclosure, particularly to the rear part of the field. Therefore, to a degree they have diminished the open agricultural nature of the site.

17. At the same time, I understand from the evidence and discussions at the hearing that the adjoining field to the north of the site has also changed since the 2019 appeal decision. Whereas before it was an open field with little if any boundary hedgerow, I saw it now contains mowed grass and lines of sapling trees and hedges on the boundaries with Tamworth Road and Cliff Hall Lane. As such, the adjoining plot appears enclosed and not as open arable or pasture land. It is proposed to provide new native tree planting across most of the front part of the appeal site. Such landscaping would result in the site being similar in appearance to the neighbouring field when viewed from the highway.
18. The Council is concerned that the development would not preserve the pastoral character of the site and area. There is little evidence to indicate how the field was previously used and so I am uncertain whether the development would result in the loss of pasture land as claimed. In any event, the replacement of an open field with an area of trees and vegetated bunds would appear in keeping with the immediate surroundings to the site. Indeed, the provision of new tree planting as proposed would complement the existing area of saplings to the north. As they grow, the proposed trees would also supplement the belt of mature trees to the rear of the site.
19. The bunds and proposed planting would screen the residential pitch to the rear of the field so that it would not have any effect on views from the Tamworth Road. Also, it would not be visible from Cliff Hall Lane and the public footpaths to the north and south of the site due to the separation distances, local land form and intervening buildings and vegetation. The access and associated drive would be seen from the front of the site and from the upper floor windows of the house on adjoining land to the south. Such views and the associated coming and going of vehicles would undermine the site's sense of rurality. However, these would be fairly limited and localised visual effects that would be seen in the context of new tree planting.
20. In summary, I find the site overall would retain an obvious natural feel through new tree planting that would be consistent with features on adjacent land. The minor visual effects of the development would avoid significant harm to the qualities of the landscape and new tree planting would enhance the local landscape character. As such, I conclude the development would not have an unacceptable effect on the character and appearance of the area. In these regards, it would accord with policies LP10 and LP14 of the North Warwickshire Local Plan 2021 (the LP). Amongst other things, these look for new Gypsy sites to be assimilated into their surroundings without significant adverse effects and so as to conserve, enhance or restore landscape character.
21. My conclusion on this matter differs from that of the Inspectors for the 2019, 2020 and 2021 appeals. However, those decisions relate to different developments to the proposal before me. Compared to the previous schemes, the proposed pitch would be smaller and further from the road and so it would be less obvious. Also, the context to the appeal site has since changed. Therefore, it is not inconsistent for me to arrive at a different view on this issue.

Other raised concerns.

22. A number of other concerns have been raised by interested parties. Visibility splays at the proposed access would allow satisfactory sight of on-coming

- traffic and so the development would not prejudice highway safety, despite the speed of cars on Tamworth Road going past the site.
23. I was advised at the hearing that the bunds have been constructed of topsoil taken from the site itself with no imported materials. Without evidence to the contrary I am satisfied the earthworks have not caused ground contamination. I envisage no significant additional noise from construction activity as the bunds have mostly been completed.
24. Foul water drainage that avoids pollution could be secured through the imposition of a planning condition. Similarly, a condition could reasonably be imposed to secure surface water drainage features that avoid flood risk to the site itself or surrounding land. The site is near to but well above the River Tame and so the development would be at a low risk of fluvial flooding.
25. A summary of a protected species appraisal provided by the appellant indicates the development would cause no risk to protected species. I am advised the appeal site is not near any land designated for its ecological or nature value. No external lighting is proposed and a planning condition could be imposed to ensure any future lighting is controlled so as to avoid disturbance to wildlife. Sensitive, native planting could also be secured by planning condition. As such, I am satisfied the development would have an acceptable effect on biodiversity.
26. The site would accommodate a single additional household and there is no evidence to show that this would have any unacceptable impacts on the provision of local services and infrastructure. A single pitch would not dominate any settled community and I see no reason why the intended occupants would fail to integrate with the local community. The site is away from Kingsbury, the nearest settlement where there are schools, medical services and shops. However, the village is a short car journey from the site and there are nearby bus stops within easy walking distance that provide access to public transport services between Tamworth and Kingsbury. Therefore, the site would be in a suitable location that allows reasonable access to facilities.
27. My assessment is based on the details of the development before me. There is no substantive evidence to indicate similar schemes in the area would be proposed in the event of me allowing the appeal. In any case, any such proposals would need to be considered having regard to their effects and the relevant circumstances at that time. Granting planning permission for this development would not set an irresistible precedent to be followed in the consideration of any future proposals.
28. I have noted the representations made to the effect that the rights of local residents under Article 8 of the Human Rights Act 1998 would be violated if the appeal is allowed and the development carried out. However, the pitch would be set away from the nearest properties and so it would not harm the living conditions at existing residences by reason of noise, loss of light, loss of privacy or overbearing effects. I fail to see how the development would directly affect the health or well-being of any nearby residents. Therefore, I am satisfied that granting planning permission would not unacceptably interfere with any person's right to a private family life and home. As such, it would be proportionate in the circumstances to allow the appeal.
29. None of the above concerns provide reason to refuse planning permission. As such, they do not affect my overall assessment.

Considerations in favour of the development.

Need for and supply of pitches.

30. The PPTS promotes the provision of more private Gypsy and Traveller sites. The appeal development would help meet the government's aim in these regards.
31. LP policy LP5 says the Council will make provision for a minimum of 19 permanent Gypsy and Traveller pitches between 2019 and 2033. A list provided with the statement of common ground indicates that planning permission has been granted for 24 pitches since 2019. Even if I accept the appellant's contention that 3 of these pitches should not be counted, the evidence suggests that planning permission has been granted for more than the minimum number of new pitches required under the LP.
32. However, it is clear from LP policy LP5 that 19 pitches is a minimum target. Paragraph 8.21 of the LP explains the Council's intention to bring forward a Gypsy and Traveller Plan (GTP) that will include pitch allocations. The Council's representative at the hearing accepted that this is required to meet an on-going need for more Gypsy and Traveller sites. While work has started on the GTP no document has yet been published for consultation. The Council's Local Development Scheme indicates that this would have happened in August 2023 and so progress towards the adoption of the GTP is significantly delayed. These factors point to the Council accepting a need for more Gypsy and Traveller pitches that currently is not recognised or identified in the LP.
33. Moreover, the Gypsy and Traveller Accommodation Assessment (GTAA) that informed LP policy LP5 is now of some age having been issued in 2019 with an update in 2020. Furthermore, in an appeal decision from December 2021 relating to a proposal for a Gypsy site at Wishing Well Farm, Fillongley¹, an Inspector states that there has been a significant in-migration which was not anticipated at the time the GTAA was published. The Inspector notes at that time the Council's acceptance of a general need for Gypsy and Traveller sites. The Council's representative at this appeal hearing raised no issue with the previous Inspector's criticism of the GTAA and also accepted there is still a need for more pitches.
34. At paragraph 10, the PPTS states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Footnote 4 to the PPTS states that sites should be available now to be classed as deliverable. I am advised the sites granted planning permission as identified in the statement of common ground have all been provided and are occupied. As such, they are not now available. Accordingly, there is no supply at all of deliverable sites to address any current need, yet alone a 5 years' worth of supply. The Council accepts there is no alternative and suitable site available for the intended occupants of the appeal development. The apparent unmet need for Gypsy and Traveller sites weighs significantly in favour of allowing the development.

Personal circumstances of the intended occupants

35. The appellant, their spouse and their children intend to live on the proposed site. Two of the children are over 18 years old but the others are of school age.

¹ Appeal reference number APP/R3705/W/20/3255527

After the 2021 appeal decision, the family left the appeal site as it did not benefit from planning permission for residential use. Since then, they have been unable to find another permanent settled residential base to accommodate caravans. Instead, they have had a highly transient lifestyle, either living on the side of roads, on driveways and occasionally on holiday caravan parks. The appellant explained at the hearing that they have had to move nearly every week. This lifestyle has caused significant interruptions to the education of the children of school age as well as difficulties for all family members in accessing health care facilities.

36. The current uncertainty over the appellant's accommodation is clearly unsatisfactory, particularly as their family includes children. The benefits of the development to the intended occupiers in terms of facilitating access to schools and medical services are in themselves significant. In addition, the settled base would be in the best interests of the children involved.

Green Belt Balance

37. The Framework and the PPTS state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm as a result of the proposal is clearly outweighed by other considerations. LP policy LP3 is generally consistent with the Framework and PPTS in these regards. LP policy LP10 is referred to but this contains no provisions on how proposals for inappropriate development in the Green Belt should be determined.
38. The Framework dictates that substantial weight should be given to any harm to the Green Belt. In this instance, harm would be caused by reason of inappropriateness, loss of openness and failing to safeguard the countryside from encroachment. I have found no unacceptable harm to the character and appearance of the area.
39. The PPTS states that, subject to the best interests of children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and other harm so as to establish very special circumstances. Even so, it does not follow that this will always be the case.
40. The development would help address an unmet need for more private Gypsy and Traveller sites as recognised at a national level under the PPTS and more locally as acknowledged by the Council. The benefit of a single additional pitch in addressing this general need attracts significant weight but this in itself is insufficient to outweigh the identified harm of the development.
41. However, I attach substantial weight to the benefits of a settled base to the intended occupants in terms of facilitating regular access to medical facilities, schools and other services. In arriving at this view, I am mindful that Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration. Also, I am conscious that dismissing the appeal is highly likely to lead to a continuation of the appellant's existing transient lifestyle and its undesirable effects on the children's education and the health of all of the intended occupants.
42. Planning permission runs with the land. However, I find the circumstances of this case represent an exceptional occasion where development that would not

normally be permitted may be justified on grounds of who would benefit from the permission. As such, a condition limiting occupancy to the appellant and named persons and their resident dependents would be reasonable and justified. In effect, such a condition would allow a temporary permission, although the length of occupancy is unknown. Even so, a requirement for the restoration of the site at the end of the occupancy would ensure no permanent harm to the Green Belt and character and appearance of the area.

43. Therefore, I conclude the total harm as a result of the development would be clearly outweighed by other factors. As such, very special circumstances exist to justify allowing the appeal. The development would accord with the Framework's and the PPTS's provisions on Green Belt as well as LP policy LP3.
44. I note that my overall conclusion differs from that made by Inspectors for the 2019, 2020 and 2021 appeals. However, my views have been formed having regard to the evidence before me and the current circumstances faced by the appellant and their family. The case for allowing the development is now notably different, particularly in terms of the position on need and on the undersupply of sites as well as the appellant's particular accommodation difficulties. Also, the other appeals related to different developments with different effects on openness and the character and appearance of the area. Therefore, I am not bound to arrive at the same conclusions to those arrived at under the previous appeal decisions.

Human rights and Public Sector Equality Duty.

45. By allowing the appeal subject to a personal condition, my decision would not interfere with the appellant's and their family's rights to respect for private and family life and their home. As such, there would be no interference with the occupiers' human rights under Article 8 of the European Convention of Human Rights as enshrined in the Human Rights Act 1998 (Article 8).
46. I have considered whether it would be appropriate to impose a condition that allows the development for a temporary time period and thereafter requires cessation of the use, regardless as to whether the intended occupants still reside on the site. However, granting temporary planning permission could lead to an interference under Article 8. To my mind, the uncertainty that would hang over the occupants' living arrangements would be a disproportionate response to the level of harm caused by the development. In arriving at this view, I have had regard to the particular merits of the case, the specific effects of the development and the occupiers' circumstances.
47. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not share it. This includes those of a particular race and so the occupants of the development. Granting planning permission would allow the opportunity for the intended occupants to foster good relationships with the local community. Therefore, my decision advances opportunity in line with the PSED.

Conditions

48. The list of suggested conditions included as part of the statement of common ground as well as other conditions were discussed at the hearing. Where

appropriate I have amended the wording in light of the comments made and for reasons of precision.

49. For clarity purposes, I attach a condition that requires the development to be carried out in accordance with the approved drawings. There is no need for this condition to refer to the existing site layout plan, the soakaway assessment or storm sewer design. Conditions 2 and 3 require site restoration once the intended occupants cease to reside at the site so as to avoid permanent harm to Green Belt openness. The development is only acceptable due to the personal circumstances of the occupiers and so condition 3 limits occupancy accordingly. The suggested condition that would require a permanent cessation of the use after a short period of non-occupancy would be unreasonable and so it has not been imposed. Also, a condition that would limit the proposed use for a defined temporary period of time would be an unacceptable interference with the intended occupants' human rights. Therefore, this condition is not included.
50. Condition 4 is required to ensure a satisfactory effect on landscape character and appearance. Conditions 5 and 6 are imposed to ensure foul and surface water is disposed of without causing pollution or flood risk. Conditions 7, 8, 9 and 10 are imposed in the interests of highway safety.
51. My assessment is based on the development being occupied by Gypsy and Travellers and there is no evidence to indicate the development would be acceptable for any other group. Accordingly, I attach condition 11 that restricts occupancy. Conditions 12 and 13 are attached to minimise the effect of the development on the openness of the Green Belt and the character and appearance of the area. Condition 14 is attached to ensure the development causes no unacceptable light pollution to the detriment of wildlife and the character and appearance of the locality. Condition 15 is imposed to minimise the visual impact of the proposed driveway.
52. As the proposed use is residential there is no requirement for a condition that places limits on the size of vehicles to be parked on the site. At the hearing, the Council's representative accepted the suggested condition on ground contamination was not needed. Therefore, this condition is not included.

Conclusion

53. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alex Bruce	Planning agent
John Doherty	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Collinson

INTERESTED PERSONS

Carol Davis	Objector
Robert Williams	Agent acting on behalf of Mr and Mrs Goodall, Objector

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Extract of Map entitled Rights of Way - Warwickshire.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos SA47316-BRY-ST-PL-A-0001 and SA47316-BRY-ST-PL-A-0005 revision A.
- 2) Within 3 months of the date of this decision, a site restoration scheme in the event of the Gypsy residential site use hereby permitted not commencing or commencing but then ceasing shall be submitted to the local planning authority for approval in writing. If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the Gypsy residential site use shall cease until such a time as a restoration scheme is approved in writing.
- 3) The Gypsy residential site use hereby permitted shall be carried out only by the following persons and their resident dependents – Mr John Doherty and Mrs Theresa Doherty and their children John Doherty and Roseanne Doherty. If the site is not occupied by these persons within 2 years of the date of this decision, or when the site ceases to be occupied by these persons, the use hereby permitted shall cease and the land shall be restored in accordance with the site restoration scheme approved under condition 2 above.
- 4) The Gypsy residential site use hereby permitted shall not commence until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and the approved landscaping scheme shall be carried out in accordance with the approved timetable. Thereafter, the

landscaping scheme shall be maintained and any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or becomes seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted.

- 5) Notwithstanding the details as shown on the approved plans, the Gypsy residential site use hereby permitted shall not commence until details of a foul water drainage scheme to serve the development has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details on how the drainage system is to be maintained. A foul water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.
- 6) The Gypsy residential site use hereby permitted shall not commence until a surface water drainage scheme to serve the whole of the development, including the tarmac part of the access drive, has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details on how the drainage system is to be maintained. A surface water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.
- 7) The Gypsy residential site use hereby permitted shall not commence until the access to the site for vehicles from the public highway as indicated on the approved plans and associated visibility splays also shown on the plans have been completed and created. Thereafter the access shall be retained and the visibility splays shall be kept clear of obstruction that prevents sight of vehicles on the road.
- 8) The Gypsy residential site use hereby permitted shall not commence until details of a bin collection point have been submitted to and approved in writing by the local planning authority. A bin collection point shall be provided in accordance with the approved details prior to the first use of the site for residential purposes and shall thereafter be retained.
- 9) The Gypsy residential site use hereby permitted shall not commence until the existing access within the highway and not included in the permitted means of access as defined on the approved plans has been closed and the footway/verge has been re-instated.
- 10) No gates or barriers or means of enclosure shall be erected across the approved vehicular access within 12 metres of the highway boundary and all such features should open inward away from the highway.
- 11) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 12) There shall be no more than one pitch on the site and no more than two caravans (as defined by the Caravan Sites and Control of Development Act 1990 as amended by the Caravan Sites Act 1968 as amended), shall be stationed at any one time, of which only one caravan shall be a static caravan.
- 13) The extent of the Gypsy residential site use hereby permitted shall be restricted to the areas defined on the approved plans as static pitch, touring pitch, patio area, garden area and parking area. No residential use including the stationing of caravans, parking or erection or provision of domestic paraphernalia shall take place on any other part of the site as defined by the dash red line on the approved plans.
- 14) No external lighting shall be installed or provided within the site unless full details of its design, location and the specification of the illuminance have first been submitted to and approved in writing by the local planning authority.
- 15) The grass parking grids as shown on the approved plans to be used to the driveway shall not at any time be replaced with any other type of surfacing.

General Development Applications

(5/f) Application No: PAP/2025/0142

6, 8 10, 12, 14,17, 32,33,63,67,75,81 Ralph Crescent, 195, 201,207, 213 Tamworth Road, Kingsbury,

Application No: - PAP/2025/0143

32 Properties in Westwood Road and Westwood Crescent, Atherstone

Fit new UPVC windows and external wall insulation to 12 properties., for

North Warwickshire Borough Council

Introduction

These two applications are referred to the Board as the Council is the applicant

The Sites

These sites include a number of residential properties in Kingsbury and Atherstone – see Appendices A and B.

The Proposals

In both cases, the proposals are to fit new UPVC windows to these properties as well as to add external wall insulation.

The works are similar to other areas of the Borough where these improvements have taken place – see Appendix C.

Development Plan

North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP29 (Development Considerations) and LP30(Built Form)

Other Material Considerations

The National Planning Policy Framework 2024 – (the “NPPF”)

Consultations

Environmental Health Officer - No objection to both applications

Representations

No comments received for either application.

Observations

The proposed works to be carried out are on council owned dwellings. Therefore, to ensure the correct procedure is followed, the scheme of delegation has been followed meaning that the applications have been brought forward to the Board for determination.

All of the dwellings within these proposals are located within the respective settlement boundaries of Kingsbury and Atherstone. Development here is supported in principle and any concerns should relate to detailed matters covered by other policies in the Local Plan or the in the NPPF.

The proposal will see the external character of the properties change, as the existing brickwork will have render applied, dependent on the option chosen, as well as seeing an upgrade to the existing windows. The preference is for render on the first-floor and brickwork on the ground floor. This can already be seen at other properties in both settlements and elsewhere in the Borough where such treatment has already been undertaken. It will match well with the character of the street scene and matches the same design method of the area.

Officers are satisfied that the proposal will not have any detrimental effect on the surrounding properties. The new windows will allow for better noise mitigation and the proposed materials and designs are not an eye sore to look at from a neighbouring perspective. Therefore, minimal to no harm is caused to the surrounding area or to neighbours.

The proposed works ensures the longevity of the dwellings that are in need of modernization. The works will improve the character of the dwellings as well as ensuring they are well maintained. The new windows will ensure that the dwellings are sustainable and have up to date windows to ensure efficient heating and noise mitigation is achieved. LP1 states development should “demonstrate a high quality of sustainable design that positively improve the individual settlement’s character; appearance and environmental quality of an area”. Officers are satisfied that the proposals are meeting the requirements set in LP1 as stated and that they are improving the appearance of the properties in a positive manner.

Recommendations

a) **PAP/2025/0142**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the following plans - New North Warwickshire Borough Council - EWI Render Visuals V2 (002), PLANNING APPLICATION, Kingsbury, Ralph Crescent Kingsbury, received by the Local Planning Authority on 22/04/2025.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with the materials as stated on the approved plans, Labelled OPTION 1A.

REASON

In the interests of the amenities of the area and the building concerned.

b) **PAP/2025/0143**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the following plans - New North Warwickshire Borough Council - EWI Render Visuals V2 (002), PLANNING APPLICATION, Westwood Westwood Crescent and Westwood Road, received by the Local Planning Authority on 22/04/2025.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with the materials as stated on the approved plans, Labelled OPTION 1A.

REASON

In the interests of the amenities of the area and the building concerned.

Appendix A

Ralph Crescent, Kingsbury

PAP/2025/0142



17/01/2023/0143
 Westwood Crescent and Westwood Road, Atherstone



Appendix C

OPTION 1A



JOHNSTONE'S STORMSHIELD
1.5MM SILICONE ENHANCED RENDER

COLOUR: **IVORY**

JOHNSTONE'S STORMSHIELD
BRICK EFFECT RENDER

BRICK FACE COLOUR:
CLASSIC RED

BRICK MORTAR COLOUR:
CLASSIC MORTAR

OPTION 1B



JOHNSTONE'S STORMSHIELD
1.5MM SILICONE ENHANCED RENDER

COLOUR: **IVORY**

JOHNSTONE'S STORMSHIELD
BRICK EFFECT RENDER

BRICK FACE COLOUR:
CLASSIC RED

BRICK MORTAR COLOUR:
CLASSIC MORTAR

OPTION 2A



JOHNSTONE'S STORMSHIELD
1.5MM SILICONE ENHANCED RENDER

COLOUR: **LATITUDE**

JOHNSTONE'S STORMSHIELD
BRICK EFFECT RENDER

BRICK FACE COLOUR:
BRICK RED

BRICK MORTAR COLOUR:
CLASSIC MORTAR

OPTION 2B



JOHNSTONE'S STORMSHIELD
1.5MM SILICONE ENHANCED RENDER

COLOUR: **LATITUDE**

JOHNSTONE'S STORMSHIELD
BRICK EFFECT RENDER

BRICK FACE COLOUR:
BRICK RED

BRICK MORTAR COLOUR:
CLASSIC MORTAR

General Development Applications

(5/g) Application No: PAP/2024/0582

Land 230 Metres West Of Marston Fields Farm, Kingsbury Road, Lea Marston, Warwickshire,

Installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access, for

- PACE Wedge Energy Limited

1. Introduction

- 1.1 The receipt of this application was referred to the Board's February meeting for information. The Board resolved to visit the site prior to making a determination. That introductory report is attached at Appendix A and a note of the visit will be circulated at the meeting, as the visit took place after preparation of this report.
- 1.2 It is not proposed to repeat the content of Appendix A, but it should be treated as an integral part of this determination report. This report will first update Members on matters since consideration of that report.

