

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

**(Councillors Simpson, Bell, Chapman, Dirveiks, Fowler, Guilmant, Hayfield, Humphreys, Jarvis, Jenns, Parsons, H Phillips, Ridley, Ririe, Watson and Whapples**

**For the information of other Members of the Council**

For general enquiries please contact the Democratic Services Team on 01827 719221 via

e-mail – [democraticservices@northwarks.gov.uk](mailto: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**

**9 JUNE 2025**

The Planning and Development Board will meet on Monday, 9 June 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](mailto: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 20 May 2025** – copy herewith, to be approved and signed by the Chairman.

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 5 **Adoption of Polesworth Neighbourhood Plan** – Report of the Chief Executive

### **Summary**

This report informs Members of the progress of the Polesworth Neighbourhood Plan and seeks approval to adopt in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

The Contact Officer for this report is Sue Wilson (719499).

## 6 **Planning Applications - Report of the Head of Development Control**

### **Summary**

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

#### 6a **Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ**

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.

#### 6b **Land between Holmfield and Oakdene, Bennetts Road North, Corley**

Erection of two three-bedroom bungalows.

#### 6c **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.

#### 6d **Land to the south of Watling Street, Caldecote, CV10 0TS**

Outline planning permission for Extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class Eg); storage (Class B8); new spine road; car parking, landscaping and enabling works – All matters reserved.

#### 6e **64-66 Long Street, Dordon**

Proposed Change of Use: Conversion into 9-person 9 room HMO (House in Multiple Occupation) including 10 parking spaces.

#### 6f **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.

7     **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).

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     **Potential Legal Action** - Report of the Head of Legal Services

The Contact Officer for this report is Ryan Lee-Wilkes (719290).

10    **Exempt Extract of the minutes of the Planning and Development Board held on 20 May 2025** – copy herewith to be approved as a correct record and signed by the Chairman.

STEVE MAXEY  
Chief Executive



# NORTH WARWICKSHIRE BOROUGH COUNCIL

## MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 May 2025

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Dirveiks, Guilmant, Hayfield, Jarvis, Parsons, H Phillips, Ridley, Ririe, Smith, M Watson and Whapples.

Apologies for absence were received from Councillors Humphreys (Substitute Councillor Clews), Jenns (Substitute Councillor Bates) and Fowler (Substitute Councillor Smith)

Also in attendance were Councillors Jackson and Hobley.

### 1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Smith declared a non-pecuniary interest in Minute No 5e - Application No PAP/2024/0395 - Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ by reason of having a personal proximity to the site.

Councillors Jackson, Bell and Hobley declared a non-pecuniary interest in Minute No 5i – Application No: PAP/2024/0127 - Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU by reason of attending meetings regarding to this application.

Councillor Clews declared a non-pecuniary interest in Minute 5f – Application No: PAP/2025/0143 - 32 Properties in Westwood Road and Westwood Crescent, Atherstone by reason of having a personal proximity to the site.

### 2 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 7 April 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

### 3 **Planning Applications**

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

#### **Resolved:**

- a **That Application No: PAP/2025/0040 - 91, Whitehouse Road, Dordon, B78 1QQ be granted, subject to the conditions set out in the report of the Head of Development Control;**

- b That Application No: PAP/2025/0027 - Land Between Holmfield and Oakdene, Bennetts Road North, Corley is deferred so that further training can be delivered to Members in respect of the introduction of “grey belt” land within the Green Belt;**

**[Speaker: Mr D Beverley]**

- c That Application No: PAP/2025/0041 - 10, Austrey Lane, Newton Regis, B79 0NL be granted, subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No: PAP/2024/0577 - Land North of Park Lane Farm, Park Lane, Astley, be granted subject to a condition replacing the Section 106 Agreement and amendments to the landscape conditions so as to include reference to existing retained hedgerows on the site, together with the other conditions as set out in the report of the Head of Development Control;**

**[Speaker: Mr S Boundy]**

- e That Application No PAP/2024/0395 - Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ be deferred in order to undertake re-consultation following late receipt of an amended site plan;**
- f That in respect of 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 and PAP/2025/0143 - 32 Properties in Westwood Road and Westwood Crescent, Atherstone be granted subject to the conditions set out in the report of the Head of Development Control;**
- g That Application No: PAP/2024/0582 - Land 230 Metres West of Marston Fields Farm, Kingsbury Road, Lea Marston, Warwickshire be deferred to in order to receive a report from the applicant on the potential associated fire risks;**

**[Speakers: Mr S Boundy and Mr C Wright.]**

- h That application No: PRE/2024/0089 -Land 500 Metres Southeast of Lea Marston Shooting Club, Haunch Lane, Lea Marston be supported and that the opposed diversion order be referred to the Secretary of State; and**

- i **That in respect of No: PAP/2024/0127 - Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU is deferred for re-consultation following the late receipt of amended plans, with a view to return to the next meeting of the Planning & Development Board in June.**

**[Speakers: Mr D Owen and Mr G Siddique]**

**4 Appeal Update**

The Head of Development Control brought Members up to date with recent appeal decisions.

**Resolved:**

That the report be noted.

**5 Planning, Enforcement and Land Charges IT System Replacement Update.**

The Head of Development Control offered an update on actions taken in respect of the replacement of the Planning and Enforcement and Land Charges IT systems.

**Resolved:**

That the actions be noted.