2. Additional Information

- 2.1 In respect of the proposals themselves then there have been no changes made to the extent of the application site or to the overall layout. This is illustrated at Appendix B. However, amendments have been submitted relating to the substation compound. Its' location remains at the far southern end of the site between the storage units and the Kingsbury Road. However, the changes involve firstly, the removal of the 32-metre tower which was originally proposed to take the electricity cable connection from the site onto the overhead lines running along the site's western boundary close to the nearest pylon. The connection is now proposed to be made underground with a route from the site's substation under the A4097 and connecting to the National Grid Hams Hall Substation in Hams Lane, Lea Marston. Secondly, the arrangement of the plant here has been amended. The plant would comprise electrical equipment and structures up to 7 metres tall, with the switch gear buildings up to 4 metres tall. Overall, the whole area of the compound here would measure 25 by 5. The layout is now illustrated at Appendix C.
- 2.2 The landscaping plan remains as at Appendix D.
- 2.3 The applicant is proposing to supply visualisations of the development from two vantage points – at the southern end of the site in the south-west corner and from Seeney Lane, the public footpath and track at the northern end. These include existing views and views at later years, following implementation of the planting as proposed. These will be circulated to Members before the meeting.

- 2.4 Members are aware that there is a public footpath – known as Seeney Lane - running along the northern boundary of the site. Additionally, the footpath – the M23 - which used to run north/south through Cocksparrow Farm to the west, has been diverted as a consequence of the HS2 compound. It now runs along the whole of the site's western boundary from the A4097 to Seeney Lane.
- 2.5 There have been no changes to the Development Plan since the February Report, but there have been changes to other material planning considerations.
- 2.6 In particular, the Government has updated its Planning Practice Guidance (PPG) in order to provide advice on the introduction of "grey belt" land as set out in the National Planning Policy Framework (NPPF) in December 2024.
- 2.7 As a consequence of the publication of the new PPG, the applicant submitted a further letter responding to the PPG and how in his view it affects his proposal. This is at Appendix E.
- 2.8 By way of background, Members will recall that planning permission was granted in March 2022 for a Battery Energy Storage System on land south-west of Dunton Hall around a kilometre to the west of the current application site – reference PAP/2021/0473.

3. Consultations

HS2 Ltd – No objection

National Grid – No objection

National Gas Transmission – No objection

Environment Agency – No comments received

Environmental Health Officer – No objection subject to conditions

Historic England – No comments received

Warwickshire County Ecologist – No objection subject to conditions

Warwickshire County Council Rights of Way – No objection

Warwickshire County Council as Highway Authority – No objection subject to conditions

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions

Warwickshire Fire and Rescue Service – No objection subject to details (see Appendices F and G)

4. Representations

Six letters of objection have been received referring to:

- Concerns over fire safety and the consequent risks including air and water pollution
- There are existing flood issues
- There will be noise impacts
- It would change the character of Marston and Lea Marston
- The site is in the Green Belt
- A brownfield site should be used

5. Observations

a) Introduction

- 5.1 The site is wholly in the Green Belt.
- 5.2 In these circumstances, Members will be aware that inappropriate development within the Green Belt, is harmful by definition to the Green Belt, and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF provides definitions for when development might be inappropriate.
- 5.3 As a consequence, Members are first advised that the initial assessment in this case is to establish if this particular proposal is inappropriate or not. If it found to be inappropriate development, then the planning balance as set out in paragraph 5.2 will have to be assessed. If it found to be not inappropriate, then by definition it is not harmful to the Green Belt and thus there is no scope for a Green Belt refusal. The determination in these circumstances would be as for any non-Green Belt development.

b) Inappropriate or not Inappropriate Development in the Green Belt

- 5.4 The changes to the NPPF in late 2024 introduced the concept of “grey belt land” within the Green Belt. In certain circumstances, development is defined in the NPPF as being not inappropriate, if it “utilises grey belt land”. The initial assessment therefore is to establish whether the application site is grey belt land or not, as the consequential assessment as to whether the development is inappropriate or not inappropriate differs as to whether it is or not.
- 5.5 The NPPF provides a definition of “grey belt”. The first consideration is whether the site is previously developed land (PDL) or not. The NPPF provides a definition, and that is made up of several elements. In this case, it is considered that there is a case for this site to be PDL under the first element. It is certainly the case, that it is “land which has been lawfully developed” because of the implementation of the fishing pools planning permission PAP/2020/0637. However, the NPPF definition continues by saying that such lawfully developed land is PDL, if it “is or was occupied by a permanent structure and any fixed surface infrastructure associated with it”. There is and has not been such a structure on this land – so it would appear that the whole definition of PDL is not satisfied. However, the site does include the same access arrangements as permitted under that planning permission, together with a car parking area and they have been implemented. As such this could constitute the “fixed surface infrastructure” referred to in the PDL definition. Additionally, the applicant argues that the site is part and parcel of a wider site – the land to the east being included – where the development granted planning permission as referred to above has definitely been fully taken up with the inclusion of buildings and surface infrastructure. The application site he therefore argues, is part of that larger site which fully meets the PDL definition. The NPPF also explicitly defines

circumstances where land would not be PDL. The one that might apply here is “land that has been used for minerals extraction where provision for restoration has been made through development management procedures”. It appears however that only part of the current application site was included in the planning permissions granted by the County Council for mineral extraction and subsequent restoration for fishery purposes. As such the exclusion would not fully apply. So in conclusion, there is a case that the whole site could be PDL under the first element of the NPPF definition, but that part of the site could also be excluded from the definition. On the balance of probability, it is considered that the site is PDL.

- 5.6 Notwithstanding this conclusion, whether the site is PDL or not, it would certainly be “other land” within the grey belt definition, and thus it is necessary to assess whether the site, whether PDL or not, satisfies the remaining conditions under the definition. The next condition is whether the land does or does not “strongly contribute to any of purposes (a), (b) or (d) of including land within the Green Belt” as set out in paragraph 143 of the NPPF. This paragraph defines the five purposes of including land within the Green Belt. They are:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To prevent neighbouring towns merging into one another,
 - c) To assist in safeguarding the countryside from encroachment,
 - d) To preserve the setting and special character of historic towns, and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 Hence an assessment has to be made as to whether the land “strongly” contributes to purposes (a), (b) and (d).
- 5.8 There is no definition of “sprawl” in the NPPF. Advice however on how to assess the matter of whether a site “strongly contributes to the purposes” is set out in the PPG. In regards to purpose (a), the PPG is clear that this purpose relates to the sprawl of large built-up areas and thus villages are not to be considered to be large built-up areas. Sites that strongly contribute to purpose (a) are likely to be free from existing development and lack physical features in reasonable proximity, that could restrict and contain development. They are likely to be near larger built-up areas. In this instance, the nearest large built-up areas are Birmingham, Solihull and Sutton Coldfield. Additionally, the proposal is reversible – although with a lengthy time period of 40 years and it is small in comparison with the Green Belt as a whole. The site is considered to serve a weak contribution to checking the unrestricted sprawl of larger built-up areas as there is open land between it and all of these areas with motorway corridors in between. In these circumstances, the site is not considered to “strongly” provide protection from urban sprawl.

- 5.9 The point of purpose (b) is to maintain a clear physical separation between neighbouring towns in order to preserve the distinct identity and character of the individual towns. The PPG states this purpose relates to the merging of towns, not villages. Sites that strongly contribute to purpose (b) are likely to form a substantial part of a gap between towns and its development would likely result in the loss of the visual separation of large built-up areas. This is not the case here and as indicated above, the development is reversible, not being permanent and that the site is small. The site is therefore considered to serve a weak contribution in maintaining a clear physical separation between neighbouring towns.
- 5.10 Finally, with regards to purpose (d), sites that strongly contribute to purpose (d) are likely to form part of the setting of the historic town and make a considerable contribution to the special character of a historic town. This could be as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. The site does not form part of the setting of an historic town, and it does not have any visual, physical or experimental connection to one. Therefore, the site is considered to serve a weak contribution to preserving the setting and special character of historic towns either.
- 5.11 It is thus considered that this site does not strongly contribute to these three purposes.
- 5.12 The final condition, is that a site is not grey belt land, where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. The assets referred to relate to habitat sites and/or designated as Sites of Special Scientific Interest, Local Green Space, National Landscape, a National Park, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. In this case, none of these would be applicable to the site. As such, the application of policies listed at footnote 7 would not give a strong reason for refusing or restricting development here and thus the land is not excluded from being grey belt.
- 5.13 The overall conclusion from the above assessment is that the application site is “grey belt” land within the Green Belt.
- 5.14 As indicated above in paragraph 5.4, there is a different assessment to be undertaken as to whether development which is on grey belt land is inappropriate or not, than for non-grey belt land. That assessment is to be made under paragraph 155 of the NPPF and all four of the conditions have to be satisfied if the development is to be found to be not inappropriate.
- 5.15 The first condition of paragraph 155 is that “the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan”. Here therefore, it is necessary to assess whether the five purposes of including land within the Green Belt taken as whole – as per paragraph 5.6 - would be fundamentally undermined across the whole of the remaining Green Belt throughout the Borough. This condition therefore introduces purposes (c) and (e) in order that the Green Belt is looked at as a whole. It is considered that the proposal does not

conflict with purpose (c) given the size of the site; its extant lawful use and the nature of the surrounding land uses (the HS2 compound, the fishery and the Lea Marston Hotel and golf course.) Little weight is attached to purpose (e) given that it was found above that the site on the balance of probability is PDL – paragraph 5.5. It is in all of these circumstances that it is considered that when taken together across the whole of North Warwickshire’s Green Belt, the development of this site would not “fundamentally undermine” the five purposes of including land within the Green Belt.

- 5.16 The second condition is “that there is a demonstrable unmet need for the type of development proposed”. This is acknowledged as it has been in all of the proposals submitted for renewable energy projects in the Borough. The evidence base for this is set out in the schedule of Other Material Considerations at Section 5 in Appendix A and is also expressed in Appendix C.
- 5.17 The third condition is that “the development would be in a sustainable location”. Whilst this is not a location within a settlement, the actual traffic movement arising once the site would be operational is around one two-way movement a day and additionally, the fishery next door attracts far more traffic to this location. The operational traffic generation is considered to be immaterial, and it is considered that there would be no conflict with this condition.
- 5.18 The fourth condition only applies in residential cases.
- 5.19 As a result of looking at paragraph 155, it is concluded that the three applicable conditions are all met, and thus this proposal is not inappropriate development in the Green Belt.
- 5.20 Bringing this all together results in officers concluding that the development proposal does utilise grey belt land within the Green Belt and that in this case, that development is not inappropriate.
- 5.21 As indicated in paragraph 5.3 above, there is no Green Belt reason for refusal, if that course is to be recommended. The application is thus to be determined on whether the proposal gives rise to any adverse demonstrable impacts or harms that would outweigh the benefits of supporting the proposal as set out in paragraph 5.16 above amongst others.

c) Other Harms

i) Landscape

- 5.22 Local Plan policy LP14 says that development within the Landscape Areas identified in the 2010 Character Assessment, should “look to conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”.

- 5.23 The site lies in the “Tame Valley Wetlands” Landscape Character Area as identified in the 2010 Assessment referred to above. This is characterised as being a “flat highly modified river corridor landscape which has been extensively worked for sand and gravel which in part has resulted in new wetland landscapes. The southern section is set against the backdrop of the Hams Hall estate together with other urban influences - the roads, railways, electricity sub-stations and overhead pylons. To this can now be added the HS2 works and the extensive HS2 site compound to the immediate west.
- 5.24 It is not considered that the proposal adversely affects the overall character of this Landscape Area due to its size and location. It can be absorbed into that area as a whole, without changing its character. This is because the level of impact would be contained in landscape terms by the neighbouring developments – the HS2 compound, the low level of the proposed development, the buildings at the fishery, the Lea Marston Hotel and the overhead line and pylons running alongside the western boundary. The impact would be local and thus moderate in scope and extent. This overall general conclusion would be mitigated too – particularly through the removal of the connecting tower from the proposal; the perimeter planting as set out in section 2 and Appendix D and the fact that the proposal is reversible. In overall terms therefore it is concluded that there would be conflict with LP14 because of the introduction of a further urbanising influence into the area, but that this would be a limited conflict because of all of the matters raised above.

ii) Visual Impacts

- 5.25 Local Plan policy LP1 says that all proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area. Policy LP30 says that all proposals should harmonise with both the immediate setting and wider surroundings.
- 5.26 Visually, the proposal would introduce an urbanised development into this location which still displays a rural and countryside appearance. It would not positively improve the environmental quality of the area or harmonise with the immediate setting or surroundings. The visual impact would thus be adverse. However, given the size of the development and its overall “low” height, the degree of harm caused would not be significant. When neighbouring development is added into the assessment of visual harm, together with the landscape mitigation proposed, the reversibility of the proposal, the limited number of residential receptors and the transitory nature of that impact by road and footpath users, the overall level of harm is considered to be “local” in extent and thus moderately harmful. As such there would be limited conflict with policies LP1 and LP30.

iii) Ecological Impacts

- 5.27 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. Additionally, a 10% net gain in bio-diversity is required either on or off-site, as this is a major development.

5.28 The site has been much altered in respect of changes to ground levels and earth-working as has the adjoining fishery site. The nature, character and appearance of the adjoining HS2 site to the west has also been substantially disturbed such that the site, its setting and any “green” connectivity has limited existing ecological value. The County Ecologist has confirmed that the landscaping as proposed would add around a 12% bio-diversity net gain. This is made up of a new 700-metre long native hedgerow along the western boundary, native tree planting at the northern end along with the attenuation pond and species rich grassland around the new trees and pond.

5.29 As a consequence, there is no conflict with Policy LP16.

iv) Heritage Impacts

5.30 Local Plan policy LP15 says that “the quality, identity, diversity and local distinctiveness of the historic environment will be conserved and enhanced”. An assessment of the impacts on the significance of any heritage assets and their setting therefore needs to be undertaken. Members will also be aware that heritage harms are defined in the NPPF as being “substantial”, “less than substantial” or there being no harm. The Council is also under a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area in the determination of an application. Additionally, the Council is also under a statutory duty to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest which it possesses. The assessment of the impacts of the proposal on local heritage assets has to be addressed in this context.

5.31 The nearest Conservation Areas are at Coleshill and Water Orton which are both several kilometres from the site. There is no intervisibility, physical or heritage linkages to or with the site and thus there would be no harm on the setting of these two areas.

5.32 One of the nearest groups of Listed heritage assets is at Dunton Hall, a kilometre to the south-west. There is no intervisibility with the site and there is other built development and woodland between the two. Significantly, the route of HS2 passes in cutting immediately to the east of the Hall, which together with the substantial HS2 compound on the other side of the A4097, sever its setting and disrupts the spatial, visual and cultural connections with the Hall and its associated buildings. As a consequence, there is no harm caused on this already significantly compromised setting by the development. The other listed heritage asset is the Grade 2 Cabot Lodge in Haunch Lane. Similarly here, there is not considered to be any harm caused to the setting of this asset due the separation distance, the intervening topography and other development and the nature of the proposal itself.

5.33 As the application site has already been significantly disturbed through the commencement of the earth works for a number of fishing pools here, there is no heritage interest below ground.

5.34 It is in all of these circumstances that the proposal would not conflict with Policy LP15.

v) Highway Impacts

- 5.35 Local Plan Policy LP29 at point 6 says that development should 'provide safe and suitable access to the site for all users.' Local Policy LP34 requires development proposals to have particular regard to adequate vehicle parking provision.
- 5.36 All vehicular access into the site would use the established lawful access off the A4097 that is currently used for the fishery on the adjoining land. There would thus be increased HGV use of this arrangement during the construction period, but afterwards, the traffic using it would be very limited and less than that arising from the fishery. The Highway Authority has no objection, it confirming that the current arrangements can cater for the increased HGV use during the construction period and that thereafter there would be no impact on the A4097. As a consequence, there is no conflict with Policy LP29.

vi) Drainage and Flooding

- 5.37 Local Plan policy LP33 requires that water run-off from new development must be no more than natural greenfield run-off and that developments should hold any surplus water back in the development site through the use of high-quality sustainable drainage systems.
- 5.38 The Flood Risk Assessment and the proposed Drainage Strategy was set out in paragraph 3.9 of Appendix A. This has been verified by the Local Lead Flood Authority as it has no objection subject to conditions.
- 5.39 As Members are aware from the content of the NPPF that existing flooding concerns are not a matter to be resolved through a proposed development. That proposal has to resolve the surface water disposal arising from the development itself, either through on-site or off-site mitigation measures. In other words, the drainage issues are self-contained such that any surplus drainage does not make any existing matters any worse. It is acknowledged that representations have been made about incidents in the Kingsbury Road, but they should be looked into by the County Council in its roles as either the Highway Authority or as the Lead Local Flood Authority. There is no documentation submitted to evidence that the current proposal will exacerbate any existing flooding events. As indicated above it is of substantial weight that the Lead Local Flood Authority has not objected.
- 5.40 As a consequence there is no conflict with Policy LP33.

vii) Fire Safety

- 5.41 This is not a matter that is explicitly referred to in the Local Plan or indeed the NPPF, but clearly the risk from fire arising on the site or from any other incident could impact on the residential amenity of neighbouring occupiers as well as impact on ground water discharges as a consequence of fire-fighting measures taken. It is considered that this is a material planning consideration which should be given significant weight, given the nature of the proposal. It has also been raised in several of the representations received.

- 5.42 Notwithstanding this, Members will be aware that it is not within the duty of the Council as a Local Planning Authority to replicate or to interfere with other Regulatory Legislative regimes. As such, a planning permission can be granted for a development, but for that same development to fail to meet other Regulatory requirements, and vice-versa. Such a situation is not helpful and so it is important that the determination of this application should have regard to other relevant regulatory regimes as far as that might affect planning considerations – for instance if that would influence the layout, design or appearance of the proposal. In this case that regime is covered by the National Fire Chiefs Council (NFCC) 2022 “Grid Scale Battery Energy Storage System Planning Guidance for FRS” (Fire Rescue Services), and the relevant Approved Documents under the Building Regulations.
- 5.43 The applicant has submitted an Outline Battery Safety Management Plan with his application. As a consequence, this was the subject of full consultation with the Warwickshire Fire and Rescue Service (WFRS). The consultation responses are copied at Appendices F and G. It can be seen that there is no objection. In the case of fire-fighting water supply – Appendix F – the Service is satisfied that there would be sufficient capacity on site. This can be conditioned. In respect of there being sufficient access and facilities on site, then the requirements as set out in Appendix G have been reviewed by the applicant and confirmed through the submission of amended plans where appropriate. His comments are at Appendix H. Some of the specifications would be better placed in an updated Battery Safety Management Plan, which can be conditioned at pre-commencement stage.
- 5.44. Substantial weight is to be given to the WFRS responses as they provide objective technical expert guidance from the appropriate Agency that would be involved in fire-fighting at the site. It is agreed that an updated Battery Safety Management Plan should be conditioned at the pre-commencement stage and that that would include fire-fighting water supply. The WFRS would be consulted on that Plan.
- 5.45 Because of the matters set out in paragraph 5.42 above, the Board is advised to take a proportionate approach, so as to remain within its planning remit. It is considered that in all of the circumstances, set out above, that there is sufficient evidence available to the Board for it to be satisfied that it has properly assessed its remit here through the combination of submitted plans and planning conditions which are acceptable to the relevant Regulatory Service. The Board is also advised that the imposition of planning conditions covering the submission of a Battery Safety Management Plan is the approach that has been replicated throughout the country, where BESS applications have been granted planning permission both by Planning Authorities and by the Secretary of State at appeal.

viii) Other Matters

- 5.46 Members should be aware that there has been no objection from the Environmental Health Officer, in respect of potential noise emissions. However, a precautionary condition is recommended in the event of the grant of a planning permission.