**6 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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.**

**7 Staffing Matter**

The Head of Development Control sought consideration of a Staffing matter.

**Recommendation to the Executive Board:**

**That the recommendation set out in the report of the Head of Development Control be approved.**

## 8 **Enforcement Report**

The Head of Development Control detailed a possible planning enforcement.

### **Resolved:**

**That the recommendations set out in the report of the Head of Development Control be approved.**

M Simpson  
Chairman

## **Agenda Item No 5**

### **Planning and Development Board**

**9 June 2025**

#### **Report of the Chief Executive**

#### **Adoption of Polesworth Neighbourhood Plan**

### **1 Summary**

- 1.1 This report informs Members of the progress of the Polesworth Neighbourhood Plan and seeks approval to adopt in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

#### **Recommendation to Council:**

**That this report be noted and Polesworth Neighbourhood Plan go to Full Council and be adopted and form part of the Development Plan for North Warwickshire.**

### **2 Consultation**

- 2.1 Councillors Simpson and Phillips have been sent a copy of this report for comment. Any comments received will be reported verbally at the meeting.

### **3 Background**

- 3.1 The Localism Act 2011 introduced a mechanism for local communities to produce neighbourhood plans. Once a neighbourhood plan is 'made' (adopted) it becomes part of the statutory development plan for that area and will be used, alongside local and national planning policy and guidance, to determine planning applications. There are now 12 designated Neighbourhood Plan areas within the Borough and 8 made Neighbourhood Plans.

### **4 Polesworth**

- 4.1 Polesworth is the 10th Neighbourhood Plan to be formally examined by an Independent Examiner and go forward to referendum. There is a requirement that 50% of those who vote must support the document for the Borough Council to consider adopting the Plan.

- 4.2 The referendum took place on Thursday 20 March 2025 and the results are as below:

<b>Question: Do you want North Warwickshire Borough Council to use the Neighbourhood Plan for Polesworth to help it decide planning applications in the neighbourhood area?</b>	<b>Votes Recorded</b>
Number cast in favour of a <b>Yes</b>	909
Number cast in favour of a <b>No</b>	88

- 4.3 There is clearly good support for the Plan. Therefore, it is recommended to Full Council that the Plan be made (adopted) and becomes part of the Development Plan for the Borough. The Plan submitted for Adoption can be seen at Appendix A.

## 5 Finance and Value for Money Implications

- 5.1 The Borough Council can claim £20,000 for each Neighbourhood Plan – the money can be applied for when a decision statement is issued detailing their intention to send the plan to referendum. This payment recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Plan. It will also cover the cost of the referendum.

## 5.2 Legal and Human Rights Implications

- 5.2.1 The Borough Council has conformed with the legal requirements for holding a referendum as to whether a Neighbourhood Plan should be made for Polesworth. Where more than half those voting in the referendum voted in favour of the Neighbourhood Plan the Borough Council is under a legal duty to make it unless doing so would be incompatible with any retained EU obligation or with any rights under Human Rights Act. There is nothing to indicate that either applies in this case and the Borough Council is therefore now legally obliged to make the Neighbourhood Plan. This must be done as soon as is reasonably practicable after the date on which the referendum was held unless there is an outstanding legal challenge to the Plan.

## 5.3 Human Resources Implications

- 5.3.1 Staff time is expected to be provided by the Borough Council to support and advise the Parish Council and community in taking forward a Neighbourhood Development Plan.

## 5.4 Environmental and Sustainability Implications

- 5.4.1 Each Neighbour Plan will need to consider the effects of the Neighbourhood Plan's contents in terms of environmental and sustainability issues in accordance with the relevant regulations.

## 5.5 Links to Council's Priorities

5.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities:

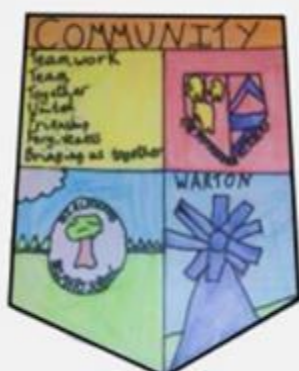
1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

### Background Papers

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
1	Polesworth Neighbourhood Plan Team and Polesworth Parish Council	Neighbourhood Plan	June 2025



# POLESWORTH PARISH NEIGHBOURHOOD PLAN

**2022-2033**

**Adoption Version**



## Foreword

Thank you for taking the time to get involved in shaping the future of Polesworth.

When adopted the Polesworth Neighbourhood Plan (PNP) will allow residents, businesses and other organisations to get involved in setting planning policies for the future of Birchmoor, Polesworth and Warton. The PNP will also sit alongside other planning policy documents, including the North Warwickshire Local Plan, and be used to help make decisions on planning applications.

The plan has been prepared by a working group of parish councillors and committed residents and has been revised to take on board comments made during previous consultations. The neighbourhood plan includes policies to protect our green spaces, recreation areas, landscape, community facilities and local heritage assets.