- 5.47 Given the separation distances to residential property, the intervening topography and vegetation together with the landscape mitigation proposed, it is not considered that there would be material harm on the amenity of nearby residential occupiers.
- 5.48 The representations received question whether other sites should be used instead of this one. Members will be aware that there is no statutory requirement for an Alternative Site Assessment to be submitted and that there is neither a planning policy requirement for such an Assessment. The Board will have been aware from other renewable energy proposals that the prime consideration in site location is the proximity to a point of connection to the Grid where there is capacity. In this case that connection is at the sub-station in Hams Lane at Hams Hall. Alternative sites in proximity to that location will inevitably be in the Green Belt – see paragraph 2.8 above. Additionally, the current site as suggested in paragraph 5.5 above, is more than likely to be PDL and it has no agricultural land that is classed as being the best and most versatile. In all of these circumstances, it is not recommended that a refusal reason based on the lack of an alternative site assessment, would carry any weight here.

d) The Harm Side of the Planning Balance

- 5.49 From the above, it can be seen that the harm side of the planning balance here comprises the moderate landscape and visual harms.

e) The Applicant's Planning Considerations

- 5.50 These were summarised within paragraph 3.16 of Appendix A. The most significant consideration put forward by the applicant relates to the need to increase renewable energy generation and to ensure the security of its supply. The evidential background to this is set out within the documentation identified in Section 5 of Appendix A. In a planning context, he points out that the NPPF at paragraph 161 says that the planning system should support renewable and low carbon energy and associated infrastructure. Additionally, paragraph 168 says that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. Within the Green Belt, he refers to paragraph 160 where "very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources". He also refers to Local Plan policy LP35 which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them". It is his view that this is the case here. As a consequence of all of these matters, it is considered that this overall consideration carries substantial weight.
- 5.51 It is acknowledged that given this evidential background, this consideration carries substantial weight.

f) The Balance

- 5.52 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case, as set out above in paragraph 5.46 above, outweighs the cumulative weight of the harms identified in paragraph 5.45.
- 5.53 Overall the actual level of cumulative harm here is considered at most to be moderate in degree. The other side of the balance carries substantial weight. As such it does appear that there is a difference here. However, it is necessary to "test" this conclusion over one matter – the overall content of Local Plan policy LP35 on Renewable Energy. As already recorded above, the impact on agricultural land is not applicable here, as is the consideration that might be needed to be given to any identified heritage harm.
- 5.54 Paragraph 168 of the NPPF says that when determining planning applications, "significant weight should be given to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future". Paragraph 165 says that Plans should provide a "positive strategy for energy to help increase the use and supply of renewable and low carbon energy whilst ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)". Local Plan policy 35 provides that "strategy". It says that such projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites of buildings of historic or cultural importance, residential amenity and local economy". It is considered that following on from the conclusions in paragraph 5.47 above in respect of the matters raised in this Policy, that the proposal can be "accommodated" at this location. As such there would be no conflict with it. As such in this case, the planning balance falls on the side of supporting the application.
- 5.55 As the proposal has been found to be not inappropriate development in the Green Belt, the requirements of the 2024 Direction do not apply and the case need not be referred to the Secretary of State if the Board is minded to grant planning permission. It can also refuse planning permission without referral.

Recommendation

That planning permission is **GRANTED** subject to the following conditions:

Standard Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. Standard plan numbers condition:

2401-013_SK01-B received by the Local Planning Authority on 10 February 2025
UKS345_07 Substation elevation and plan - 4 view (1) received by the Local Planning Authority on 17 February 2025
UKS345 Layout Plan received by the Local Planning Authority on 2 May 2025
1354_9_MarstonSeeney_LandscapeProposals_151124
1825 - Marston Seeney BESS - Flood Risk Assessment - Rev A - dated 16 December 2024
2401-013_CTMP01_Seeney BESS_241216 (construction traffic management plan) dated 13/12/24
Marston Seeney BESS - BNG Stat Metric 29.11.24
Marston Seeney BESS BNG Report 29.11.24
UKS345 Location Plan
UKS345_01 CCTV Pole
UKS345_02 BATTERY ENERGY STORAGE
UKS345_04 Battery Inverter Cabin
UKS345_05 Double Gate
UKS345_06 Deer Fence Typical Arrangement
UKS345_11 Access Track Elevation all received by the Local Planning Authority on 20 December 2024

Defining Conditions

3. The storage capacity of the development hereby approved shall not exceed 99.8MW.

REASON

In order to define the scale of the development.

4. The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial export of electrical power from the development. Written confirmation of this date shall be provided in writing to the Local Planning Authority within seven days after this event.

REASON

In order to confirm that this permission is for a temporary period only and so as to define the extent and scope of the development.

5. If the development hereby permitted ceases to operate for a continuous period of twelve months, or at the end of the 40-year period referred to in condition 4, then a scheme for the de-commissioning and removal of the development and all of its ancillary equipment shall be submitted in writing to the Local Planning Authority within six months of the cessation period. The scheme shall make provision for the removal of all of the battery storage structures including all CCTV cameras and poles, switch gear, access tracks, security lighting, fences, lights and associated buildings, plant and equipment together with all surface and below ground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the de-commissioning period together with the temporary arrangements necessary at the access onto the Kingsbury Road and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and biodiversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm the scope of the permission and to confirm that it is for a temporary period only.

6. The scheme as agreed in writing by the Local Planning Authority under condition 5 shall be implemented in full, within twelve months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in condition 4, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.

REASON

In order to ensure the satisfactory re-instatement of the land.

Pre-Commencement Conditions

7. Notwithstanding the plans hereby approved in Condition 2, no development shall take place until full details of the final locations, designs, finishes and materials to be used for the storage units, access tracks, switchgear, substations, CCTV cameras, fencing, external lighting and any other structures required for the operation of the site as a Battery Energy Storage System, have first been submitted to and approved in writing by the Local Planning Authority. Subsequently, this development shall be carried out in accordance with the approved details and retained for the life of the development.

REASON

In the interests of the appearance of the area.

8. No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full in accordance with the approved details before the development is completed. The scheme shall:
- i) Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm, to the Qbar Greenfield runoff rate.
 - ii) Provide further information regarding the ownership, purpose, location and condition of any third party asset where the drainage scheme proposes to connect to that asset together with confirmation of the right to connect to it.
 - iii) Provide drawings and plans illustrating the proposed sustainable surface water drainage scheme.
 - iv) Provide detailed feature-specific drawings including cross sections, of the proposed features such as infiltration structures, attenuation features and outfall structures to confirm compliance with the SUDS Manual, CIRIA Report C753.
 - v) Provide detailed network level calculations demonstrating the performance of the proposed system so as to include:
 - a) suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of surcharged outfall) and justification of such criteria;
 - b) simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events,
 - c) the findings of a sensitivity test to be carried out with CV values set to 1 to demonstrate the affect on the drainage network,
 - d) demonstration of the performance of the drainage scheme, including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status, including a summary for each return period.

- e) support for the evidence provided by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- vi) Provide plans such as external levels plans supporting the exceedance and overland flow routeing provided to date. Such overland flow routeing should:
 - a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk;
 - b) Consider property finished floor levels and thresholds in relation to exceedance flows and
 - c) Recognise that exceedance can occur during any storm event.

REASON

To reduce the risk of flooding.

9. Notwithstanding the plans approved under condition 2, no development shall commence on site until full details and specifications for the landscaping of the whole site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

10. No external lighting shall be erected/used on site unless details of that lighting have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the residential amenity of neighbouring occupiers and to enhance landscape character.

11. No development shall commence on site until a detailed Battery Safety Management Plan which shall include details on the location and capacity of on-site fire-fighting water supplies, has first been submitted to and approved in writing by the Local Planning Authority. The Plan as so approved shall be adhered to at all times throughout the both the operational and de-commissioning periods as approved under conditions 4, 5 and 6 above.

REASON

In the interests of public safety

Pre-Operational Use Conditions

12. There shall be no commercial export of electricity from the site until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan SPP06D approved under condition 2. The LEMP shall include:
- a. a description and evaluation of the features to be managed;
 - b. ecological trends and constraints on site that might influence management,
 - c. the aims, objectives and targets for the management, and for the avoidance of doubt this shall include measures to minimise runoff during construction whether by vegetation or otherwise
 - d. descriptions of the management operations for achieving the aims and objectives,
 - e. prescriptions for management actions,
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a forty-year period),
 - g. Locations and numbers of bat and bird boxes, reptile and amphibian refugia and mammal gaps in fencing
 - h. Details of the monitoring needed to measure the effectiveness of management,
 - i. Details of each element of the monitoring programme,
 - j. Details of the persons or organisations(s) responsible for implementation and monitoring,
 - k. Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
 - l. Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
 - m. The mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
 - n. How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (l) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in this Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

13. Within three months of the first commercial export of electricity from the site, an updated noise assessment shall be prepared on the basis of the equipment that has been installed, demonstrating that noise arising from the development shall not exceed the typical background sound level at the closest residential receptors to the site, when assessed in accordance with the methodology and principles set out in BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound"

REASON

In the interests of reducing the risk of noise pollution.

14. There shall be no commercial export of electricity from the site until a Drainage Verification Report for the installed surface water drainage system based on the Drainage Strategy approved under condition 2 and the details set out in Condition 8 has been submitted to and approved in writing by the Local Planning Authority. It should include:
 - a. Demonstration that any departures from the approved design are in keeping with the approved principles.
 - b. As built photographs and drawings
 - c. The results of any performance testing undertaken as part of the application process,
 - d. Copies of all statutory approvals such as Land Drainage Consent for Discharge.

REASON

In the interests to reducing the risk of flooding.

15. There shall be no commercial export of electricity power from the site until a detailed site-specific maintenance plan for the approved surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. It shall:
 - a. Include the name of the party responsible, including contact names, address, email address and phone numbers.
 - b. Include plans showing the locations of features requiring maintenance and how these should be accessed,
 - c. Include details of how each feature is to be maintained and managed throughout the lifetime of the development,

- d. Include details of how site vegetation will be maintained for the lifetime of the development.

The approved maintenance plan shall be implemented in accordance with the approved details.

REASON

In the interests of reducing the risk of flooding.

16. There shall be no commercial export of electricity from the site until such time as the parking, turning and holding bay facilities as shown on the approved plan have been constructed, laid out and fully completed to the written satisfaction of the Local Planning Authority. They shall thereafter be treated solely for these purposes.

REASON

In the interests of highway safety.

Other Conditions

17. The landscaping scheme as approved under condition 9 shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub hedgerow, or replacement is removed, uprooted, destroyed or dies, then another of the same species and size of the original shall be planted at the same location within the next planting season.

REASON

In the interests of ensuring that the approved landscaping scheme is maintained throughout the lifetime of the development.

18. No gates, barriers or means of enclosure shall be erected across any vehicular access within six metres of the highway boundary. All such features erected beyond that distance should be hung so as to open inwards away from the highway.

REASON

In the interests of highway safety

19. Unobstructed visibility splays to the vehicular access into the site shall be provided and maintained at all times. These should measure 2.4 by 160 metres on either side of the access as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through engaging with the applicant and a number of statutory agencies in order to result in a positive outcome.
- b) Public footpaths M23a and M23 must remain open and available at all times unless closed or diverted by legal order and should not be obstructed by parked vehicles or materials during construction of the development. No gate or other structure should be placed across either path.
- c) The applicant must make good any damage to the surface of these paths that may be caused during construction
- d) Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy, the LLFA advises that the details are submitted are the minimum required. At the discharge of conditions stage, it expects details to be approaching a level of detail suitable for tender or construction.
- e) Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
- f) Advice and Guidance on the content of the Battery Fire Safety Management Plan required by conditions should be sought from the Warwickshire Fire and Rescue Service

General Development Applications

(6/d) Application No: PAP/2024/0582

Land West of Marston Fields Farm, Kingsbury Road, Lea Marston

Application for the installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access for

PACE Wedge Energy Ltd

1. Introduction

- 1.1 The receipt of this application is reported to the Board for information in advance of a full determination report.

2. The Site

- 2.1 This is a long rectangular parcel of land – 4.8 hectares in area – running north/south from the A4097 Kingsbury Road to the access track known as Seeney Lane, some 250 metres from the western edge of the Marston Camping and Caravan Site and a similar distance north of the Lea Marston Hotel. It lies between the Marston Fields Fishing Ponds and the HS2 Compound. There are 132kv overhead electricity cables and pylons running alongside the length of the western boundary. Marston is the nearest residential area some 300 metres to the east.
- 2.2 The land is generally flat but slopes from west to east with a cross fall from north to south and has recently been undergoing construction work to carry out the creation of three further fishing ponds granted consent in 2022. This has now ceased pending the outcome of this current application.
- 2.3 A public footpath runs along Seeney Lane.
- 2.4 Location plans are at Appendix A and aerial Photograph is at Appendix B.

3. The Proposal

- 3.1 This seeks to use the site to accommodate battery storage of up to 99.8MW over a forty-year period. Its primary function is to provide standby electricity storage capacity for the local network at peak times through a connection to the overhead lines that run alongside the site.
- 3.2 The site layout in essence is a collection of battery units and inverters which would take the form of two rows of containers running north/south throughout the site – these would measure some 7 by 3 metres and be 3 metres tall. In all. There would be some 144 such containers. Additional ancillary structures would comprise switchgear, a DNO substation and a communication/radio tower. The

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main operational compound would be at the southern end of the site where there is direct vehicular access onto the A4097, via the existing access into the Fishing Ponds Site. This would house the substation as well as the 32 metre tall connection tower to link to the nearby existing pylons. Perimeter fencing would be installed – two metre tall, deer fencing – with 20 CCTV cameras mounted on 4 metre poles at intervals around the site.

- 3.3 The proposed layout is at Appendix C.
- 3.4 Illustrations of the containers, other structures and the sub-station are at Appendices D to F.
- 3.5 Supporting Documentation has also been submitted.
- 3.6 A Noise Impact Assessment considers the impact of potential sound generation from the plant associated with this proposal with respect to existing background sound levels in the area. It identifies the closest residential properties as being some 100 metres to the west, set back from the road and within a wooded area, those to the north-east on Seeney Lane (400 metres distant) and the residential properties in the Old Kingsbury Road at Marston (300 metres distant) as well as the caravans on the site a little further to the east. It also recognises the houses between the Hotel and the A4097 on Haunch Lane (180 metres away). The ambient noise levels are influenced by road traffic noise – from the A4097 and the M42 to the east as well the traffic generated by the HS2 compound. The Assessment concludes that the proposal would not give rise to unacceptable day and night-time sound impacts.
- 3.7 A Preliminary Ecological Assessment finds that it has low significance as it not located within any national or local designated area, and neither are there such areas close-by. Moreover, it has poor connectivity to neighbouring land and presently it is changed to accommodate a permitted series of artificial fishing ponds. No traces of protected flora or fauna were found on the site. The alternative proposals now under consideration propose grassland and scrub around the perimeter of the site, particularly to connect with the open areas on three of the sides together with a 700-metre long, native species hedgerow along the northern and western boundaries and a new pond. New trees would be planted along the eastern boundary. It is said that this would provide an 11% habitat gain with the hedgerow units being completely new.
- 3.8 An Archaeological Assessment has been made and points out that the site has been heavily impacted by the earthworks for the construction of the fishing ponds and that the planning permission for that work should have covered the need for any evaluation. There are Scheduled Monuments close by and with no intervisibility and there being major new development between the site and any other assets there is no heritage harm caused.

- 3.9 A Flood Risk Assessment and surface water drainage strategy has been submitted. The site itself is in Flood Zone One – the least at risk of fluvial flooding. The Environment Agency and the Lead Local Flood Authority are neither said to have recorded historic surface water flooding on the site. The adjoining fishing ponds do not pose a risk to the site because of the existing ground levels – being at a lower level. Owing to the need for groundwater protection in the unlikely event of a fire, infiltration is not proposed as a means of surface water discharge. As a consequence, all of the tracks and compound areas would be lined with an impermeable geotextile grid to prevent infiltration. Flows would be directed to run-off to the adjoining fishery ponds – in the same ownership as the application site. To enable this there would be three “cut-off” ditches installed along the eastern site boundary with restricted discharge valves into the corresponding fishery pond. Additional storage capacity and to manage any contaminated flows such as fire-fighting run-off, would be provided to the west of these ditches which could then be cleared separately. This strategy is illustrated at Appendix G.
- 3.10 A Construction Traffic Management Plan says that the construction period would last for around six months and with working hours of 0800 to 1800 on weekdays and 0800 to 1300 on Saturdays. The average HGV movement is said to be three or four a day (6 or 8 two-way movements) but that it would be greater than this in the initial set-up” period – the first four to six weeks. Traffic routing for all HGV movements would be to Junction 9 of the M42 Motorway. Once completed, the operational phase of the development is expected to generate minimal traffic.
- 3.11 A Landscape and Visual Impact Assessment describes the existing site as being a collection of earth bunds, pools of standing water and areas of disturbed land within an undulating landscape setting with higher land to the west. There are noticeable small woodland blocks this setting which is much altered by the HS2 compound to the west; the “artificial” appearance of the fishery to the east and the nearby golf course, hotel and caravan site. The site boundaries are generally a mix of post and wire fences, earth bunds and overgrown hedgerows. There are no protected or designated landscapes affecting the site or its setting. A number of viewpoints have been identified including residential property and by pedestrian users of Seeney Lane and drivers on the A4097. Because of the relatively “low” landscape base-line here the Assessment concludes that the proposal could be “absorbed” into the surrounding landscape without significant harm, particularly with the removal of the earth bunding and the proposed perimeter hedgerow planting. Beyond the immediate setting, most visual impacts are assessed as being limited. The greatest and most adverse impacts are a result of the tall tower. Footpath walkers and drivers on the A4097 would however experience transitory adverse visual impacts. The Assessment concludes by saying that the development is reversible.

- 3.12 A Green Belt Assessment acknowledges that this is inappropriate development in the Green Belt. In this particular case it is argued that the proposal would not materially conflict with the purposes of including land within the Green Belt - the development would not represent "unrestricted sprawl" of large built-up areas; the perception of there being an unbuilt-up gap and a separation between settlements would remain and that it would not encroach on the countryside. The point is also made that the development is temporary and reversible. The Assessment further continues that there would be a "slight overall cumulative reduction in openness". Overall, it is said that the actual Green Belt harm would be limited.
- 3.13 An Alternative Site Assessment reviews the prospect of alternative sites which might avoid Green Belt land and land of good agricultural quality but to also look at previously developed land. The starting point for that search is the identification of a secure grid connection point which has capacity to enable a viable BESS development. Such a connection is a National Grid Substation around 1.7 km south the current site. A 5km area of search was then defined. Environmental constraints were then considered as well as topography and access. Additionally, land-owners are then approached. A review of the North Warwickshire, Birmingham City Council and Solihull Metropolitan Borough Councils' brown-field land registers was also undertaken. Identified sites were either too small or within residential areas. Agricultural Land Classification Maps were also reviewed. The opportunity to find sites is thus filtered and in this case the majority of the land in the remaining search area outside of built-up areas is in the Green Belt.
- 3.14 A Design and Access Statement describes the site and how the various elements of the proposal can best be laid out and treated so as to minimise any visual impacts bearing in mind the "utilitarian" nature of the structures involved.
- 3.15 A Statement of Community Involvement describes the applicant's pre-application consultations, which were focussed around an exhibition event held at the Lea Marston Hotel in September 2024, together with a web-site, letters delivered to 622 residential households and 56 businesses, contact with the Middleton, Kingsbury, Lea Marston and Curdworth Parish Councils. Fourteen people attended the exhibition – with the main comments being about fire safety and traffic impacts.
- 3.16 A Planning Statement draws all of the matters together and places them in the overall national and local planning policy context. The applicant acknowledges that the proposal is inappropriate development in the Green Belt and thus the benefits of the scheme have to clearly outweigh the cumulative weight of the Green Belt harm caused together with any other harms identified. The applicant considers that this is the case and has identified the following matters that in his view do outweigh that level of harm and thus provide the very special circumstances necessary to support the proposal – the need to increase renewable energy generation; the present climate emergency, the need to secure

energy security, the reversible nature of the proposal, and the bio-diversity net gain and residual landscape and visual enhancements.

4. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy)

5. Other Material Planning Considerations

The National Planning Policy Framework 2024 – (the “NNPF”)

National Planning Practice Guidance – (the “NPPG”)

Noise Policy Statement for England 2010

Climate Change Act 2008 and the 2019 Addendum

UK Solar PV Strategy 2014

Clean Growth Strategy 2017

Energy Security Strategy 2022

National Battery Storage Strategy 2023

UK 25 Year Environment Plan 2018

National Planning Statement for Energy – EN1 - 2024

National Planning Statement for Renewable Energy – EN3 – November 2023

The North Warwickshire Landscape Character Assessment 2010

6. Observations

- 6.1 Members will be familiar with the planning issues involved with this type of application - others nearby have already been determined at Dunton Hall and east of Water Orton. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the Green Belt and whether it conflicts with the purposes of including land within it. The likelihood of any flooding or traffic consequences will also need consideration. The final planning balance will assess the weight of the cumulative Green Belt and other harms against the benefits of the proposal as put forward by the applicant.

- 6.2 It is advised that as with the other cases, the Board should visit the site.