Thanks are due to all who have given time and effort in order to contribute to this plan but in particular to the core committee who have been there throughout pushing things forward and finding answers when needed. That is :

Margaret Henley, Roy Skidmore, Joan Daniel, Jon Planas and Paul Byrne

**Dave Parsons**

**Chair of the Neighbourhood Plan Committee**

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## 1.0 Background

- 1.1 The Localism Act 2011 gave Parish Councils the power to prepare neighbourhood development plans to help guide development in a community's local area. Through this Polesworth Neighbourhood Plan (PNP), local people in Polesworth parish now have the opportunity to help shape future development in the area. This is because planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The adopted PNP will sit alongside the local authority area's North Warwickshire Local Plan (NWLP) this was adopted in September 2021. Neighbourhood plans must be in general conformity with the strategic planning policies contained in the development plan (the NWLP) for their area. The PNP has, therefore, been prepared to be in general conformity with the NWLP.

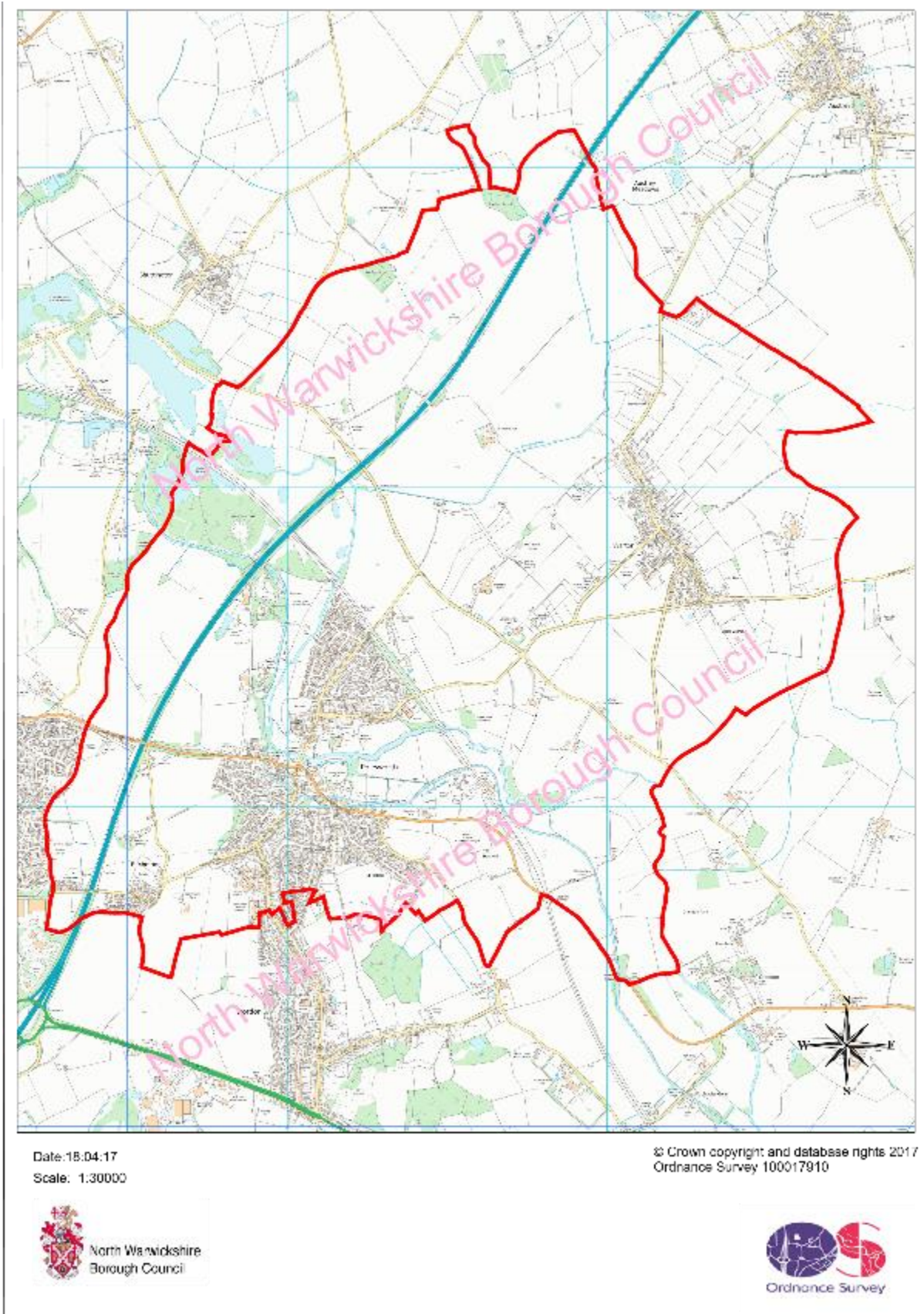
### Neighbourhood Plan Process and Preparation

- 1.3 Polesworth Parish Council, as a qualifying body, believe neighbourhood planning is an important power for local people to use and decided to prepare a neighbourhood plan for the area. The Parish Council applied to North Warwickshire Borough Council (NWBC) for the parish area to be designated as a neighbourhood area on 11<sup>th</sup> April 2017. The application for designation was approved by NWBC on 20<sup>th</sup> September 2017<sup>1</sup>. The designated Neighbourhood Area covers the parish council area and is shown on Figure 1.