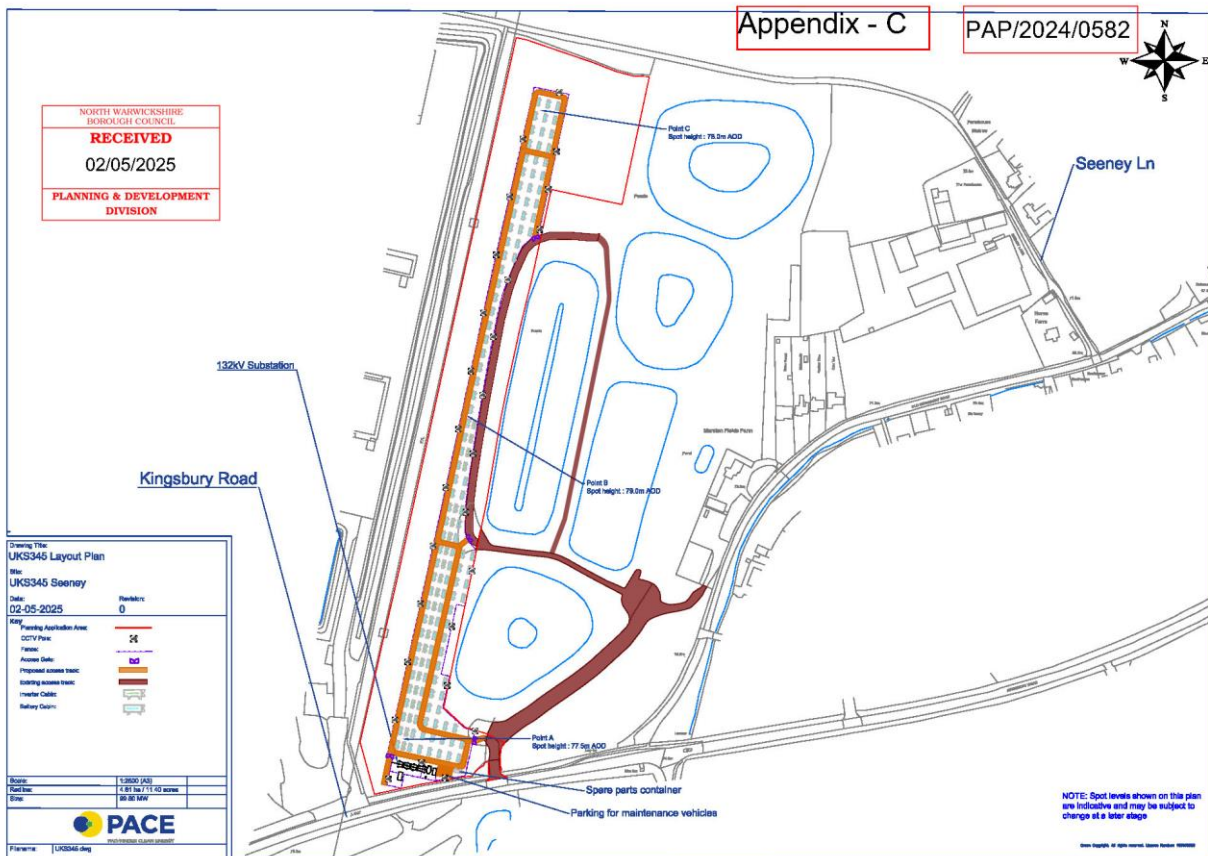
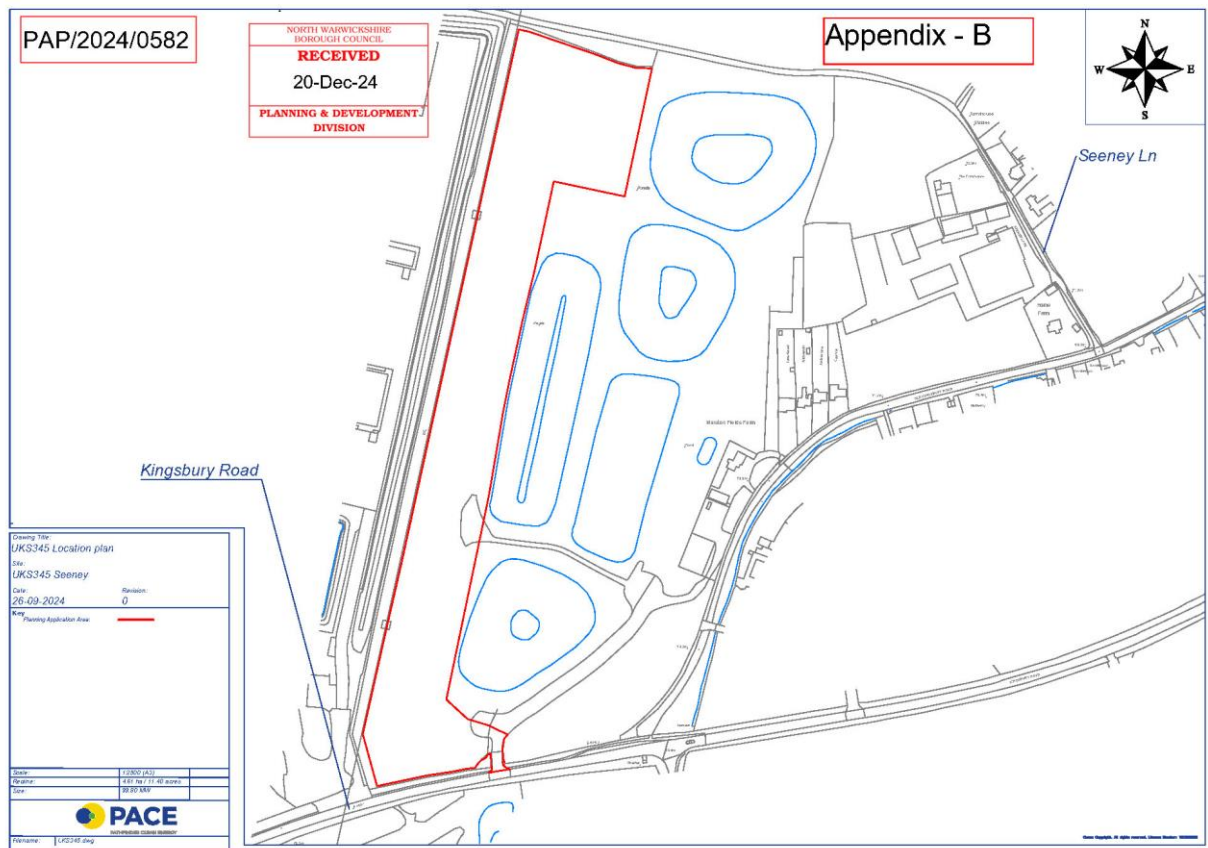
Recommendation

That receipt of the report is noted and that Members visit the site prior to determination of the application.

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Our ref: 2373/6480sb
Your ref: PAP/2024/0582

Mr I Griffin
Planning Department
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

22 January 2025

Dear Mr Griffin,

PAP/2024/0582 - PLANNING APPLICATION FOR THE PROPOSED 'INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) PLUS ANCILLARY INFRASTRUCTURE AND EQUIPMENT, LANDSCAPING, BIODIVERSITY IMPROVEMENTS AND ACCESS' – LAND WEST OF MARSTON FIELDS FARM, KINGSBURY ROAD, LEA MARSTON, WARWICKSHIRE, B76 0DP

I write with reference to planning application reference PAP/2024/0582 for the '*Installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access*' at Land West Of Marston Fields Farm, Kingsbury Road, Lea Marston, Warwickshire, B76 0DP.

Just prior to the submission of this application, on the 12 December 2024, the Ministry of Housing, Communities and Local Government published the latest iteration of the National Planning Policy Framework (NPPF). This update includes reaffirmation of the Governments support for renewable energy development and now explicitly sets out at paragraph 168 that *significant weight* should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

The updated NPPF also introduces a number of changes to the policy situation with regards to development within the Green Belt. The main change that is of relevance to the Proposed Development is the introduction of the notion of 'Grey Belt' land, which is defined within the NPPF Glossary as '*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*'

Previously developed land is defined within the glossary of the NPPF as '*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry*

Directors
Mark J I Clayton – Managing Nicholas C Leaney Alan E B Taylor

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buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

The site is wholly included within planning permission reference PAP/2020/0637 for the 'Creation of three additional pools for breeding and stocking of fish'. This permission has been implemented, though construction has never been fully completed.

With reference to the definition of previously developed land, it is certainly the case that the site has been lawfully developed and the wider land is occupied by structures associated with the fishery business (which permission reference PAP/2020/0637 was to be an expansion of). It is therefore concluded that there is a strong case that the site should be considered as being previously developed land within the green belt, where development is not inappropriate.

Irrespective of whether or not the Council agree that this is previously developed land, following the introduction of the updated NPPF, planning decisions have begun to be made on the basis of the updated policy situation, including Appeal Reference: APP/V4630/W/24/3347424 for a temporary 49.35MW battery energy storage facility at land off Chapel Lane, Great Barr, Walsall. Within that appeal decision, the Inspector included an assessment of the proposal against Green Belt purposes (a), (b), and (d) contained within paragraph 143 and concluded that the site should be considered as Grey Belt. The Inspector went on to add that for the proposal to be considered as not inappropriate development it must also satisfy all of the criterion, a to d, listed in Framework paragraph 155. The Inspector then carried out an assessment of the proposals against these criteria and ultimately concluded that the proposal was not inappropriate development.

With regards to application reference PAP/2024/0582 (the Proposed Development), a Green Belt Assessment (Ref: 2373-R004) was prepared and submitted in support of the application. Whilst this assessment pre-dates the updated NPPF and does not include an assessment of whether the Proposed Development constitutes Grey Belt land, it does include an assessment of the site and Proposed Development against the Green Belt purposes set out in paragraph 143. With regards to purposes (a), (b) and (d) assessment concludes as follows:

Assessment Criteria	Assessment
GB Purpose (a) – To check the unrestricted sprawl of large built-up areas	<p>The topography and vegetative network of the Site, physically and visually separate the Site from the any settlement edge and would contain the Development limiting the perception of unrestricted sprawl and harm to this purpose of the GB.</p> <p>The Proposed Development would not represent 'unrestricted sprawl' in terms of its scale, in relation to the existing settlement and remaining GB.</p> <p>The sensitive design of the Proposed Development proposes a Battery Energy Storage System that would operate within the extent of the existing field pattern; utilising existing and new vegetation, within and along the boundaries of the Site to visually contain the Development as far as possible.</p> <p>The type of development proposed is fully reversible (after</p>

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	its operational phase), meaning that any harm to this purpose would not be permanent.
GB Purpose (b) - To prevent neighbouring towns merging into one another	<p>There would be no perceptible reduction in the distances between the settlements as a result of the existing vegetation (comprising field boundary hedgerow and woodland) that are within and surround the Site and in turn, visually contain it.</p> <p>In combination with the comprehensive landscape and ecological strategy, enhancement planting would further reduce intervisibility between the Proposed Development and the surrounding settlements.</p> <p>The perception of an unbuilt gap and separate identity of neighbouring settlements would remain intact.</p> <p>The proposal would not cause harm by way on GB purpose (b).</p>
GB Purpose (d): To preserve the setting and special character of historic towns	<p>Given the distance of the Site from any substantial settlement, it is considered that it plays a significantly limited role in this purpose of the GB. Whilst it forms part of the general countryside, the LVIA submitted with the application considers that there would be no significant adverse impacts that would arise as a consequence of the Proposed Development. Furthermore, the submitted Archaeological Desk Based Assessment concludes that there will be no impacts to any known heritage assets.</p> <p>Any limited harm to this purpose can be fully reversed on cessation of electricity generation.</p> <p>The proposal would not cause harm by way on GB purpose (d)</p>

With the above in mind, it is our position that the Proposed Development should be considered by the Council as being 'Grey Belt' for the purposes of footnote 55 to paragraph 153 of the National Planning Policy Framework.

Turning to Paragraph 155, this states that *'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) *There is a demonstrable unmet need for the type of development proposed;*
- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*

Taking each of criterion a-d in turn, we would comment as follows:

Directors
Mark J I Clayton – Managing Nicholas C Leaney Alan E B Taylor

Aardvark EM Limited Registered in England at
21 Silver Street, Ottery St Mary, Devon EX11 1DB
Company Registration Number 3473012
VAT Registration Number 709 8450 13

Criterion a – This criterion requires that the development would not fundamentally undermine the purposes, when taken together, of the remaining Green Belt across the area of the plan. This is taken to mean an assessment of the proposal against all 5 of the purposes of the Green Belt. The impact on purposes (a), (b) and (d) has been considered above, concluding there would be no conflict. Purpose (c), encroachment, is also considered within the submitted Green Belt Assessment, where it is concluded that *‘Given the nature and design of the Proposed Development, appreciation of the landscape as ‘countryside’ in terms of its fabric, including vegetation network and field patterns and in terms of its topography, would still be possible. The strategic performance of the GB would prevail, with the wider countryside continuing to provide a rural setting to local settlements, which would retain their countryside setting. Any limited harm to this purpose can be fully reversed on cessation of the Battery Energy Storage System.’* Regarding purpose (e), there is considered to be limited applicability to the Proposed Development, however the submitted Green Belt Assessment incorporates an assessment of alternative sites and sets out that a review relevant Local Authorities Brownfield Land Registers was undertaken to assess whether any previously developed land could potentially be available for the proposed scheme, within proximity to the grid connection as an alternative development option to residential development. This showed no suitable brownfield sites within the search area.

Criterion b - Requires a demonstrable unmet need for the development proposed. The demonstrable unmet need for renewable energy development is well established in both national and local planning (and other) policy. Most recently, The National Energy System Operator (NESO) published its Clean Power 2030 in November 2024. This report aims to provide advice on achieving clean power for Great Britain by 2030. The associated Clean Power 2030 Action Plan: A new era of clean electricity (December 2024) sets out how the government will work with the clean power sector, including industry, trade unions, investors, policy makers and others to achieve our clean power goal, setting out the government’s view of the pathway to 2030 and the steps needed to get there.

Successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK. This includes 23-27 GW of battery capacity and the Action Plan outlines that accelerating clean infrastructure projects through the planning system is critical to achieving our goal and unleashing investment to support the Prime Minister’s Growth Mission.

Turning back to planning policy, paragraph 161 of the NPPF which is clear that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. As previously stated, paragraph 168 now explicitly states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.

This position has been reaffirmed through appeal decision reference APP/Q4625/W/24/3343977 for the installation of a battery energy storage system at Beechwood Farm, Hodgetts Lane, Berkswell, Solihull CV7 7DG, in which the Inspector found that *‘The development proposed would provide substantial economic, social and environmental benefits. The submitted evidence also demonstrates the clear need for energy storage facilities. Collectively, these are significant considerations which attract very substantial weight in favour of the proposal.’*

Criterion c - with reference to APP/N4630/W/24/3347424, *‘Criterion C requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Framework paragraph 110 indicates that significant development should be focussed on locations that are or can be made sustainable, through limiting the need to travel. This paragraph goes on to say that opportunities to maximise transport solutions will vary between urban and rural areas, and this should be taken in to account in both plan-making and decision-making. Framework paragraph 115 seeks to ensure amongst other things, that sustainable transport modes are prioritised taking*

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account of the type of development and its location, safe access can be achieved and any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated.

The thrust of Framework paragraph 110 appears to relate to development that would generate significant level of vehicle movements, particularly by car. With this development there would be 2 phases, the construction phase and the operational phase. During the [26-week] construction phase the development would lead to an increase in traffic on the road network of, on average, [two], 2-way vehicle movements per day. During the operational phase, there would one van accessing the site on 2 occasions per month. This level of traffic movement is not significant, nor would it have an unacceptable effect of highway capacity or safety. The Highway Authority has no objection on access or traffic generation grounds. Moreover, given the nature of the development, whether it was located in a rural or urban area, the scale of traffic generation could not be limited or changed to alternative transport modes. The requirement of criterion C of Framework paragraph 155 is met.'

Criterion d - Criterion d, the "Golden Rules" does not apply here.

As a result of the above assessment, it is concluded that the relevant criteria contained in Framework paragraph 155 are met and this development does not fall to be considered as inappropriate development in the Green Belt.

The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

I trust that the information above and enclosed is sufficient for you to proceed with the determination of the application, however should you require any further information / clarification, please do contact me.

Yours sincerely

Steve Boundy BA Hons MSc MRTPI
Associate Planning Consultant
For Aardvark EM Limited

Directors
Mark J I Clayton – Managing Nicholas C Leaney Alan E B Taylor

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VAT Registration Number 709 8450 13

Appendix - F

From: [Ian Griffin](#)
Sent: 12 March 2025 12:18
To: [planappconsult](#) – [Planning Support Team](#)
Subject: FW: Consultation - Stat Consultee - PAP/2024/0582

Categories: Mandy

Wcc fire – comments

From: Rachael Dimbleby
Sent: 12 March 2025 12:17
To: Ian Griffin
Subject: Re: Consultation - Stat Consultee - PAP/2024/0582

Caution: Warning external email

OFFICIAL

Good morning Ian

My colleague in Fire Safety has now inspected the development and confirms as follows:

The developer appears to have appraised the proposal against the NFCC recommendations and WFRS is happy with the information provided including water supply (the reports state that 1,900 litres for 2 hours will be provided in line with the minimum recommended by NFCC). As such no condition is requested for further water supply.

Best wishes

Rachael Dimbleby
Water Supplies Planning Officer
Warwickshire Fire and Rescue Service
Water Department
Nuneaton Fire Station
Newtown Road
Nuneaton
CV11 4HR

Appendix - G



Your ref:
Our ref: 02/039714/GA0095/CR

For the attention of Ian Griffin
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Warwickshire Fire & Rescue Service

Gabriella Ahnger
Fire Protection Department
Service HQ, Warwick Street
Leamington Spa
CV32 5LH
Tel: 01926 466 263
firesafety@warwickshire.gov.uk
www.warwickshire.gov.uk

Email: iangriffin@northwarks.gov.uk
planappconsult@northwarks.gov.uk

12 March 2025

FPP2
Rev. Oct 2018

Dear Sir,

THE BUILDING REGULATIONS 2010

Planning Application Number: PAP/2024/0582

Development: INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) PLUS ANCILLARY INFRASTRUCTURE AND EQUIPMENT, LANDSCAPING, BIODIVERSITY IMPROVEMENTS AND ACCESS – LAND 230 METRES WEST OF MARSTON FIELDS FARM, KINGSBURY ROAD, LEA MARSTON, WARWICKSHIRE

Unique Property Reference Numbers (UPRN's) are the cornerstone of the built environment's data and search criteria. These are used in all systems relating to property and are allocated at the inception (planning stage) of a building's life. Therefore, all future consultations **must have the UPRN of the premises included in the documentation.**

Following notification of the Planning Consultation, Warwickshire Fire and Rescue Authority offers no objection to the application, subject to the below criteria being met, as required by Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service:

- Minimum width of the access road is 3.7 metres along the entire length
- Minimum width of any gateways is 3.1 metres
- Minimum height clearance is 3.7 metres
- Minimum carrying capacity is 12.5 tonnes
- A fire appliance to gain access to within 45 metres of all points within the footprint of each building or in accordance with table 15.1 of ADB, Volume 2.
- Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m.
- Dead-end access routes longer than 20m require turning facilities
- Turning circles should be a minimum of 16.8m between kerbs or 19.2m between walls.

Battery Energy Storage Systems (BESS) are increasingly being installed around the country, and these give rise to fire hazards which need to be considered in the planning and design of the site. The following recommendations issued by the National Fire Chiefs Council apply to BESS sites, in addition to the requirements specified in previous sections.

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- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- At least 6 metres between BESS units and access for firefighters to operate unimpeded between units.
- An initial minimum distance of 25 metres from any occupied buildings, prior to any mitigation such as blast walls.
- Areas within 10 metres of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site.
- As a minimum, hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.
- Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container/cabinet, and the location determined as part of a risk assessed approach.
- Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc.).

Further planning advice in relation to BESS sites is detailed in [Grid Scale Battery Energy Storage System planning - Guidance for FRS](#) issued by the NFCC.

Please include an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

For Consideration:

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact **Gabriella Ahnger**.

Yours faithfully,



Gabriella Ahnger
For and on Behalf of
BEN BROOK
Chief Fire Officer

OFFICIAL - Sensitive

Appendix - H

Further to the below, please find see our responses below in blue. The plans that you request should already be available in the submitted OBSMP.

Following notification of the Planning Consultation, Warwickshire Fire and Rescue Authority offers no objection to the application, subject to the below criteria being met, as required by Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service:

- Minimum width of the access road is 3.7 metres along the entire length

Updated plan attached shows 3.7m (previous plan erroneously showed 3.6m)

- Minimum width of any gateways is 3.1 metres

Gateways meet the guidance with a width of 6.2m

- Minimum height clearance is 3.7 metres

There are no structures that would impact height clearance

- Minimum carrying capacity is 12.5 tonnes

The roadways would be constructed to meet this carrying capacity, detail to confirm this will be provided within a full Battery Safety Management Plan post the detailed design phase, we would expect this to be included as a condition.

- A fire appliance to gain access to within 45 metres of all points within the footprint of each building or in accordance with table 15.1 of ADB, Volume 2.

Fire appliance access to each of the units can be achieved in under 45m. For reference the furthest distance a unit is located from an access track is approximately 12m.

- Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m.

Not applicable – no buildings are proposed

- Dead-end access routes longer than 20m require turning facilities

There are no dead-end access routes located on site, all access roads form loops.

- Turning circles should be a minimum of 16.8m between kerbs or 19.2m between walls.

There are no turning circles proposed, all access roads form loops.

Battery Energy Storage Systems (BESS) are increasingly being installed around the country, and these give rise to fire hazards which need to be considered in the planning and design of the site. The following recommendations issued by the National Fire Chiefs Council apply to BESS sites, in addition to the requirements specified in previous sections.

- At least 2 separate access points to the site to account for opposite wind conditions/direction.

The BESS compound has 3 No. access points all located along the eastern boundary of the site, allowing the fire service to enter the Site safely depending on the location of the fire. Once inside the BESS compound an internal roadway loops around the BESS and inverter units.

- At least 6 metres between BESS units and access for firefighters to operate unimpeded between units.