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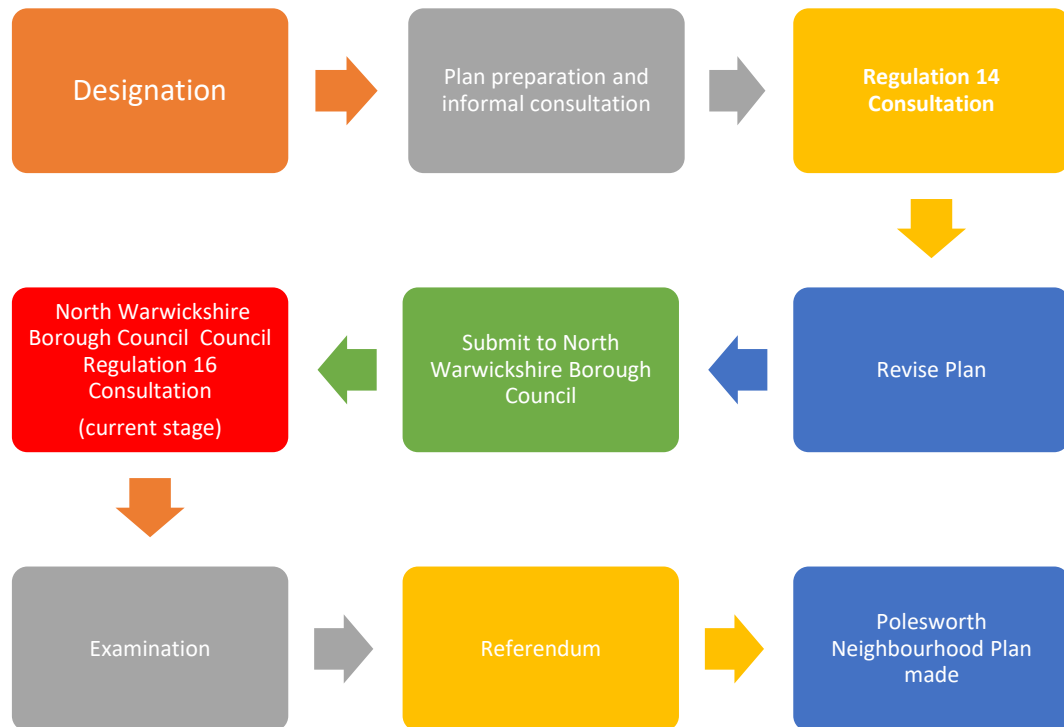
<sup>1</sup> [https://www.northwarks.gov.uk/downloads/file/6825/polesworth\\_parish\\_council\\_-\\_approved\\_designation\\_decision](https://www.northwarks.gov.uk/downloads/file/6825/polesworth_parish_council_-_approved_designation_decision)

**Figure 1. Polesworth Designated Neighbourhood Area** (source: North Warwickshire Borough Council [https://www.northwarks.gov.uk/downloads/file/6826/polesworth\\_parish\\_council\\_-\\_approved\\_area\\_designation](https://www.northwarks.gov.uk/downloads/file/6826/polesworth_parish_council_-_approved_area_designation))



- 1.4 A Neighbourhood Plan Committee (NPC) comprising Parish Councillors and local residents was established to progress work on the plan. Further information on the background and work undertaken on the PNP, including the results of the surveys and information on consultation events can be found at <https://polesworth-pc.gov.uk/plan>. The steps in preparing a Neighbourhood Plan are set out in Figure 2 below.

**Figure 2. Neighbourhood Plan Preparation Process**



## 2.0 Polesworth Neighbourhood Plan Key Issues, Vision and Objectives

### Early Consultation and Engagement

- 2.1 The Neighbourhood Plan volunteers ran a survey to understand what people like about the area, what they don't like, and what concerns residents most about the future.



- 2.2 The Survey produced 165 online responses and 127 written responses. These are some of the facts about who responded.
- Just over 50% have lived here for over 20 years.
  - 20% had lived here for less than 5 years.
  - 58% were female.
  - And whilst responses were spread across the age ranges, 38% were over 65, and 56% were between 25 and 65.
- 2.3 One of the key things we asked residents was to tell us what was most important to them about the area. 10 areas were identified, and residents were asked to rank them:
- Quality of Environment and Green Spaces
  - Business and Employment
  - Community Facilities and Services
  - Retail
  - Transport, Traffic, and Moving Around



Heritage, Character and Distinctiveness

Building and Development

Health and Wellbeing

Leisure and Recreation

Education and Training

- 2.4 Most people ranked the quality of the **Environment & Green Spaces, and Health and Wellbeing** as their highest priority. In the comments we received this was also clearly the main priority area. Overwhelmingly when we asked people what they liked about their neighbourhood they talked about walking, open spaces, fresh air and countryside. Specific areas mentioned were Pooley Park, the river and canal, and other green spaces such as the playing fields at Warton.



- 2.5 Also highlighted through the comments were those on **the Heritage, Character & Distinctiveness** of the area, with references made to the local carnivals, fairs and festivals as being important parts of community life.
- 2.6 The thing that most people ranked as less important for the area was, surprisingly, **Building and Development**. Whilst the PNP cannot prevent development identified in the NWLP. Almost all responses identified recent development and the pressure this placed on local infrastructure such as doctors and schools, and lack of transport links as being problems that need to be addressed. We especially noted the concerns over safety at several junctions, including on the bridge and in Warton, and we also received many comments about “parking on the bridge”.
- 2.7 Discussions, comments and feedback were also collected from several engagement events.

### Key Issues

- 2.8 The Key Issues that have been identified by the NPC for the PNP are set out below:

- **Green spaces**
- **Quality of Environment**
- **Heritage**
- **Character and Distinctiveness (Landscape)**
- **Services and Facilities**
- **Infrastructure**

## **Vision**

- 2.10 The PNP will help to address some of these key issues with the aim of achieving our Vision for Polesworth in 2033. Why 2033? This is the same plan period as that for the North Warwickshire Local Plan, neighbourhood plans must be prepared to the same time period as the strategic planning policies for the area.
- 2.11 The Parish of Polesworth is a semi-rural area within the District of North Warwickshire. Polesworth has three separate communities - Birchmoor, Warton and the largest settlement of Polesworth itself.
- 2.12 Each community is predominantly residential with their own distinct geography, heritage and natural environment.
- 2.13 This Vision Statement has been developed from extensive community consultation – to which the main theme of the responses emphasised the importance of protecting the green spaces within and surrounding each community. This is because it is the village atmosphere which residents hold dear, and which attracts the majority of new residents to come and live in the area.
- 2.14 However it is acknowledged that growth will occur within Polesworth parish, this growth must be a significant factor in the future planning of the parish and must not be at the expense of the “village feel” the residents of the area wish to see retained.
- 2.15 Therefore the Polesworth Neighbourhood Plan (PNP) Vision is:

**“In 2033, Birchmoor, Warton and Polesworth will be distinct, attractive and green places to live in rural North Warwickshire. The physical and social attributes that go to make Polesworth parish a sought after place to live, such as green spaces, countryside and built heritage will have been retained, whilst housing and economic growth has been seamlessly integrated into the existing local community and environment.”**

## **Polesworth Neighbourhood Plan Objectives**

- 2.16 To achieve this Vision we have identified the following objectives for the PNP:

OBJECTIVE 1 – To protect and enhance green spaces.

OBJECTIVE 2 – To ensure new development creates a high quality, beautiful and sustainable buildings and places that reinforce the identity of Polesworth, Warton, Birchmoor and the surrounding countryside.

OBJECTIVE 3 – To protect and enhance the built and natural heritage assets of the area.

OBJECTIVE 4 – To support vibrant village centres and protect and enhance local services and facilities.



OBJECTIVE 5 – To ensure new development integrates as seamlessly as possible within its surroundings and minimises impact on existing communities.

OBJECTIVE 6 – To preserve the distinctive nature of our communities through preserving gaps / areas of separation between all of our existing communities and especially the neighbouring communities of Tamworth and Atherstone.

## 3.0 Polesworth Neighbourhood Area

### Introduction

- 3.1 The designated neighbourhood area is shown on Figure 1, Polesworth parish consists of three separate and distinct settlements, Polesworth, Warton and Birchmoor. Each has its own history and distinct character.

### The area today

- 3.2 Polesworth Bridge Street is the main shopping centre with shops to accommodate most everyday purchases. There is a Health Centre backing onto High Street which is currently rarely used and is therefore underutilised. The Practice retains the lease but due to difficulty with recruiting GPs is unable to staff and fully utilise this facility. There is a clear need for this provision at this location as the main GP surgery is based around two miles away in Dordon and bus services from the neighbouring villages of Warton (which does not have a direct service to Dordon), Birchmoor and beyond serve Polesworth far more frequently than Dordon. Consequently, improvements to the medical centre and provision in Polesworth would lead to a much needed improvement in service and improvement in terms of access for the population covered by this Neighbourhood Plan. There were 8 industrial units near the Tithe Barn which were for small enterprises and start up facilities for entrepreneurs which were well utilised, but these have now been turned into a small gym facility. There are a number of industrial premises along Pooley Lane and on the site of Pooley Pit which are available for rent. Other industrial premises have been sold and houses built on them. The only industrial premises remaining are along Grendon Road, this is where the canal boat yard used to be.



- 3.3 Warton was a small village which grew because of housing development when the farms were sold off. Council houses were built along Orton Road about 1950 and more built in the 1960s and early 1980s. The older properties in Little Warton Road were Coal Board houses. The village originally was on the crest of the hill with the smaller settlement along Orton Road known as Little Warton. Gradually the settlements merged from the 1920s/30s and the name Little Warton remains as a road name only. Since 2015 there have been five new housing developments and a sixth is in construction. This is significant development pressure on a small village and beyond planned allocations. Warton has a primary school, one shop, a club and

a public house but has few other facilities, residents having to travel for butchers, greengrocers, hairdressers, all other household purchases. There is no public transport to the doctors' surgery in Dordon. There are no facilities for industrial usage, and it has until recently retained its village character. Although Bramcote is officially part of Polesworth it is seen to be part of the village and HS2 will run near the M42 there.

- 3.4 Birchmoor has a club, public house and St Johns Methodists Church, residents having to travel for all household purchases and health services. The village has been divided by the M42 motorway and the HS2 development will cause much disruption during its construction and divide the village even more.

## **History**

### Early History

- 3.5 The first humans to visit the area were early nomadic tribes who left traces of their presence along the river valley. There was also an iron hill fort located on the south side of the valley on Hoo Hill and a meeting place, possibly pre-Roman on the north side of the valley on Stipers Hill.
- 3.6 Traces of a Roman building were found in various archaeological digs in Polesworth near the site of the present Parish Church. There is documentary evidence of an anchorite called Edith living on the banks of the Anker in the late 600s to early 700s and after her death she was revered as a saint and evidence of a community which looked after her shrine there and possible site of a Minster Church was found during the archaeological digs on the site from 2011-2013. There is little evidence of any habitation in Warton at this time and none at Birchmoor, although the areas of Bramcote and Pooley seem to have Saxon origins. This area was in the Forest of Arden and although there may have been other small, cleared areas the majority of the landscape was forested.