There is a 6m spacing between BESS units. **Note that where it is flagged by objectors that the gap appears less, this is inverters not BESS units**

- An initial minimum distance of 25 metres from any occupied buildings, prior to any mitigation such as blast walls.

There are no occupied buildings within 25m of the BESS compound.

- Areas within 10 metres of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site.

As per the OBSMP:

— Areas of vegetation have been kept to a minimum on Sand will be located at least 10m from any BESS units.

— All areas of vegetation will be kept well maintained and any waste taken off-site to a suitably permitted facility to avoid risk of fire.

- As a minimum, hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.

The water supply for a fire incident at the Site will be the ponds to the east of the Site. All Site access points are located within close proximity to the lakes, approximately 20m east.

In addition to the ponds located to the east of the site there are also hydrants located along the roads near to the Site which the Fire Service may use in a fire incident. The closest hydrants to the site are:

- A hydrant located approximately 250m to the east of the site on Kingsbury Road,
- A hydrant located approximately 300m to the south-west of the site along Haunch Lane.

- Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container/cabinet, and the location determined as part of a risk assessed approach.

There are no static water tanks proposed on site. Should this change at the detailed design stage, this requirement is noted and would be dealt with in the detailed Battery Safety Management Plan

- Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc.).

Please see submitted flood risk assessment reference 1825 revision A. This confirms that in the unlikely event of a fire, in order to manage potential contaminated flows, such as firefighting runoff, the proposed cutoff ditches will include penstocks immediately upstream of the flow controls, allowing contaminated flows to be retained and disposed of safely.

General Development Applications

(5/h) Application No: PRE/2024/0089

Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston,

Diversion Order application to implement diversion to Public Footpath M23, granted under planning permission PAP/2023/0567 dated 22/05/2024, for

Lea Marston Shooting Club

Introduction

This is not a planning application. Members will be aware that most diversions of public footpaths are sanctioned by Warwickshire County Council as Highway Authority. In some cases however, diversions can be agreed by the Local Planning Authority. This is the case if the grant of a planning permission would require such a diversion, as is the case here.

The Site

The site lies within the Green Belt and is accessed via the footpath from Blackgreaves Lane to Haunch Lane. Blackgreaves Lane runs along the northern boundary of the shooting club site, with a cricket ground and a golf course linked to the Lea Marston Hotel on the northern side together with agricultural land to the south. Haunch Lane runs along the eastern boundary of the site. The existing footpath alignment runs between these two lanes and joins other footpaths from these points. There are residential properties to the west in converted barns of the original Blackgreaves Farm. The site is established for clay pigeon shooting, which includes other leisure functions too – archery and quad biking.

The route of the existing footpath is across an agricultural field and then across the shooting club facilities including skeet shooting areas. There is no boundary treatment or significant planting across the footpath alignment.

Background

A planning application for noise bund has been approved on the site (reference PAP/2023/0567). When making the decision the Council was aware that there was a public footpath crossing the site. Whilst a material planning consideration in the decision, it was not considered that its diversion would be of such weight to warrant refusal of the proposal. A reasonable alternative route was proposed to be accommodated within the layout, which would run directly adjacent to the bund. However, the applicant has now proposed an alternative route to this that links to another footpath in the area – the M14 to the south of the current alignment.

The shooting club is now planning to carry out the construction of the bund, hence the submission of this application to divert the public right of way.

The Proposals

The existing line of the M23 is shown on the plan at Appendix A.

The existing footpath runs westwards across the field from the existing farm gate on Haunch Lane and then northwards where there is a vehicular access on Blackgreaves Lane. This runs for a distance of around 420m in length.

The proposed line of this diversion is shown on Appendix B.

The proposed footpath is proposed to be accessed from the current position on Haunch Lane. This would then run southwards for around 250 metres inside the field, it would then run westwards for around 520 metres parallel to the footpath M14, then northwards around the proposed bund and Blackgreaves Farm where it would rejoin the highway at the current position on Blackgreaves Lane, this is for around 450m. The footpath diversion in total would measure just over 1200m in length. The footpath is proposed to measure 2 metres wide for the length where it is unenclosed.

Consultations

As part of the consultation process a number of prescribed organisations needed to be consulted.

British Horse Society – No response received

Byways and Bridleways Trust – No response received

Open Space Society – No response received

Cycling UK – No response received

Lea Marston Parish Council – No response received

Ramblers Association - No objection

Warwickshire County Council (Rights of Way) – No objection in principle

Cadent Gas - No objection

Severn Trent Water – No objection

Representations

Residents in the vicinity of the site have been consulted. In accordance with guidance, site notices have been displayed at the start and finish of the public right of way and a Newspaper advert has been posted in the local paper.

As part of the consultation process, three objections have been received to the proposal from residents (these are defined as “relevant persons”). Their objections are as follows and still remain:

- No knowledge from residents of the position with the bunds.
- Planning permission has been granted for new residential dwellings subject to a noise condition due to the shooting club.
- These bunds should have been erected in 2014, but this never happened.
- When will these bunds be erected.
- There is no correct signage to inform people of where to walk and the signs on the gate to the entrance of the footpath are extremely off putting and intimidating.
- No way markers.
- Should be physical barriers between quad bikes track and footpath going forward.
- Shooting activity buildings have been allowed to encroach the vicinity of the current footpath.
- Not convinced that the bund will be built and will be used as a delaying tactic.
- The diversion if allowed will be stopped up and landowner will stop up footpath.
- The diversion makes a longer walk
- Current warning sign requests a phone call prior to using the footpath. The red flag permanently flies frightening off walkers.
- Footpath compliance is required.
- There have been occasions of verbal abuse to walkers from the shooting club.

Observations

A balanced approach is required when considering footpath diversions, taking into account guidance from Government in its way of Rights of Way Circular (1/09). The disadvantages or loss likely to arise from the stopping up or diversion of the way to members of the public or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of any proposed Order. As such, both direct and indirect consultation has been carried out to consider the impact of the proposed diversion.

It is considered that it is necessary to divert this section of the footpath in order to enable development to be carried out in accordance with planning permission PAP/2023/0567 which has been granted following the resolution to approve the bund application at the Board meeting in April. The diversion is mainly required as the current position and alignment of the footpath would cross through the proposed shooting club noise bund. Also currently, the confirmed public footpath crosses in front of part of the shooting range. There is a safety system in place which requires users of the footpath to carry flags while using the footpath. Clearly, this is far from ideal from a health and safety perspective for the users of either the footpath or the shooting range. However, the current procedures follow the advice given by the British Association of Shooting and Conservation (BASC) and from the Warwickshire County Council Footpath team.

From a safeguarding perspective the current alignment runs straight through the site dissecting the shooting club site. The diversion of the footpath some 250 metres to the south and then west is considered to be reasonable. The diversion will help to “protect” users of the footpath from the established shooting use. It is also likely to provide a better environment for users of the footpath.

There are concerns that the route would be longer, which is correct in that the diversion would extend the footpath by over 800 metres. However, officers consider that the route is not too long or too complicated such that users would be significantly inconvenienced. The route will provide a circular route linking it to footpath M14 which runs westwards, there are benefits of the proposal in that it provides a better network of routes.

Consultations with prescribed organisations as well as local residents have been carried out. There are representations made by three residents relating to the timings of the bund provision and footpath diversion as well as a number of other issues. Officers have discussed these with the residents and these objections would still remain and have not been withdrawn by the residents. Unlike a planning application, if an objection remains, then the application will have to be determined by the Planning Inspectorate through written representation, hearing or inquiry procedure. An Order made to divert or extinguish a right of way, made as the result of the granting of planning permission, that is “opposed”, will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed. Although, this may impose significant, unavoidable delays to the scheme and noise bund, it is a requirement of the footpath legislation. The process of procedure (written representations, hearing or inquiry) will assist the Secretary of State in making a decision on the opposed order.

A number of footpath enforcement issues have been raised by the objectors. These are matters that should be considered in relation to the footpath diversion. The existing or diverted footpath will have to be provided in accordance footpath legislation and guidance. This will have to be enforced by the County Council.

Overall though officers consider that the footpath diversion should be supported, as it neither interferes with the proposed development, it links to the existing network of footpaths in the area and overcomes a safeguarding issue. The Council should therefore support the diversion when it is referred to the Secretary of State.

Recommendation

1. That the requested for the Public Path Order Diversion be supported
2. That the requested opposed diversion order be referred to the Secretary of State

General Development Applications

(5/i) Application No: PAP/2024/0127

Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU

Installation of roller shutters and rooflights to two-storey building, construction of a ramp to delivery area, new doors and roof covering to existing animal pens, the provision of new animal pens and storage areas for refuse and hay/straw, new site office and external alterations., for

Dr A Ahmed - T&S Investment Group Ltd

1. Introduction

- 1.1. This application is reported to the Planning and Development Board at the discretion of the Head of Development Control.

2. The Site

- 2.1. The application site comprises land and buildings at 'Glenside', a premises situated on the northern side of Ansley Lane within the village of Old Arley. The site consists of a two-storey building located towards Ansley Lane. The ground floor was lastly in use as a butchers' shop, bakehouse and cutting rooms, with the first floor housing a residential flat. An abattoir is present alongside the rear boundary of the site, together with two animal pens. Two access points are present on Ansley Lane, either side of the two-storey building.
- 2.2. The Wagon Load of Lime Public House abuts the site to the east with residential properties present to the west, and to the south on the opposing side of Ansley Lane. Open land extends beyond the site to the north with Thistledown Farm located 100m to the north-west.
- 2.3. A location plan is at Appendix A.

3. Background

i) Planning History

- 3.1. The site has a long-standing, lawful use as an abattoir and butchers' shop with planning permissions for alterations/extensions to the premises granted in 1960, 1975 and 1979. There is anecdotal evidence which indicates that the site opened in 1913.
- 3.2. Two applications for the site were approved in November 1993, one for extensions to the abattoir (FAP/1993/1998) and the second to form a new access and to change the use of part of a room within the two-storey building into a shop

(FAP/1993/2394). FAP/1993/1998 was subject to amendment, approved on 16th February 1994.

- 3.3. The abattoir extension permission contains eleven conditions, the bulk of which relate to access and parking arrangements.
- 3.4. In 1994, an application to expand the shop and utilise the remainder of the ground-floor in association with it (cutting rooms, bake house, office etc) was approved (FAP/1994/2535). The 1994 permission contains five conditions, with the accommodation's use restricted to B2 by condition:

(2) **The accommodation hereby approved shall not be used for any purpose, including any other purpose in Class B2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), other than for cutting rooms and bakehouse in association with the production of meat and meat products.**
Reason:
In the interests of the amenities of the area.

- 3.5. Although not forming part of the application, it is evident that there has been a substantial increase in slaughtering activity within the site following a change of ownership in 2024. In 2009, some 6,512 animals were slaughtered, with throughput subsequently declining to a figure of just 155 in 2023. Between 2009 and 2023 a total of 54,729 animals were slaughtered, giving an annualised average of 3,649. When 2023 is discounted, the 14-year annual average is 3,898. Evidence from the FSA specifies that the former owners slaughtered on only one day a week.
- 3.6. In 2024 (from March onwards) 39,189 animals were slaughtered at the premises (a 974% increase on the 15-year average). Moreover, slaughtering activity increased, taking place four days a week from Sunday to Thursday, excluding Tuesdays, with the site operational between 0630 and 1800 hours Monday to Friday, and 0730 to 1800 hours on Sundays. There is also evidence of the site operating beyond these hours.
- 3.7. A lawful development certificate was secured in November 2023 for the use of the site as an abattoir (B2 use class).
- 3.8. The Food Safety Agency (FSA) granted a full approval for the new ownership to operate as a slaughterhouse in June 2024. This approval has recently been revoked (effective from 1st May 2025) on animal welfare grounds with slaughtering currently halted. It is understood that the owner benefits from a right of appeal to the First Tier Tribunal (FTT) up to 28 days after the date of revocation.
- 3.9. Although the approval has been revoked, there is still an outstanding application here which requires determination, hence it being brought before the Planning Board.

ii) Other Matters

- 3.10. Members will be aware that many regulatory regimes extend to the operation of business premises. It is not within the remit of this Council as a Local Planning Authority to replicate or to interfere with these separate legislative processes. It has to have regard to them in as far as they may affect planning considerations and thus to assess the planning merits or otherwise of a proposal. That assessment should not stray into the remit of these other regimes.
- 3.11. In this case, the actual operations and activity on the site are primarily regulated by the Food Standards Agency (FSA). Specifically, anyone carrying out slaughtering operations must hold a Certificate of Competence (CoC), issued by the FSA, which relates to food hygiene and animal welfare requirements.
- 3.12. Part 3 of the Environmental Protection Act 1990 (EPA 1990) places a duty on every Local Authority to inspect its area for statutory nuisances (such as odour and noise) and to take reasonable steps to investigate any complaints of statutory nuisance that it receives. The task of detecting statutory nuisances falls within the remit of the Borough Council's Environmental Health department.
- 3.13. Warwickshire County Council, as the local highway authority, has a legal responsibility under the Highways Act 1980 to maintain the public highway network in a condition that is safe for users, and are a statutory consultee within the planning system. The Police can too be involved if a highway is obstructed.
- 3.14. Severn Trent Water Ltd require a Trade Effluent consent for the discharge of anything other than domestic waste into a drain which connects to the public sewage system. Severn Trent refused a discharge consent at the premises last year.
- 3.15. As can be seen there are several other agencies that have an interest in this site and its operations. The Board is reminded of its planning remit when assessing the planning application before it.
- 3.16. Members are also reminded that whilst this application is for the retention of works, the fact that it is a retrospective application is NOT a reason for refusal. It should still be assessed afresh on the content of the works included in the application, and their planning merits or otherwise.

4. The Proposal

- 4.1. Enforcement investigations in 2023 revealed that a series of building works had been carried out at the site which required planning permission - namely the installation of roller shutters to the front and side of the two-storey building, and engineering operations to form a 'sunken' delivery bay in front of the abattoir.

- 4.2. Subsequently, an application for planning permission to retain the shutters and the delivery bay was submitted in March 2024. That application also seeks consent for various other building works.
- 4.3. The proposals have been revised since the application's submission – the latest layout can be found at Appendix B. The former layout is provided at Appendix C.
- 4.4. Roller shutters have been removed from the submitted plans, although they currently remain installed on-site. The proposals for new animal pens have also been removed.
- 4.5. The latest proposals are detailed below:
- Erection of a covered area for refuse storage and hay/straw
 - Underground blood tank
 - Underground sewage tank
 - Delivery bay
 - New rooflights
 - New doors and roof covering to existing animal pens
 - Erection of a new site office
 - Addition of a new double door (primary access point) and a secondary access point to the front of the abattoir
 - Additional hardstanding
 - Re-configured parking – two spaces fronting the two-storey building, two spaces to the left-hand side of the site 'exit' and two behind the gated entrance
 - Access alterations onto Ansley Lane
- 4.6. Unfortunately, there are still a number of inconsistencies between the drawings which have been submitted and what is present on the site. The site layout depicted on the tracking drawings does not reflect the layout depicted within the access details plan, both of which were submitted in January 2025. Moreover, no revised site plan was provided in January.
- 4.7. It is also apparent that the revised access alterations extend beyond the boundaries of the site, presumably into the public highway. No revised ownership certificate or site location plan has been submitted.
- 4.8. Furthermore, specifications and plans for the underground blood and sewage tanks and the proposed site office have not been submitted, despite requests from officers. Moreover, a refrigerated container has been added to the site, and a fan installed on the rear elevation of the abattoir, again for which no details have been supplied.
- 4.9. The situation is thus that the plans tabled for the Board only partly reflect what is on site – many subsequent additions beyond the initially submitted plans therefore remain uncovered by the submission.

5. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP11 (Economic Regeneration), LP15 (Historic Environment), LP16 (Natural Environment), LP21 (Services and Facilities), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP31 (Frontages, Signage and External Installations), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Arley Neighbourhood Plan 2015 -2030 - ANP1 (Rural Character); ANP2 (Green Space Strategy), ANP3 (Maintain the balance between the natural and built environment), ANP4 (Encourage a strong and vibrant community), ANP5 (Ensure built development meets highest current standards), ANP7 (Community Assets and Facilities) and ANP8 (Increase employment opportunities)

6. Other Relevant Material Considerations

National Planning Policy Framework 2024 – (the “NPPF”)

Planning Practice Guidance – (the “PPG”)

MHCLG National Design Guide

North Warwickshire Air Quality SPD (2019)

North Warwickshire Car Parking Standards (Local Plan 2021)

North Warwickshire: A Guide for Shop Front Design SPD (September 2003)

7. Consultations

Warwickshire County Council, as the Local Highway Authority, has repeatedly objected to the proposals. Its’ four consultation responses are all of objection. The initial response was that “the existing accesses are poor” and that an intensified use of the site would not be supported. Further concerns raised were as follows:

- Removal of the brick wall fronting Ansley Lane, leading to vehicles mounting kerbs to enter the site
- Concrete installed within the public highway

Subsequent comments raised issues with the tracking drawings provided (demonstrating that HGV’s are unable to effectively manoeuvre within the site), a requirement for a Road Safety Audit (RSA) which was not forthcoming, the routing of HGV’s through the village and the absence of visibility splay drawings.

The latest consultation response was received on 31st January 2025 (Appendix D). Key concerns raised within the January response are as follows:

- A refrigerated container inhibits manoeuvring and thus is not acceptable
- Proposed tactile paving is unaligned
- No Road Safety Audit (RSA) brief has been submitted for review
- A delivery and service management plan should be provided

Environmental Health Officer:

Environmental Health have received over 1100 complaints since the site opened, complaints relating to odour, noise and light pollution.

The Trade Effluent consent was not granted to site, therefore all wastewaters had to be removed from site by tanker, this added to the numbers of large vehicles accessing the site and also an increase in odour when the effluent was being transferred.

The business is now registered with Environmental Health as a meat wholesaler distributing carcasses. There is also another company distributing from the site, Amin & Sons Ltd registered with Oadby and Wigston Borough Council.

8. Representations

424 representations have been made to date (figure includes multiple responses from the same property/individual). The concerns largely centre on intensified activity at the site, rather than the operational works. A summary is provided below:

Environmental

- Drainage of blood into the street.
- Adverse implications for local water and sewage network due to intensification.
- Substantial increase in the throughput of animals – previous owners slaughtered 200 a week. Current occupiers are slaughtering in the region of 2000 a week.
- Increased noise, disturbance, air pollution, waste, and odour from the premises as a result of intensification.
- Waste is visible to members of the public with skips unsealed.
- Waste should be removed in a timely manner.
- Interference with enjoyment of private gardens due to odours/noise
- Operations are taking place 7 days a week with deliveries arriving before 6am. Working hours should be restricted.
- Negative impact on the operation of the adjacent pub and Hood Lane Farm Coffee Shop.

Highway Safety

- Narrow road alignment and on-street parking render the road unsuitable for large vehicles entering the site.
- Large vehicles accessing the site causing congestion along Ansley Lane. Residents given assurances from the owner that vehicles would not exceed 7.5t.
- Size of vehicles should be restricted.
- Inadequate parking, loading, and turning facilities within the site.
- Use of frontage by vehicles increases accident risk.
- Safety concerns for pedestrians and cyclists, including those with limited mobility.

Alterations to the two-storey building

- New roof tiles are not 'in-keeping'.
- Velux windows face properties along Ansley Lane.
- Roller shutters and new gates provide an industrial appearance.
- Overlooking from velux windows.

Other

- Development conflicts with Arley Neighbourhood Plan.
- New hardstanding in a poor condition.
- Operation does not support the local economy/community.
- Loss of visual amenity through removal of vegetation.
- Lowered property values.
- Concerns regarding animal welfare.
- Butchers shop has not re-opened.
- Two SEN schools in close proximity – concern regarding the safety of the pupils.
- Work commenced on site and was largely complete before the submission of the application.
- Bat roost within the main abattoir building.
- Implications for local water supply and drainage systems.

A petition has been received with 121 signatories - Appendix E.

Arley Parish Council has submitted an objection – Responses from August 2024 and February 2025 can be found at Appendix F.

Shustoke Parish Council - It has concerns regarding intensification and the routing of HGV's through its parish.

9. Observations

i) Introduction

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004, and section 70(2) of the Town and Country Planning Act 1990, require planning applications to be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise. This therefore defines the remit of the Board in this case in light of the matters raised in Section 3 (ii).

- 9.2. The site has a lawful use as a slaughterhouse. The current application is NOT an application for a material change of use to a different use. It is for retention of building and engineering operations in connection with this lawful use.
- 9.3. The substance of the plans received for these buildings has been to facilitate increased activity and operations at the site as well as to adapt the site to current operational requirements for its lawful use. This has, as a matter of fact and degree led to an intensification of that use.
- 9.4. The overall thrust of the representations received has been to evidence the substantial adverse impacts of such an increase in activity. It too has led to the objection from the Highway Authority. However, at the general level, the lawful use of the site has not changed – it still operates as slaughterhouse. This therefore puts the Board in an unusual position whereby there is no material change in the use of the site, but the impacts of the lawful use have materially altered.
- 9.5. Officers have taken advice on this matter because intensification of an existing, lawful use is a complex and uncertain area of planning law. Intensification of an existing use can constitute a material change of use, but only if the increased intensity has resulted in a change in the “definable character of the use” as detailed within *Hertfordshire County Council v Secretary of State for Communities and Local Government* [2012] EWCA 1473:

‘What must be determined is whether the increase in the scale of the use has reached the point where it gives rise to such materially different planning circumstances that, as a matter of fact and degree, it has resulted in a such a change in the definable character of the use that it amounts to a material change of use’.