### Norman Conquest to the Dissolution of the Monasteries

- 3.7 In the middle of the 1100s a large Abbey was built near the river in Polesworth and a township built up around it. Tax was paid by a number of households in the 1300s which denotes its prosperity as one of the largest townships in Warwickshire. Bramcote was a thriving Hamlet with a number of households also paying large amounts of tax in the 1300s; neither Warton nor Birchmoor is recorded as paying any tax at this time which probably denotes an empty landscape. Warton is mentioned in deeds of Polesworth Abbey as a wooded area. Polesworth benefited from the weekly market held in the shadow of the Abbey precincts in High Street, the yearly three day fair and the many pilgrims who visited the shrine of St. Edith. The Saxon Hall standing at Pooley, although much altered and added to over the intervening years, was replaced by a semi fortified brick built house by Sir Thomas Cockayne in 1509, possibly the earliest brick built house in Warwickshire.



### Dissolution of the Monasteries to the Present Day

- 3.8 Parish Registers give details of baptisms, marriages and burials since they began in 1632 which show a small number of households present at Warton and Pooley. Evidence from wills shows these to be small scale farmers. Birchmoor seems to have been mainly an empty moor and heath landscape. There are few mentions in the parish registers until the late 1700s of any occupants. Indeed, the Hearth Tax in 1662 gives no mention of any houses there at all.
- 3.9 Birchmoor's main claim to fame is the fact that Joseph Gilliver came from there. He was a breeder of fighting cocks and was the cock master to both King George III and IV. He named the area Cockspur, a name by which it was known until quite recently. There is a public house in Birchmoor named the Gamecock Inn which refers to this part of the history of Birchmoor and may predate Gilliver's time.
- 3.10 The main change at Birchmoor came with the sinking of the mine shaft which was off the Hermitage Lane between the Tamworth Road and present day Birchmoor itself, this was originally called the Cockspur mine. The seams were excavated under the Watling Street and led to the closing of the shaft in Birchmoor and the opening of the new one, named Birch Coppice, across the Watling Street to be closer to the richer coal seams. New houses for the miners were built along New Street and in the 1800s a mission church was built which is still in use for Christian worship today. A Methodist church was built some time afterwards at the bottom of New Street but went out of use and was demolished, the land being used as a car park opposite the Club.
- 3.11 Bramcote existed as a small hamlet, although its size had shrunk since the Reformation, until the beginning of the 19<sup>th</sup> century when the landowner developed more intensive farming in the area and the only trace of any habitation apart from the modern farm buildings is the Grade II listed Bramcote Hall.

- 3.12 Polesworth survived the Reformation although evidence from wills shows it began to decline. However, it became a very prosperous township in the 1700s and early 1800s with all the facilities one would expect to find in a townships at that time. The Goodere family who purchased the Polesworth estate from the crown after the Reformation held the land until 1747. The family were patrons of the arts and attracted many prominent poets such as Ben Johnson, John Donne and Michael Drayton – who worked at Polesworth Hall, on the site of the present vicarage, as a page. Both Drayton and Donne mention Polesworth in their writings. They all viewed it as the epitome of idyllic rural charm. Shakespeare is also reputed to have been a page in the Goodere household and many of his plays contain references to places nearby. Indeed Hollingshead, whose chronicles he used for his historical plays, was tutor at Bramcote Hall at this time and may well have been known to him.
- 3.13 Sir Francis Nethersole, who inherited the estate through his wife Lucy, built a school for boys and girls in Polesworth in 1655 after founding the school in 1638, where scholars from the ecclesiastical parish could gain an education. The nuns at Polesworth had run a school before the Reformation and records show that between thirty to forty children were educated there at one time.
- 3.14 Polesworth up to the early 1800s remained mainly an agricultural area but there was also small scale coal mining. The 1662 Hearth Tax gives 43 houses in the township, many of which were large properties and by 1800 there were many prosperous families. The canal was cut through in 1770s which opened up the transport of agricultural produce to a wider market and also opened up the area south of the river to wider occupation. The river flooded regularly and cut the township in half when the valley floor became impassable. The opening of the railway in 1847 gave access to an even wider market for goods and services.
- 3.15 The Polesworth mine, opened in the 1700s was opposite the Bulls Head public house and employed a number of local men. With the sinking of the deep shaft at Pooley came the need to employ more men and so there was a distinct shift in the mid-1800s from agricultural workers in the area to mine workers as evidenced by the Census figures for 1841 and 1861.
- 3.16 A large wharf was built to take the coal along the canal and with the development of railway engineering a railway was built to take the coal from the Birch Coppice mine all the way across the straight fields at Birchmoor and down to the wharf at Polesworth. Canal boat building was taking place along the Grendon Road in Polesworth, and a large pipe works was built near the Polesworth coal mine which used the clay from the hill behind which shows in the landscape of the area as the excavations ended at what is now the crest of The Gullet. The wharf was filled in and a housing estate now stands on the area of the pipeworks and the mine.