- 9.6. It is clear from Section 3(i) above that the combination of the 1994 planning permission and the 2023 Certificate, that there is a lawful B2 General Industrial use here for an abattoir, and the production of meat and meat products. This is the use that was recently operational on site. Members are therefore advised that a refusal here based on “intensification” is not to be recommended as there is no material change of use and thus it is very unlikely to succeed in a subsequent appeal.
- 9.7. Notwithstanding the above, it is discernible from the evidential record since 2023 that the building works undertaken on site – those within the application and those that are not included – have directly led to substantial adverse planning and highway impacts which are demonstrably related to those works.
- 9.8. These in general terms are outlined in sections 7 and 8 above. As such a refusal can be considered, provided it addresses the adverse impacts arising from these buildings. This needs to be assessed against the Development Plan. Whilst the site is not presently operational, there is a live application here which still requires determination.

ii) **Assessment**

- 9.9. North Warwickshire Local Plan policy LP2 sets out a settlement hierarchy for the Borough, which seeks to distribute development across North Warwickshire at a rate commensurate with the level of services and facilities each settlement possesses. The site lies within the development boundary for Arley, a Category 3 settlement. Policy LP2 provides support, in principle, for new development within the development boundaries of category 3 settlements.
- 9.10. Arley Neighbourhood Plan policy ANP8 states that the development of rural businesses is supportable provided they “avoid large-scale development that is inappropriate in a rural area”. Local Plan policy LP11 too supports the expansion of established rural business in circumstances where it would have no significant and demonstrable harm, in particular on the character of the area, consistent with paragraph 88(a) of the NPPF (2024), which states that policies should enable sustainable growth and expansion of businesses in rural areas.
- 9.11. Distilling the above, it’s evident that, in principle, new development at the site would draw support under the development plan and the national framework. Nonetheless, as is apparent from the wording of planning policies LP11 and ANP8 together with Framework, any development or expansion must be sustainable and not lead to significant and demonstrable harms. This is not considered to be the case here.

Highways Considerations

- 9.12. The NPPF states that development should only be refused on highway safety grounds if there would be an “unacceptable” impact on highway safety, or where there would be “severe” residual cumulative impacts on the road network (post-mitigation) - paragraph 116. Road network implications refer to the operational performance of the local highway network, separate from considerations on highway safety. Applying the Framework’s policy, unless the impact of a development on highway safety is unacceptable or the road network implications would be severe, planning permission should not be refused on such grounds. With regard to the development plan, policy LP29(6) states that development should provide safe and suitable access for all users, consistent with the wording found within paragraph 115(b) of the Framework.
- 9.13. Here, the physical setting of the site in highway terms and the rural character of the associated road network are material considerations of substantial weight. The applicant is seeking planning permission for a series of alterations to the site, including reconfiguring its internal vehicular layout, the formation of a sunken delivery bay, and alterations to the access points onto Ansley Lane (a classified road) through the construction of bell-mouth accesses and tactile paving. The frontage of the site has seen vegetation removed and replaced with hardstanding.

9.14. As recorded earlier, Warwickshire County Council has consistently maintained its opposition to the application, detailing that an intensified use here would not be supported. Significant weight is attached to this objection from a statutory consultee.

9.15. Officers consider the key highway issues to be as follows:

- The tracking drawings have failed to demonstrate that HGV traffic can access the site, manoeuvre within it, and egress in a forward gear. In the absence of evidence confirming this can be practically achieved, HGV's would be forced to reverse into the site (which has been documented), raising issues of congestion and potential harm to public safety. Moreover, the tracking drawings fail to account for the presence of despatch vehicles within the site, and the new refrigerated container. In short this means that the site is "too small" to accommodate and operate safely in highway terms with the level of activity brought about by the new building works.
- No Road Safety Audit (RSA) has been supplied for the proposed bell-mouth accesses. The objective of RSA's is to provide an effective, independent review of the road safety implications of interventions for all road users. RSAs provide a localised review, and identify specific problem areas, risks and potential harms. The absence of such an appraisal is a significant omission.
- Visibility splays have not been provided. The standard 'y' distance for 30mph roads is 43m. There is no evidence that this can be practically achieved. Whilst the application is not proposing new vehicular accesses, intensification of sub-standard accesses (increasing the risk of collision and possible obstructions on the highway) would be prejudicial to highway safety.
- The 'in and out' arrangement proposed directs HGV traffic through Arley and local villages.
- Conflicting parking arrangements are shown on the latest drawings (provided in January 2025)

9.16. Fundamentally, it has not been shown that the alterations within the site, the improvements to the access points onto Ansley Lane, and the parking arrangements would be acceptable from a highway safety perspective. Moreover, insufficient evidence has been provided to reach a fully informed conclusion about the severity of potential impacts on the local highway network.

9.17. In the absence of this detail, officers cannot conclude that there would be no unacceptable impacts on highway safety or that the impact on the road network would not be severe.

Residential Amenity

- 9.18. Local Plan Policy LP29(9) states that development should avoid and address unacceptable impacts upon neighbouring amenities. LP29(2) makes clear that development should “take into account the needs of all users”, with paragraph 135(f) of the NPPF adding that decisions should ensure developments provide “a high standard of amenity for existing and future users”.
- 9.19. The residential setting of this site is a substantial material consideration here. Demonstrable unacceptable impacts have been evidenced over many months and during different seasons, and at different times of the day – NWBC’s Environmental Health team have received over 1100 complaints to date.
- 9.20. These impacts invariably revolve around odour and also the visual and noise impacts of operations here as witnessed in the outdoor yards.
- 9.21. There have been specific issues with blood and foul water tanks, waste disposal operations, as well as the transfer of animals. As recorded by Environmental Health officers, the refusal of trade effluent consent has led to increased vehicle movements and odour during transfer of wastewater off-site. Moreover, the waste management measures set out within the applicant’s letter of January 2025 are seen as ineffective and thus unacceptable.
- 9.22. In some instances, no technical details or specifications have been submitted for the plant and equipment installed – the blood tank and underground sewage tank in particular.
- 9.23. The Environmental Health Officers have been and are continuing to collate evidence to establish whether the odour impacts could amount to a statutory nuisance. Members will be aware as indicated above that any subsequent action would be taken under a separate regulatory regime.
- 9.24. However, odour still remains a material planning consideration and, as the Institute of Air Quality Management’s Odour Guidance makes clear¹, significant loss of amenity (and thus unacceptable impacts) often occur at lower levels of odour exposure than would constitute a statutory nuisance. In other words, the absence of a statutory nuisance is not equitable to acceptability in planning terms.
- 9.25. Officers consider that it is not necessary to itemise impacts arising from each building or piece of plant or equipment. These all collectively contribute to the site operations as a whole and, together, they have led to a greater throughput which in turn has led to unacceptable impacts.
- 9.26. It is as a consequence of all of these matters that the recommendation is one of refusal.

Other Matters

- 9.27. The roller shutters, although now removed from the submitted plans, remain installed on-site. Whilst providing security, the shutters introduce an uncharacteristic, industrial appearance to the building, wholly at odds with the residential character of the area. The shutters also have a 'deadening' effect on the street scene when in operation and obscure architectural detailing such as the lintels and flat brick headers.
- 9.28. It is considered that shutters fail to reflect the materiality and general design of the host building and are unsuccessful in adding interest to the street scene, clearly conflicting with Local Plan policy LP31 and NWBC's Shop Front SPD.
- 9.29. The rooflights on the two-storey building are not considered to be objectionable from a visual amenity, residential amenity or local character perspective.
- 9.30. Concerns regarding lowered property values are not a material planning consideration.
- 9.31. The largely retrospective nature of the application has no bearing on its determination.
- 9.32. No evidence of bats has been presented and the application is not proposing alterations to the abattoir other than to its façade and a small new roof covering.

iii) The Expediency of Enforcement Action

- 9.33. If the recommendation below is agreed then, as Members will be aware, the expediency of formal enforcement action should be reviewed. This is because the refusal covers building and engineering operations already undertaken on site. Other works remain as unauthorised developments on the site (such as the roller shutters, refrigerated container and extraction fan) but they are not included in the current application.
- 9.34. The fact that the site is presently closed as a consequence of the FSA action, does not preclude the Council from proceeding with its own planning enforcement action if it considers that it is expedient to do so. An appeal against the FSA's closure notice might be successful.
- 9.35. Members are advised that any enforcement action should not be targeted at the B2 use of the site, because that is lawful – see Section 3 (i) above. It would have to refer to the building and engineering operations.

¹ IAQM guidance on the assessment of odour for Planning (Version 1.1 – July 2018)

- 9.36. Notwithstanding the comments above, as detailed by Environmental Health officers, the business has recently registered as a meat wholesaler, distributing carcasses, which is potentially a material change of use to storage and distribution (B8). The expediency of taking action against the use could be taken into consideration if this is shown.
- 9.37. A review on the expediency of formal enforcement action at the site will be subject to a supplementary report, made available prior to the meeting on 20th May.

iv) Human Rights Act, Equality and Diversity

- 9.38. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.
- 9.39. Section 149(1) of Equality act, known as the Public Sector Equality Duty (PSED), requires local authorities to, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share protected characteristics and those who do not. The case officer has had due regard to the aims of the Equality Duty in the determination of this application.

Recommendation

That planning permission be **REFUSED** for the following reasons:

1. It is considered that the building and engineering operations the subject of this application have directly resulted in increased activity at the site leading to significant and demonstrable harm to residential amenity and highway safety. This conflicts with Policies ANP1 and ANP8 of the Arley Neighbourhood Plan 2016 together with Policies LP1 and LP11 of the North Warwickshire Local Plan 2021.
2. Insufficient information has been provided to demonstrate that the use of the building and engineering operations the subject of the application have resulted in safe and suitable access for all users; that their use would not give rise to an unacceptable impact on highway safety, or that their use would not lead to severe impacts on the local road network. Accordingly, the proposals conflict with Policies LP1, LP11 and LP29(6) of the North Warwickshire Local Plan

2021 and paragraphs 115 and 116 of the National Planning Policy Framework (2024).

3. Insufficient information has been provided to satisfactorily demonstrate that the proposals have addressed and therefore avoided unacceptable impacts on the residential amenity of neighbouring occupiers by virtue of noise, odour and visual harm. Thus, the proposals fail to comply with policies LP11 and LP29(9) of the North Warwickshire Local Plan 2021 together with Policy ANP8 of the Arley Neighbourhood Plan 2016.

BACKGROUND PAPERS

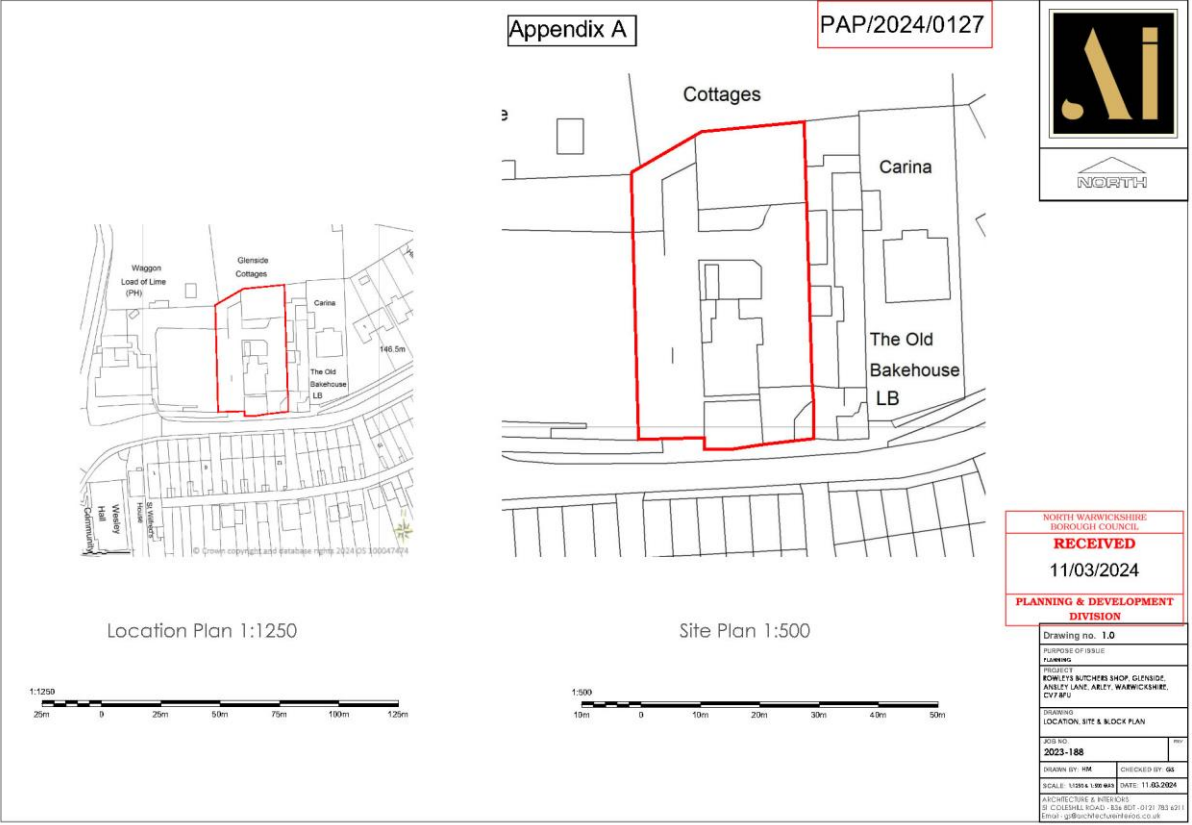
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2024/0127

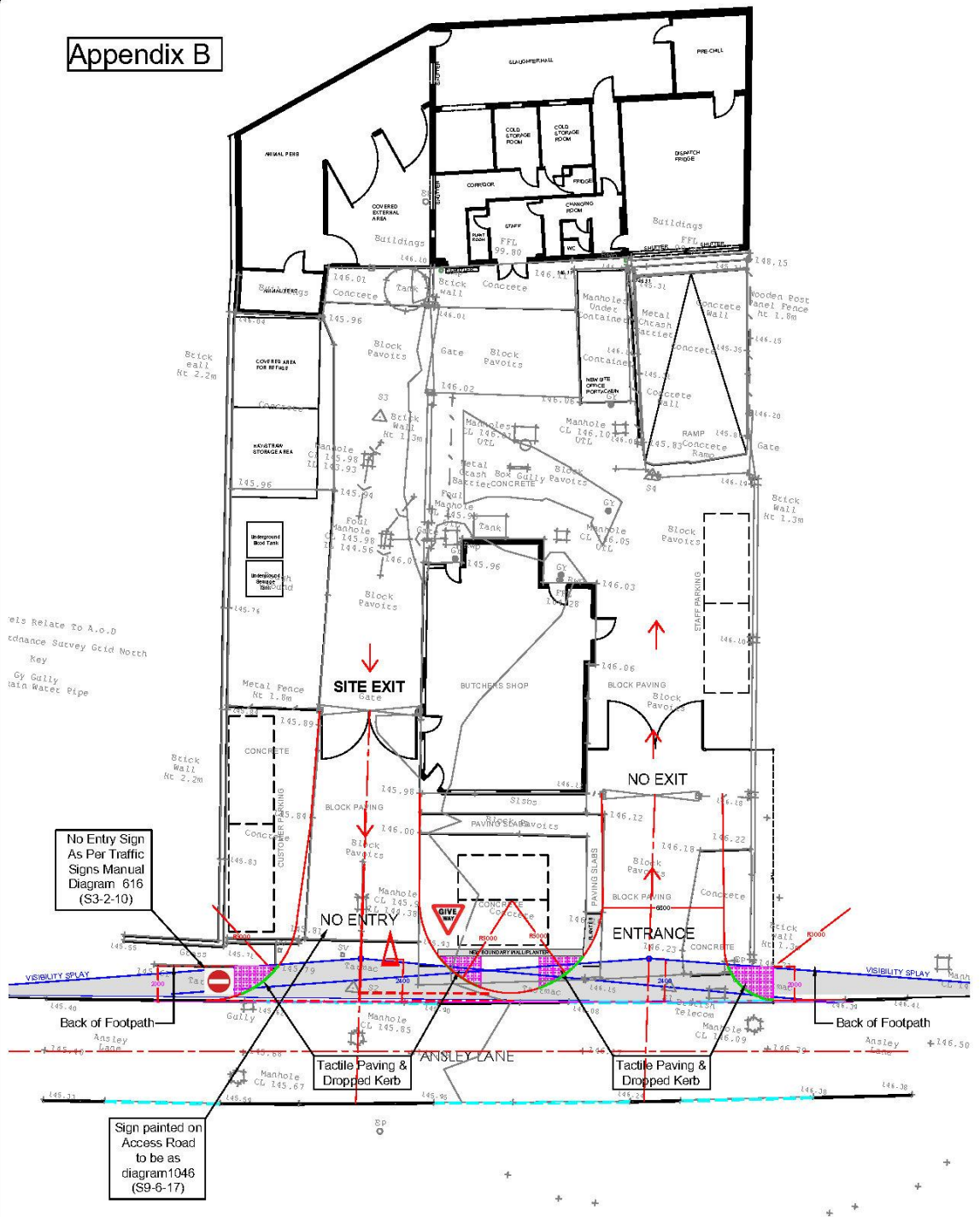
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Consultation Response	Warwickshire County Council Highways	
3	Consultation Response	Arley Parish Council	
4	Consultation Response	Shustoke Parish Council	
5	Representations	Third Parties	

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Appendix B



REV.	DESCRIPTION	DWN	CHK	DATE
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THIS DRAWING IS CONFIDENTIAL AND MUST NOT BE
REPRODUCED WITHOUT THE CONSENT OF
JOHN DAVIES ASSOCIATES.

CLIENT

PROJECT

Rowley's Butchers Shop
Glenside, Ansley Lane

TITLE

[Access Details Full Site](#)

John Davies Associates
1 St John's Rd.
Queen's Park
Chester. CH4 7AL
Tel/Fax: 01244 677991



JOHN DAVIES
ASSOCIATES
Consulting Engineers

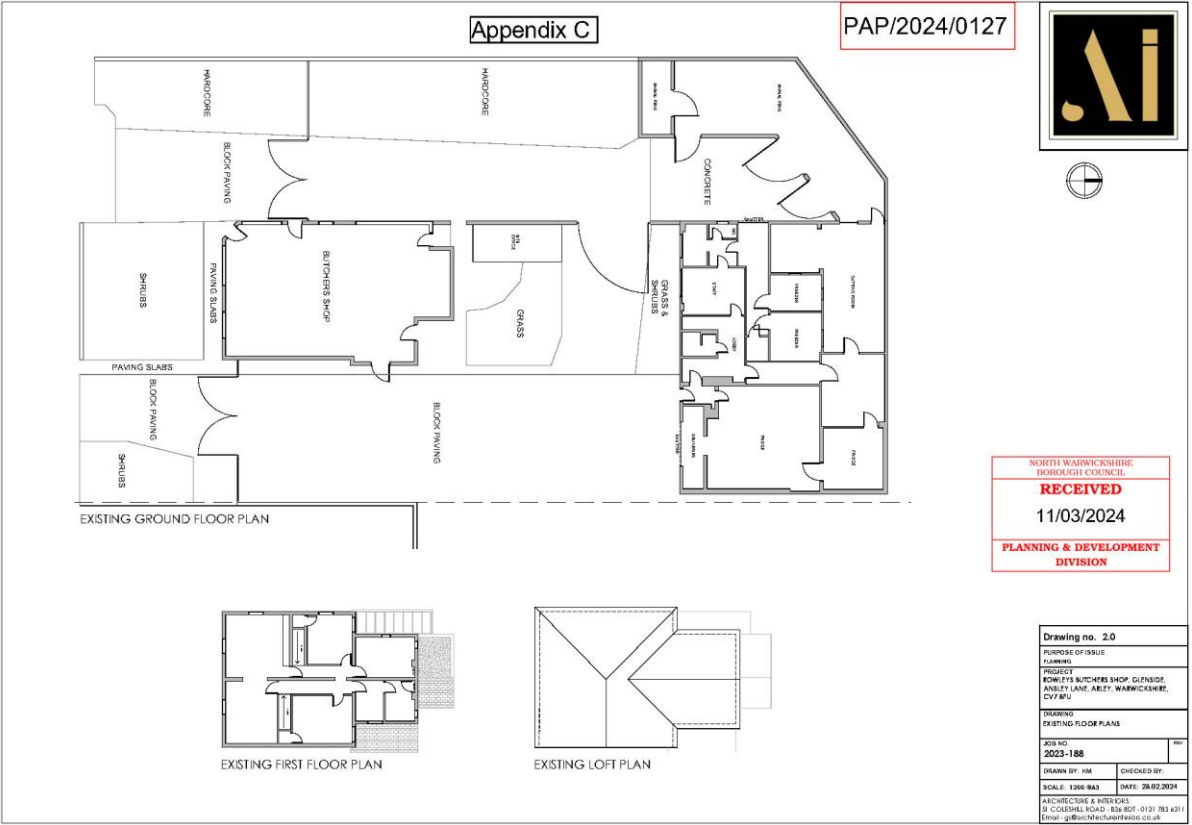
DWN	DATE	CHK	DATE	APP.	DATE	SCALE 1:200
SW	MAY 24	JD	MAY 24	-	-	

Drawing Number

JDA/517/2/1

A3

C



Your ref: PAP/2024/0127
My ref: 240127

Appendix D



Communities

Shire Hall
Warwick
CV34 4RL

Tel: (01926) 412907

highwayconsultation@warwickshire.gov.uk

www.warwickshire.gov.uk

Mr J Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
CV9 1DE

FAO: Andrew Horne

31st January 2025

PROPOSAL: Installation of roller shutters and rooflights to two-storey building, construction of a ramp to delivery area, new doors and roof covering to existing animal pens, the provision of new animal pens and storage areas for refuse and hay/straw, new site office and external alterations.