- 3.17 So the status of Polesworth changed from being a prosperous market township to a mining village with some other industries developing. Many of the tradespeople moved away and although there were still people of independent means there were fewer tailors, haberdashers, butchers, hat makers, dressmakers etc and more malsters, victuallers, coal huggers, publicans and coal miners. It was during this change that the non-conformist churches developed. Both the Baptist and Independents (Congregationalists) build their churches in 1828, with the Methodists building there's in 1857. There is evidence of a Baptist congregation in Polesworth since the early 1800s, but the first evidence of Independents is when the church was built along High Street. The Methodists seem to emerge when the Tamworth church was being rebuilt in 1850 and people from the congregation went to local villages to preach and encourage new congregations to develop. They quickly gained converts and used a blacksmiths shop as a chapel until they could build their own church in 1857.
- 3.18 The Hearth Tax records for Warton show that in the mid-1600s at least 24 households were part of a scattered settlement, some of which were larger farmhouses and some poorer dwellings for farm workers. 17 households suffered losses in the Civil War period when they were required to give free quarter to parliamentary troops, with 12 households also losing horses, other items were also stolen by Scottish troops. The village had a thriving Baptist congregation from the early 1800s with a church and attached burial ground being built in 1812. This closed in 1953 and was demolished in 1972/3 to make way for housing. The Primitive Methodists had a congregation in Warton from 1828 to 1845 and grew up again in 1892 with a chapel being built in 1898. It closed in 1932 and the building still stands today although much altered. Polesworth Church was the established church that served the ecclesiastical area with all services and baptisms, marriages and burials taking place there, but Warton had a church built in 1841 and was served by a curate until it became a separate ecclesiastical parish in 1849.



- 3.19 Polesworth remained a small compact township up to the mid-1800s with houses on medieval burghage plots arranged along the High Street with some development along Bridge Street, the old hollow way for the medieval township. The main thoroughfare was from and to the north and east. After the Reformation and certainly after the canal was cut through the road to the south of the river, now the B5000, was developed.



- 3.20 Polesworth was a large estate with one landowner, some plots of land had been sold off, but the majority was still owned by the Chetwynd family of Grendon. When the estate was split up and sold in 1912 this released land for development for housing for workers in the growing industries. Individual plots were purchased along High Street, Station Road, Grendon Road, Dordon Road and Fairfields Hill in the years between the two wars and Council housing was also provided on the estates at St. Helena and Coronation Avenue. There had also been a number of 'yards' of poor housing developed during the late 1700s and early 1800s which were demolished in the late 1950s and early 1960s. This period also included the expansion of Council housing providing homes at reasonable cost and good quality. The middle 1960s saw the building of two large private sector estates called Transale Heights and Castle Park and the demolition of houses along Grendon Road and the erection of blocks of council flats. Further infilling took place encompassing the old pipeworks and mine area opposite the Bull public house with the old canal wharf being filled in; along Birchmoor Road, Sunset Close, Waterside and Rickyard Close. Recently more infilling has taken place and also the erection of the estates on the eastern end of Grendon Road on what were green sites with more housing in the pipeline to extend up to the Dordon boundary on that side of the township.



## 4.0 Planning Policy Context

4.1 Neighbourhood plans must be consistent with national planning policies and advice; and be in general conformity with the strategic planning policies for the area. It is therefore important that as the PNP is prepared, the emerging draft policies reflect this higher-level planning framework.

4.2 National planning policy is set out in the National Planning Policy Framework (NPPF)<sup>2</sup> published in revised form in December 2024. This sets out in paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system performs an economic role, a social role and an environmental role.

4.3 The benefit of neighbourhood planning is set out in paragraph 30 of NPPF:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.*

*Footnote 17: Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*

4.4 Strategic planning policy is set out in the North Warwickshire Local Plan (NWLP) (adopted September 2021).

4.5 The NWLP seeks to achieve the following Strategic Vision for North Warwickshire:

*Rural North Warwickshire: a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents is sensitive to the local environment and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run and offers equality of opportunity and good services for all.*

*The rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas.*

*The Borough will accommodate development in a balanced and sustainable way, placing a high priority on quality of life, ensuring the protection, restoration and enhancement of valuable natural and historic resources and providing the necessary supporting infrastructure.*

*New homes, new employment proposals, local services and community facilities will be integrated carefully into the Borough’s existing areas respecting local distinctiveness. The majority of the development will be focused on the Market Towns and Local Service Centres.*

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<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

*Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate.*

*Housing catering for the needs of residents will be provided in order to give choice of tenure and location and will be located to take advantage of good public transport accessibility and to help maintain and enhance the vitality and viability of settlements.*

*Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance to the public realm as well as good access and provision of Green Infrastructure, open space, sports and recreational facilities.*

*Important natural and historic areas and buildings help to create the distinctive character and identity of the Borough and its settlements are protected and enhanced.*

- 4.6 A series of Strategic Objectives for the NWLP flow out of the Spatial Vision. All of the NWLP objectives are interlinked and so should be read together. Similarly, the NWLP policies flow from these. **Neighbourhood plans must be in general conformity with the strategic priorities in the local plan.**

The Strategic Objectives of the Local Plan are:

- 1 To secure a sustainable pattern of development reflecting the rural character of the Borough
- 2 To provide for the housing needs of the Borough
- 3 To develop and grow the local economy for the benefit of local residents
- 4 To maintain and improve the vitality of the Market Towns
- 5 To promote rural diversification
- 6 To deliver high quality developments based on sustainable and inclusive designs
- 7 To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough
- 8 To establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities
- 9 To ensure the satisfactory provision of social and cultural facilities