LOCATION: Rowleys Butchers Shop, Glenside, Ansley Lane, Arley, Coventry.

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

The Highway Authority has been made aware of additional plant that has been placed on-site. The extra plant etc hasn't been shown on the most recent plans or the development description so cannot really be assessed in detail. However, it is clear that the fridge container that is on-site currently would prevent the tracking shown on the plans, so the extra plant is not acceptable.

The tracking isn't the best as rather than tracking the changes to the layout the vehicle has been tracked on the old plan but with the amended accesses shown in green. Why has this been done like this rather than just tracking the new access layout which would make it much easier to review.

For the access plans the visibility splays need to be annotated. It is currently just labelled as vis splay with no measurement and the whole splay is not shown as the plan is cut off.

The amendments to the kerb lines would not be acceptable as shown due to the layout of the tactile paving. Tactiles should line up with each other, not be offset which they are currently.

*Working for
Warwickshire*

The parking response is slightly confusing as that is not what is shown on the plan. The floor areas must be clarified and provide parking accordingly. Currently customer parking is proposed to the west which would not necessarily make sense as that would require customers to travel through the site which presumably the applicant would not want. And due to the proximity to the access there could be people that ignore the no entry to park up. - how would this be mitigated?

No RSA brief has been submitted for review.

The Highway Authority will require a delivery and servicing management plan to be provided. Given the level of objection and current issues it would be best if that is provided now rather than conditioned.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**.

Yours sincerely

Chris Lancett

Chris Lancett
Planning & Environment

FOR INFORMATION ONLY
COUNCILLOR BELL – HARTSHILL & MANCETTER

Appendix E

PAP/2024/0127

RE: Glenside Rowley's Butchers Ansley Lane Old Arley Coventry CV7 8FU

Dear Sirs

I most strongly object because, what was a small family run business is now being turned into an operation on an industrial scale.

Output is now 200-220 animals per day whereas previously its was 200 per week.

The fact that, 3 tier articulated livestock HGV's are arriving to unload at approximately 5am, and waking residents, this is not acceptable,

They are driving across the pavement to gain access.

This has caused traffic chaos on more than one occasion.

The size of the vehicles involved are not compatible or appropriate with village traffic, there is a clue in the name of the road, its Ansley Lane, not an industrial estate.

The scale of the previous business meant that animals arrived in stock trailers towed by land rover and pickup sized vehicles, which had no impact on the village at all,

Please also reference Arley Neighbourhood Plan 2015-2030 adopted December 2016.

I believe that there has been a breach planning law as metal shutters have been installed at the shop,

Grey roof tiles have been used on the roof instead of the existing rosemary which were removed when renovations took place,

velux roof windows fitted.

The removal of the front gardens and walls have now been concreted over, greater than 5 square meters.

Whilst looking at the design and access statement, I would like to draw your attention to:-

Section 1.2

Increased space per animal in new covered animal pens. This is unnecessary if the throughput and animal numbers remained the same as the previous business.

Section 1.4

With the renovations that have taken place and it being stated, a residential flat for up to four onsite workers above the shop,

does this now make it a HMO.

Section 1:5

The rooflights are not needed or compulsory in a storage area. They are in a bedroom or other habitable room,

All of the abattoir modifications are to enable increased throughput and volumes, taking the business onto an industrial scale.

Removing the front garden and wall, then concreting over, is purely to allow the HGV stock lorries access, but they still have to drive over the pavement because of their size.

Section 4.5

Hours of operation 7 days 7am-6pm.

This incorrect because HGV stock lorries are arriving as early as 5 am,
the site has been observed still operating at 8 & 10pm.

Section 4.6

No local personnel employed, majority are transported in by mini bus and various cars, so it hasn't provided local employment.

The shop has not opened and how financially viable is shop that only sells lamb.

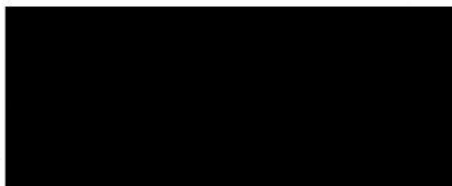
My final points are:

The horrendous smell of rotting flesh from the waste skips on site, 200+ animals a day soon fills a skip, and when they are only collected, infrequently, the nauseating stench in the surrounding neighbourhood is unbearable, inside and outside residents' homes.

With the volume of fluids that are being produced can the drainage system cope as the drains have already been excavated and remedial work performed, what measures are in place to prevent any environmental incident that could contaminate a water course, as blood spillage has been witnessed on the concreted area where the gardens once were.

So once again I say, I most strongly object to this application.

Yours faithfully

A large black rectangular box redacting the signature of the person who wrote the letter.

Appendix F

Andrew Horne

From: [REDACTED]
Sent: 01 February 2025 20:11
To: Andrew Horne
Subject: PAP/2024/0127

Caution: Warning external email

PAP/2024/0127 (14.01.25 documents statement)

Arley Parish Council-Planning Application Subcommittee

The advice we have taken states that this is a poor submission, which often contradicts itself, and often does not provide the required information, perhaps as a ploy to delay the planning process.

The application seeks to justify operating an industrial slaughterhouse on a site that has always been a local abattoir: this is a clear change of use. The location is in a residential area and is unsuitable for the volume of slaughter that is currently taking place, being too small for large vehicles to manoeuvre safely and too close to houses and bungalows to avoid nuisance from working unsocial hours, noise and smell.

Proposals to mitigate the nuisance are limited and unrealistic: where are the measures to eliminate the foul smell, for instance? The required 'forward, low gear' access proposal does not admit to the existence of the 7.5 ton HGV and 2 refrigerated vans that are always parked in the yard. Recently a refrigerated container was craned into parking spaces behind the gates and a car seems to have been abandoned on the forecourt.

The idea that a shop might be viable, selling only unstunned halal sheepmeat is laughable. Restrictions on operating hours are contradicted by exceptions that will be required. In a residential area why is the abattoir operating on a Sunday?

If a compromise results from this application, it is important that any restrictions that protect residents from nuisance are enshrined in planning conditions with legal force, to ensure that they are enforced, and that the business trades on the scale of a local abattoir again.

[REDACTED]
Please acknowledge receipt of this statement.

[Sent from Yahoo Mail for iPad](#)

PAP/2024/0127

Objection to Revision C-12/08/2024

The objection below is in addition to my previous objection document, dated 28th May 2024. My original objection is still valid and should also be considered in relation to the amended planning submission.

The numbers quoted for the previous use of the abattoir do not give any dates or say where the figures come from. Any resident of St Wilfred's Cottages will confirm the abattoir has not operated with volumes anywhere near those figures for at least 25 years. It has always been a local business operating unobtrusively behind the butcher's shop, without causing any nuisance to local residents. The historic Streetview images available on Google Maps show the previous owner's livestock delivery vehicles to be small 4x4 type vehicles with a trailer, not the large 26-tonne vehicles that now bring in livestock, sometimes twice daily.

The provided numbers from the previous owner's abattoir operation need to be backed up with evidence.

The butcher's shop will never reopen. The company are supplying a small specialist part of the market for mutton: non-stunned Halal meat. There is absolutely no local demand for that product, the shop would never be viable. There is also no customer parking.

The suggestion that an underground tank for waste would be provided is frankly implausible. The timescale and cost of getting planning agreement, finding and moving services below ground and commissioning and carrying out the work would provide an excuse for long term delay, enabling the business to carry on as they are. The disruption of actually carrying out the work by the exit would probably require the company to stop operating for a time. Any planning permission for this site should therefore be subject to implementation timescales, via a planning condition, to ensure compliance.

Revision C shows that the company realizes that it cannot continue operating on an industrial scale in a residential area. The new plans try to comply with the demands of environmental health and WCC Highways; they actually show that trying to scale up operations reveals the limitations of the site: it is just too small for an industrial operation and restrictions need to be imposed to make it a genuine local business again.

26.08.2014 John Birch

ADDITIONAL COMMENTS

Since the applicant purchased the site and began their slaughtering operations, their actions have shown that highway safety is not a priority or even a valid consideration.

The applicant and their third-party delivery drivers have shown a total disregard for pedestrians and other road users' safety. By obstructing footways when waiting to enter the site, reversing unsuitably large articulated vehicles into the site, and maneuvering their vehicles over the footway, they have put pedestrians and other highway users at significant risk. Plus, there is the damage they

have caused to the maintainable highway that the highway authority will need to repair at the taxpayers' expense.

Large articulated HGV vehicles, that are larger and longer than the 26-tonne and 10-metre-long vehicle that is shown on the Swept Path drawing, regularly access the site. These large articulated vehicles were never used to access the site under the previous ownership.

The applicant's document dated 26/07/2024 is contradictory and shows that it hasn't been proofread.

It states *"Large vehicles accessing the site causing congestion along Ansley Lane. Residents given assurances from the owner that vehicles would not exceed 7.5t. Size of vehicles should be restricted."*

Whilst the drawing titled *"Articulated Vehicle Swept Path Analysis"* shows a **26 Tonne** Rigid Vehicle.

In addition, the drawing title states *"Articulated"* when a rigid vehicle swept path is shown.

The maximum weight, type and size of the largest vehicle that will actually access the site should be confirmed.

The maximum weight, type and size of vehicles accessing the site should be enforced by a Traffic Regulation Order to ensure compliance.

The maximum weight, type and size of vehicles accessing the site should also be a planning condition, again to ensure compliance.

The Swept Path Analysis drawing is messy, contains unnecessary information and is unclear.

The proposed internal layout should be clearly shown so that the obstructions to the swept path can be thoroughly assessed.

The following issues with the Swept Path Analysis drawing have been observed.

1. The drawing title states *"Articulated"* when a rigid vehicle swept path is shown.
2. Only left-in and right-out manoeuvres have been shown.
The right-in and left-out manoeuvres should be shown as this will likely occur if not prohibited by a Traffic Regulation Order or planning condition.
3. The left-in tracking overruns the kerb line and is a hazard to pedestrians.
4. Parked vehicles, on opposite side of Ansley Lane to abattoir, that obstruct vehicle manoeuvres not shown.
5. No access dimensions or radii shown.
6. The tracking shows that the vehicle body strikes the exit gate.
7. The tracking shows that any vehicles in the two staff parking spaces to the west of the exit gate would be struck by the large vehicle – the spaces are therefore unusable.
8. The hay storage area shown obstructs the vehicle tracking.
9. Buildings, gates, other obstructions, and access proposals not clearly shown, plus overwritten in places and hard to read.

The applicant's planning document dated 26/07/2024 states that all vehicles will be required to enter and exit the site in a forward gear, with one vehicle access being an entrance only and the other vehicle access being an exit only. However, it is unclear how vehicles will be prevented from using the two separate accesses incorrectly.

The one-way system should be enforced by a Traffic Regulation Order and the relevant signage to ensure compliance.

The one-way system and the Traffic Regulation Order requirement should also be a planning condition, again to ensure compliance.

A comprehensive section 278 highway works drawing should be provided to the Highway Authority so that they can fully assess the vehicle access proposals.

This should include the kerb types, pedestrian crossing details, achievable visibility splays, critical access dimensions and bellmouth radii, any necessary road markings and signage, along with measures to protect pedestrians from vehicles overrunning and obstructing the footway.

The Highway Authority approved section 278 layout, including drawing number, should be specified as a planning condition and should be subject to a specified implementation timescale.

A Stage 1 Road Safety Audit should also be commissioned and submitted as part of the planning application as highway safety has repeatedly been raised in the various planning objections.

The visibility splay envelopes are not shown on the planning drawings.

Ansley Lane has a 30mph speed limit and the requisite 2.4 x 43 metre visibility splays may be unachievable due to the horizontal geometry of the road and various vertical obstructions.

Vehicles currently park on and manoeuvre over the shop frontage area, the applicant should provide details about how they will prevent vehicles using the proposed pedestrian crossing dropped kerbs to access this area. They should also show how they will prevent vehicle manoeuvres in this area, as stated in their planning document dated 26/07/2024.

The applicant's planning document dated 26/07/2024 states,

"Safety concerns for pedestrians and cyclists, including those with limited mobility.

The proposed site access offers improved visibility and manoeuvrability and will provide better provision for pedestrians and those with limited mobility (tactile paving and lowered kerbs on the footways than currently enjoyed.)"

This is a spurious comment, the current continuous footway layout with various vehicle access crossovers gives pedestrians on the footway priority over vehicles crossing the footway. The two bellmouth accesses will reverse the status quo, giving the impression that pedestrians are required to give way to vehicles at the tactile pedestrian crossings.

It should be noted that a significant number of vulnerable pedestrians regularly use this footway, including the visually impaired, mobility scooter users and SEN children walking to the Sports Centre, playing fields and wooded area for exercise and educational activities.

Therefore, guard railings should be provided at both vehicle accesses and along the site frontage to protect pedestrians from vehicles overrunning and obstructing the footway. This will ensure that pedestrians are protected from the various dangerous vehicle movements that have already been witnessed from vehicles entering and exiting the abattoir premises.

The number of parking spaces is totally inadequate for the number of vehicles witnessed accessing and parking within the site.

The swept path manoeuvres shown will be unachievable without vehicles from within the abattoir site parking on Ansley Lane, where there is limited parking available.

There are only four staff parking spaces and two of these conflict with the large vehicle swept path. No allowance has been made for the many refrigerated commercial delivery vehicles (less than 7.5t weight) that have been witnessed regularly parking in the entrances and yard areas, these parked vehicles mean that large vehicles will not be able to enter and exit the site in a forward gear as shown on the swept path drawing.

The operating hours of the abattoir should be conditioned.

Normal operating hours would usually be Monday to Friday 8:30-17:30 and 8:30-12:30 on Saturdays. It is unacceptable to operate outside of normal working hours in a residential area.

In addition, large vehicle deliveries should not be allowed during the busy school drop-off and pickup times.

It should be noted that the stated maximum number of nine vehicle movements a day does not correspond with the detailed breakdown of each type of vehicle.
This information should be checked and corrected where necessary.

The applicant's planning document dated 26/07/2024 states that *"A waste management plan can be provided if conditioned"*.

As the unpleasant odours from the stored waste products is a major concern to residents, a waste management plan should therefore be a planning condition.

All waste products should be kept in a sealed building or container at all times to prevent odours permeating into the surrounding residential areas.

No details have been provided for the proposed underground tanks that will be emptied weekly, the size of the tanks should be specified (size of tank footprint and tank volume).

The method of emptying, along with the size, maximum weight and type of vehicle should be specified.

Regarding the *"Implications for Local Water Supply and Drainage"* comments.

Many residents have reported a drop in water pressure at certain times of the day when the abattoir appears to be operating, Severn Trent Water should be consulted as part of the planning consultation to ascertain if the abattoir operations are having an adverse impact on the fresh water supply to residents.

Regarding the comment in the applicants document regarding a bat roost in the main abattoir building, the presence of bats should be checked by a competent ecologist and the appropriate action taken to protect them if present.

The applicant's planning document dated 26/07/2024 states that a meeting with members should be arranged. Due to the significant number of objections that have been received, surely the local residents should be able to attend any future meetings to voice their concerns in person.

Agenda Item No 6

Planning and Development Board

20 May 2025

**Report of the
Head of Development Control**

Appeal Updates

1 Summary

1.1 The report updates Members on recent appeal decisions.

Recommendation to the Board

That the report be noted.

2 Appeal Decisions

a) Rear 1 – 3 Birmingham Road, Ansley

2.1 This case concerned an outline application for nine houses on land to the rear of Birmingham Road in Ansley at its far northern end. The key finding was that the Inspector found that the proposal would have a “significantly harmful effect on the character and appearance of the surrounding area including its landscape character” – para 18. This was of sufficient weight to override a number of benefits identified by the Inspector – biodiversity gain, and the contribution to the Borough’s housing supply.

... 2.2 The decision as at **Appendix A.**

b) Old English, Tamworth Road, Corley

2.3 This proposal was for a “eco-friendly dwelling” in the rear garden of the residential property here. The site is in the Green Belt. The Inspector found that the proposal was inappropriate development and that there would be a loss of openness - paras 11 and 16. These conclusions were of sufficient weight to override the benefits put forward by the appellant.

... 2.4 This decision is at **Appendix B.**

3 Report Implications

3.1 Links to the Council's Priorities

- 3.1.1 The Coleshill decision is significant in that it fully supports the Council's objective of retaining its heritage assets with the two other dismissals supporting the Council's objectives of conserving its rural character.

The Contact Officer for this report is Jeff Brown (719310).

Appeal Decision

Site visit made on 11 February 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/R3705/W/24/3356485

Land to rear of 1 - 3 Birmingham Road, Ansley, Warwickshire CV10 9PS

- 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 Green against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2023/0449.
- The development proposed is erection of 9 dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appeal form describe the development as follows: 'Outline application for erection of 9 dwellings with associated access and biodiversity area. Access, layout and scale being considered with all other matters reserved.' The first sentence is a more accurate description of the proposed development than that used on the application form, and I have determined the appeal on this basis.
3. The planning application was submitted in outline with all matters reserved except for access, layout and scale. I have had regard to submitted plans which show how the site might be developed but have treated each element of the drawings as indicative, apart from the details of the access, layout and scale when considering the likely impact of the proposal on the matters set out in the main issues below.
4. Comments were sought from the main parties as to the relevance of the National Planning Policy Framework (the Framework) which was revised in December 2024 and again in February 2025. I have had regard to the latest version of the Framework, and I have taken the comments received from the main parties into account in my consideration of the appeal.
5. A signed Unilateral Undertaking was submitted with the appeal to provide affordable housing obligations and a sum towards the cost of enhancement of local amenity, open space and recreational space. I have reflected this as appropriate throughout my Decision.

Main Issues

6. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the settlement and the surrounding area including its landscape character;

- whether or not the proposal would enhance or maintain the vitality of rural communities having regard to the development plan;
- whether the proposed development would make efficient use of land; and
- the effect of the proposed development on agricultural land having regard to the Framework.

Reasons

Character and Appearance

7. The appeal site relates to a triangular piece of agricultural land which forms part of a large agricultural field located behind residential properties on the east side of the B4112 Birmingham Road. The site is bound to the north, west and south by existing residential properties and lies adjacent to, but outside, the north east fringe of Ansley Village settlement boundary.
8. Modern housing development has extended the built-up area of the village eastwards and increased its depth, particularly on the east side of Birmingham Road, thereby diminishing the village's original linear form. In addition, the proposed development would be adjacent to existing housing development and not extend as far east as recent larger scale housing developments¹.
9. A relatively long access road lined with trees on its eastern side would be located immediately to the rear gardens of dwellings fronting Birmingham Road. The access road would have no development directly overlooking it for the majority of its length. The access road would be uncharacteristic and anomalous within the pattern of development in the village where existing roads are generally overlooked and framed by buildings, contributing to a sense of place and identity.
10. The proposed houses would be located in the south west corner of the site towards the end of the long access road. In addition, the scheme would create an inward-looking enclave by virtue of its insular layout and limited permeability to the established village streets. Together these factors would result in a visually and spatially isolated cluster of development that would lack integration with the surrounding area. As a result, there would be a sense of seclusion and disconnection from the village.
11. While the submitted plans indicate that the proposed houses would be subservient in height, scale and massing to the surrounding buildings in line with Policy LP30 of the North Warwickshire Local Plan (September 2021) (NWLP), and even if the detailed design of the dwellings were deemed acceptable at reserved matters stage, this would not alter or overcome my fundamental concerns on this main issue. This because the scheme would nevertheless result in an uncharacteristic and insular form of development which would not integrate well with or positively contribute to the character and appearance of the surrounding area.
12. The appeal site is located in Character Area 7: Church End to Corley – Arden Hills and Valleys of the North Warwickshire Landscape Character Assessment 2010 (LCA). Policy LP14 of the NWLP requires development to conserve and enhance landscape character within the landscape character areas as defined in the LCA.

¹ Ref. PAP/2015/0370 and PAP/2017/0352.

While the LCA is dated 2010, there is no substantive evidence before me to indicate that it is not up-to-date or relevant.

13. The LCA describes the landscape character of the area and Ansley is noted as a settlement that has been subject to modern expansion. The overall objective of the landscape management strategy for this area is to conserve and restore the typical rural Arden landscape character through a range of measures/ 'strategies' set out on page 48 of the LCA.
14. The appellant has submitted a Landscape and Visual Appraisal (dated July 2023) (LVA) which assesses the potential landscape and visual effects of the proposed development. The LVA judges the character of the site as having a medium susceptibility to change and a low landscape value. While I agree that the site has a low landscape value and is small in scale compared to the larger field within which it sits, the green, open nature of the site nevertheless contributes to the rural character of the area and the setting of the village, particularly given its prominent location near the northern entrance of Ansley. The scheme would introduce built form where none currently exists, urbanising part of the open field and eroding its rural character. The conversion of part of the arable land to native grassland and woodland would not sufficiently mitigate for the proposal's urbanising effects and the erosion of the openness and tranquillity of the site.
15. In terms of visual effects, the LVA identifies the sensitive residential receptors (the dwellings on the northern edge of Galley View and the properties on the eastern side of Birmingham Road) as having a medium to high magnitude of change. While a combination of reserved matters and planning conditions relating to landscaping could help to reduce the effect of the proposal on the sensitive residential receptors, planting cannot be relied upon to provide an instant and permanent buffer to views. This is not least because the effect of the proposal on these sensitive receptors would remain high while boundary vegetation is maturing and would also be dependent upon continual maintenance to retain a consistent form. The proposed development would diminish the verdant and open nature of the site through the introduction of built form and hard surfacing which would be appreciable from the identified sensitive residential receptors even after the proposed landscaping has matured.
16. Based on the evidence on my own observations, I accept that sensitive views of the proposal from public rights of way are more limited due to their distance from the site, and as a result, form a small part of wider views. The proposed development would also be read against the backdrop of existing development. Therefore, the proposal's visual impact on public views would be limited in this respect.
17. The LVA concludes that the proposal would comply with three out of the four relevant landscape management 'strategies' for the area as set out in the LCA. However, the LVA does not explicitly state which of the 'strategies' would and would not be complied with or describe the resultant effect of the proposal in terms of the 'strategy' not complied with. In my assessment of the proposal against the LCA, the scheme would meet the most relevant of the 'strategies' by enhancing tree cover within and around the settlement, the introduction of new native hedge planting and retention of the irregular outline of the village. However, the proposal would not conserve the rural character of the site and the surrounding area by changing the use of the rural land to suburban style housing.

18. Although the appeal site is not designated as open space and nor does it lie within a conservation area, the proposal would nevertheless have a significantly harmful effect on the character and appearance of the surrounding area, including its landscape character, as outlined above. There is therefore conflict with Policies LP1, LP14 and LP30 of the NWLP which require, among other matters, that development improve the individual settlement's character, conserve and enhance landscape character, protect and enhance the natural environment and respect and reflect the existing pattern, character, and appearance of its setting. Further, I note that the appellant raises that the site is not located in Green Belt. However, Green Belt is a spatial designation, not related to landscape character, so does not weigh in consideration on this main issue.

Efficient Use of Land

19. Policy LP7 of the NWLP expects housing development to be built at a net density of no less than 30 dwellings per hectare (dph) without compromising the quality of the environment. The NWLP does not define 'net density' or how it should be calculated. The appellant has indicated that the net density of the scheme would be 31.84 dph, based on the area highlighted by the red line in the Proposed Site Plan 1:500. However, the area highlighted in the plan does not include the full length of the access road and no justification has been provided for excluding the road from the developable area. The submitted plans indicate that the access road would specifically serve the proposed houses and no other houses. As such, it should form part of the net developable area of the site. Inclusion of the full access road in the net developable area would likely result in a density below 30 dph.
20. While the edge-of-village-location of the appeal site and inclusion of bungalows in the scheme could be argued to warrant lower densities, the land take for the overly long access road would not represent an efficient use of land.
21. For the reasons given, the proposed development would not make efficient use of land and therefore conflicts with Policy LP7 of the NWLP.

Agricultural Land

22. The Council's second reason for refusal associates the density of development with the loss of agricultural land. However, as the matters raised by the Council specifically relate to compliance of the proposal with the residential density standard set out in Policy LP7 of the NWLP, I have dealt with the density of development as a separate main issue to the loss of agricultural which is considered primarily against the Framework.
23. According to the Council's Officer Report the appeal site comprises best and most versatile agricultural land (the BMV). Ansley Parish Council has referred to the 'A Green Future: Our 25 Year Plan to Improve the Environment' (published 2018) which seeks to protect our best agricultural land. However, Paragraph 187 of the Framework does not set a blanket presumption against developing on agricultural land. Rather, it highlights the economic and other benefits of BMV. The 25 Year Plan document is therefore inconsistent with the Framework, and I place limited weight on it.
24. The proposal would lead to the loss of BMV across the whole site. However, given the relatively small size of the site and the limited information submitted regarding

its agricultural grade, the associated economic and other benefits of the BMV in this case would be limited.

25. The Council's Officer Report refers to recent Secretary of State decisions relating to the importance of retaining BMV. However, I do not have such decisions before me.
26. For the reasons given, while the proposed development would result in the loss of BMV, the harm to the associated economic and other benefits would be limited.

Other Matters

27. Ansley is identified as a Category 4 settlement within Policy LP2 of the NWLP. The appeal site is directly adjacent to the defined Ansley Village settlement boundary. In such circumstances, the proposed scheme of 9 dwellings is proportionate in scale to the settlement. While the Council contends that 9 additional dwellings would be unlikely to have a material impact on service infrastructure, the proposal could nevertheless support the village shop, post office and other local facilities in the area, as well as increase public transport patronage. Therefore, the proposal would have potential, albeit in a limited way, to enhance or maintain the vitality of rural communities and thereby accord with Policy LP2.

Planning Balance and Conclusion

28. The proposal would deliver 9 dwellings, including bungalows which have been encouraged by the Council's housing officer, contributing to the overall housing mix and supply in the area. This would support the Government's objective of significantly boosting the supply of homes. The site is accessible to local services and facilities, including public transport links which are within easy walking distance. The proposal would deliver a large gain in biodiversity and provide an open space contribution. The provision of 40% affordable housing would be above the local plan requirement. The significant weight I give to the collective benefits of the scheme however is tempered by the relatively small scale of the proposal. Therefore, the benefits stated above would be modest and carry moderate cumulative weight in favour of the proposal.
29. Compliance with the development plan in relation to highway safety, flood risk and housing mix are expectations for all development that weigh neither for nor against the proposal and is considered neutral in the planning balance. The absence of objections from the Council relating to archaeology, flood risk and environmental health, as well as the absence of objections from statutory consultees are matters which also weigh neutrally in the planning balance.
30. The proposal would significantly harm the character and appearance of the settlement and the surrounding area including its landscape character. Furthermore, the proposal would not make efficient use of land. These harms cumulatively carry significant weight. The appeal scheme would not accord with the development plan, when considered as a whole.
31. North Warwickshire has evidenced a housing land supply of 5.1 years.² While there is ongoing dispute between the main parties regarding the latest Housing Delivery Test (HDT) measurement, the published HDT information to date indicates that North Warwickshire achieved a total housing delivery of 81% against

² Annual Monitoring Report up to 31 March 2024.

the required number of homes over the rolling three-year period. As delivery was below 85% of the housing requirement, the supply of specific and deliverable sites for the Borough should include a 20% buffer moved forward from later in the plan period³. However, even if the housing supply were below the level required and paragraph 11d) of the Framework were engaged, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

32. Accordingly, the moderate benefits of the proposal do not outweigh the significant collective harms that I have identified. Material considerations, including the stated benefits and the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given, the appeal should be dismissed

U P Han

INSPECTOR

³ Paragraph 78(b) of the National Planning Policy Framework (2024).

Appeal Decision

Site visit made on 8 April 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Appeal Ref: APP/R3705/W/24/3349203

Old English, Tamworth Road, Corley, Warwickshire CV7 8BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Adam Broadbent against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2023/0382.
- The development proposed is described as: Proposal to use a large section of the current rear garden at Old English Tamworth Road and create a new eco friendly dwelling. Summary of work:- Create a new drive from the road using the mouth of the existing drive. This new drive will service both Old English and the new bungalow. Backfill current drive. Divide the existing plot to form a drive on the RH side of Old English leading to a 55 metre section of the garden for the new house plot. Build a 3 bedroom bungalow and garage on the plot. Change of use from garden to new dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Decision notice refers to a more concise description of development from that stated on the application form. However, I have not been provided with confirmation from either party that a change to the description of development had been agreed. Accordingly, I have used the original description in my banner heading above.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

4. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii) the effect of the proposal on the openness of the Green Belt; and
 - iii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this

would amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

5. The appeal site is situated in the Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they fall within one of the categories in the closed list of exceptions as set out in paragraph 154 of the Framework.
6. The appellant submits that the appeal site should be considered as infill development.
7. Policy LP3 of the North Warwickshire Local Plan 2021 (LP) sets out the extent of the Green Belt in the borough and the exceptions where specific development will be granted planning permission in the Green Belt. The appeal site, however, is not within a defined infill boundary and therefore the criterion of LP3 3) does not apply.
8. The Framework does not define infill. However, the development plan refers to sites whereby they are surrounded by substantial development on three or more sides. Having regard to the development plan definition whether the proposal would represent infill is a question of planning judgement based on an assessment of the site and its surroundings.
9. Residential development is continuous along Tamworth Road, until the appeal site, beyond which is open land to the west. The proposal would introduce a dwelling to the rear of the existing property, set back within the site adjacent to the gardens of neighbouring properties, which I observed to have an open and verdant character. Therefore, having regard to the relationship of the appeal site to the open fields, to the west, and existing built development the appeal site would not be limited infilling in the terms set out in criterion 4 of policy LP3.
10. I have also had regard to the criteria under paragraph 154 g) of the Framework which allows for the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, subject to it not having a greater impact on the openness of the Green Belt than the existing development. The definition of PDL in the Framework¹ excludes land in built-up areas such as private residential gardens as is the case here. Even if the appeal site were PDL, the determining factor in assessing the scheme in relation to the exception in the Framework at Paragraph 154 g) is the effect of the proposal on openness, which I discuss later in my decision.
11. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt which would, by definition, be harmful to it. Conflict therefore arises with policy LP3 of the LP and provisions of the Framework in respect of Green Belt development.

¹ Annex 2 of the Framework

Openness

12. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
13. The land where the dwelling would be located is currently free from development. The introduction of built form, irrespective of its limited height, and the likely accompanying domestic paraphernalia, would inevitably lead to a loss of openness in spatial terms. The plans indicate some excavation works to enable the proposed dwelling to be set within the existing ground levels of the site. Furthermore, as a single storey with a flat roof the proposal would be a low-lying building. However, at approximately 25m in length, the proposed dwelling would be a sizeable structure. In addition, a substantial garage building is included within the proposal. Consequently, in spatial terms the proposed development would lead to a loss of openness.
14. The existing dwelling, known as Old English, and the appeal site are elevated from the highway. Views of the proposed dwelling would be limited from Tamworth Road due to the presence of landscaped boundaries and the limited height of the proposal. The proposed building, and its associated domestic paraphernalia, would likely be visible in part from neighbouring properties and their gardens and from the public footpath which runs to the west of the appeal site. Whilst the visual impact of the proposal would be localised, nevertheless, the proposal would visually harm the openness of the Green Belt.
15. As outlined above, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness. Although the proposal would not conflict with many of the purposes of the Green Belt, the introduction of the proposed dwelling would fail to keep land permanently open.
16. For the foregoing reasons the proposal would result in a loss of openness, both spatially and visually, which would give rise to moderate harm to the openness of the Green Belt. In that regard, it would conflict with the Framework's fundamental purposes of including land within the Green Belt.

Other Considerations

17. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this regard the appellant has referred me to their fallback position.
18. My attention has been drawn to the planning history of the site, including the Lawful Development Certificate² (LDC) for residential outbuildings whereby the appellant submits that they could build a similar sized building on the garden to the proposed dwelling. I have been provided with a copy of the Council's Decision Notice and the drawings which are referenced on the Decision Notice.

² Application reference PAP/2008/0319 issued 21 July 2008

19. From the evidence before me, the ridge height of the proposed dwelling would be lower than the LDC scheme. However, these outbuildings have a closer positioning to the existing dwelling than the appeal scheme. Furthermore, as the appeal scheme relates to an independent dwelling, rather than ancillary domestic structures, domestication of the appeal site would ensue and include an extended driveway, garage and domestic paraphernalia that would extend across a larger parcel of land that would further impact on openness. Overall, the appeal scheme is not broadly comparable to the LDC scheme, and the fall-back position would not justify the appeal scheme.
20. The proposal would deliver a dwelling, constructed, of high-quality materials, that could be built-out quickly, add to the choice of homes and supporting the government's objective to boost the supply of housing. I also acknowledge that the Framework encourages self and custom build homes. However, in the absence of a mechanism to restrict the property as such, I attribute this limited weight.
21. The appellant states that they have been unable to find a bungalow to meet their needs. Although I have limited details before me, I see no reason to disagree. I appreciate that the appellant wishes to construct the dwelling so that they can continue to reside in the locality where they enjoy their outlook and would be well located for access to work and family. The appellant asserts that the existing dwelling is too large and that the proposed dwelling would be constructed to provide accessible living and provide for a garage to accommodate their hobbies. Whilst I am mindful of the needs of family members, from the evidence before me, it has not been demonstrated that they cannot be met by a less harmful scheme.
22. The appellant advances that the proposal would contain a number of sustainability credentials, including water harvesting, air source heat pump, solar panels and electric car charging points, which are commendable. Achieving a high level of sustainability through design and construction is something the government seeks to encourage. However, there is nothing before me to indicate that its design would include new, or original, methods or be otherwise exceptional or innovative. Consequently, the quality of the design carries limited weight in favour of the proposal.
23. There would be some economic benefits associated with the construction phase. As future occupiers would feed into the local economy there would be some social benefits derived from support to local services and facilities. However, given the scale of the proposal, the contribution would be limited.
24. The appeal submission indicates that there would be enhancements to biodiversity, including a roof structure capable of supporting a sedum or wildflower covering. Whilst such measures are welcomed, given that the scheme relates only to a single new dwelling, the extent to which these factors would be beneficial is limited.
25. The appellant has drawn my attention to an eco-dwelling constructed on Kingswood Avenue which they consider lend support for the appeal scheme. While the full details of this case are not before me, the site differs from the current proposal in a number of ways, including a different site context in terms of its relationship to existing built form, which limits the equivalence of the case to the current proposal. It is also understood that this permission was granted under the provisions of a different LP which did not define infill boundaries. Moreover, the

current appeal proposal has its own circumstances, and I shall determine it on its own merits.

26. The Council do not raise any objection to the proposal in design terms, or in relation to the living conditions of the occupiers of neighbouring properties, and I have no reason to disagree.
27. I note the lack of objection from nearby residents. However, this does not in itself render the scheme acceptable.

Green Belt Balance and Conclusion

28. As established above, the proposal would be inappropriate development in the Green Belt. It would cause moderate harm to the openness of the Green Belt. In these respects, the proposed development would not accord with the development plan policies and the Framework. I attach substantial weight to this harm, as directed by the Framework.
29. I have examined the other considerations advanced by the appellant. However, these circumstances either individually, or cumulatively, would not clearly outweigh the totality of harm by reason of inappropriateness, and other harm that I have identified in this case. Consequently, the very special circumstances necessary to justify the development do not exist.
30. Accordingly, the proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R. Gee

INSPECTOR

Agenda Item No 7

Planning and Development Board

20 May 2025

Report of the Head of Development Control

Planning, Enforcement and Land Charges IT System Replacement Update

1 Summary

- 1.1 This report offers an update on actions taken in respect of the replacement of the Planning and Enforcement and Land Charges IT systems.

Recommendation:

To note the actions taken.

2 Background

- 2.1 In January 2025 Members received a report detailing deficiencies with the software supplier and IT system being implemented for the replacement of the Council's current IT system. The report sought authority to pursue an alternative supplier. The Board accepted the proposed course of action, subject to a robust assessment of alternative systems, and confirmation of the source of the associated costs.
- 2.2 Subsequent to the Planning and Development Board's consideration, the associated funding was authorised by Members through the budget setting for 2025/26.

3 Update Summary

- 3.1 The appraisal of potential suppliers and products continued through February and March 2025.
- 3.2 The contractual arrangement with Idox Ltd, for the Idox Cloud product, was terminated (with effect from 31 March 2025). To enable the service to move forward with a focus on implementing a new system, to an ambitious timetable, the contract termination took place on the basis that each party met its own costs incurred to date.
- 3.3 Procurement and contractual arrangements with a new supplier have been advanced, with DEF being selected for its MasterGov product (Planning, Enforcement and Land Charges).

4 Product selection

4.1 The DEF MasterGov product was selected following:

- receipt of three demonstrations
- receipt of excellent testimonials in respect of both the product and the company (on both solicited and unsolicited bases)
- an analysis of system functionality
- comparison of alternative supplier's systems following demonstrations

4.2 The Demonstrations:

The product functionality queries were addressed and evidenced during the demonstrations. The deficiencies deemed evident in the Idox Cloud products were not evident in MasterGov.

4.3 Testimonials:

Testimonials were received from a range of existing customers which unanimously praised both the product and the supplier in very complimentary terms. Typical observations were:

- *DEF are a great company they kept us focused on what was needed, were available on teams calls to review and sort issues as they came up, we had DMS, so had many documents to bring over as well as the data transfer from historical systems, together with GIS and the planning web pages, so a fairly complicated system to get everything working. DEF were really helpful and great to work with.*
- *Post live, DEF are still helpful their online ticketing system works really well, can also email them directly, we didn't get everything fully sorted before go live (but had to make a decision to move forward) so have picked up some setup since go live, we haven't had the, 'well that's chargeable' (which we did have with our old provider), tickets are picked up promptly and issues resolved in good time.*
- *The development of the product is user led and we have found DEF to be very approachable, open to ideas, inclusive and positive. In comparison to our previous providers we have been very impressed by how easy it is to have discussions with DEF, their willingness to involve clients in their improvements and the two annual conferences are very informative and helpful.*
- *We have been very pleased with DEF MasterGov and confidently recommend both the product and the company.*
- *They provided excellent support and advice during the migration from our previous system and implementation of the new one.*
- *The best supplier and product that I've encountered in 30 years in Local Government. Product design is genuinely collaborative.*

4.4 The Selected Supplier:

DEF demonstrated that they are a supplier with personnel who have excellent professional planning and land charges subject knowledge. They are focussed on delivery and customer satisfaction and encouraging of open communication with the user base. Users have access to software developers, not just sales teams and project managers. The Support Desk is manned by product developers.

This results in the design of a flexible system, capable of adaptation to differing service requirements.

DEF has a solid and growing customer base, including extensive use by Unitary Authorities. It would be well placed to take the service through local government reorganisation, should that happen.

4.5 The MasterGov Product:

DEF MasterGov is a flexible product with good processing functionality, good user experience, good customer functionality, performance management capabilities and excellent potential for the achievement of processing efficiencies and performance improvement.

System features include:

- intelligent validation and auto consult functions (configurable by application type, PS code, constraint etc)
- interfaces with Microsoft Word. Editable reports, with inclusion of GIS constraint driven content. Ability to merge two documents together.
- smart header and footers
- good and varied search functionalities
- flexible - free reference number formatting, copy application
- good relationship to the Gazetteer
- integrated and flexible GIS functionality
- BNG (processing and monitoring) and Tree modules
- Workflow functionality, incorporating senior management review and ability to 'assign/reassign tasks'
- FOI reporting query builder, capable of delivering results in geographic and data forms
- Configurable look and feel for officers of differing responsibilities
- Audit log functionality
- Mobile device working with a 'Jotter' application. Photograph syncing functionality.
- Versioning for plan numbers and plan comparison tool
- Redaction word searches
- Multi polygon functionality
- Full GDPR functionality, including data retention rules by module
- Planning and Land Charges Register nightly exports including GIS data
- System alerts for customers of automated stages updates, with 'My Citizen Account' alerts functionality in development.
- Time saving drag and drop functionality and automatic email filing in case records
- Officer notifications of new communications
- Flexible and accessible reporting tools
- Extensive Policy Monitoring functionality that will build efficiencies into the delivery of development monitoring and plan policy monitoring
- Integration with 'Parish Online' (for Parishes using this product)
- Embedded Document Viewer and Plans Viewer with measuring tool. Time saving features impressively demonstrated.
- Free of charge data cuts for off line reporting
- Short downtime at go-live, with Planning and Land Charges implemented at the same time.
- Clear, timed roadmap for system enhancement
- Integration with the Land Registry and evidence of very positive working relationship
- Experience of comparable data conversions
- User Group sharing of templates and 'Basecamp' social media group
- Land Charges is NLIS 3 (most up to date)
- Land Charges HMLR integration

- 4.6 Lead, cross party members of the Planning and Development Board have been updated on the matters set out in this report and have indicated support for the decisions taken.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 The replacement system procurement is within allocated budgets.
- 5.1.2 Additionally, since the report to Board in January, the service has been successful in its bid for Open Digital Planning funding of £50,000. This work will involve the improvement of planning data and will highly complement the implementation of the new planning, enforcement and land charges IT systems.

5.2 Legal Implications

- 5.2.1 The Council has a duty under the Infrastructure Act 2015 to provide information and assistance to the Chief Registrar in the transfer process to the Land Registry. Ensuring that the Council has appropriate IT systems in place will ensure that it can discharge that duty.

5.3 Environment, Climate Change and Health Implications

- 5.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community and the economic prosperity of the area.

5.4 Risk Management Implications

- 5.4.1 There is a risk to the effective delivery of planning services from continuing to operate with outdated systems that do not keep pace with legislative and technology changes. The actions reported here take positive steps to address these risks.

The Contact Officer for this report is Erica Levy (719294).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 8

Planning & Development Board

20 May 2025

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 9

Staffing Matter – Report of the Head of Development Control

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Marina Wallace (719226)