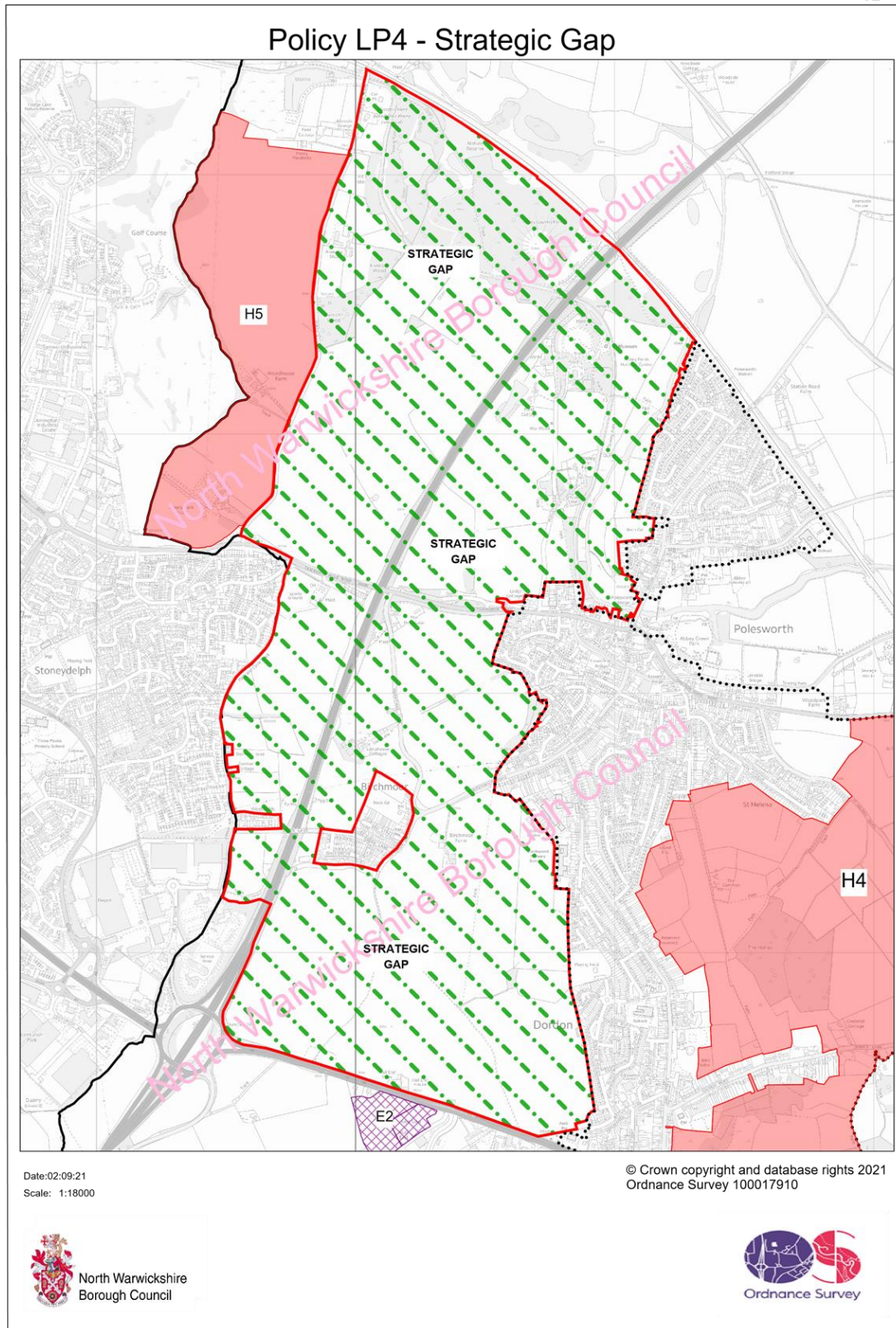
- 4.7 The final key overarching element of the NWLP is the spatial strategy. Paragraph 7.2 of the Local Plan sets out that:

*“The Spatial Strategy is a key component of the Local Plan for delivering a sustainable way of living and working and considering the appropriate distribution for development. It seeks to allow development to take place in a controlled pattern throughout the Borough. The pattern of development has been influenced by considering how the Borough functions, as well as the impact of surrounding cities and towns. Future development will take place in accordance to the size of the settlement taken, with its range of services and facilities and is influenced by considering if the settlement is in or outside of the Green Belt. This will mean that the majority of development will take place in the larger settlements, with more limited development in the smaller rural settlements and in particular those not in the Green Belt.”*

- 4.8 For the purposes of the Local Plan Spatial Strategy – Polesworth with Dordon are classified as a Main Town (Category 1). Warton is classified as a Category 4: Other Settlements with a development boundary. Policy LP2 (see Appendix 3 for Policy) sets out the development appropriate to each level of the settlement hierarchy.
- 4.9 Due to Polesworth with Dordon’s location there is a close relationship with Tamworth, to avoid coalesce with Tamworth a strategic gap is identified in the NWLP (Figure 3). Birchmoor sits within this strategic gap. The planning policy for the strategic gap is LP4 (see Appendix 3):

**Figure 3. Polesworth with Dordon/Tamworth Strategic Gap**

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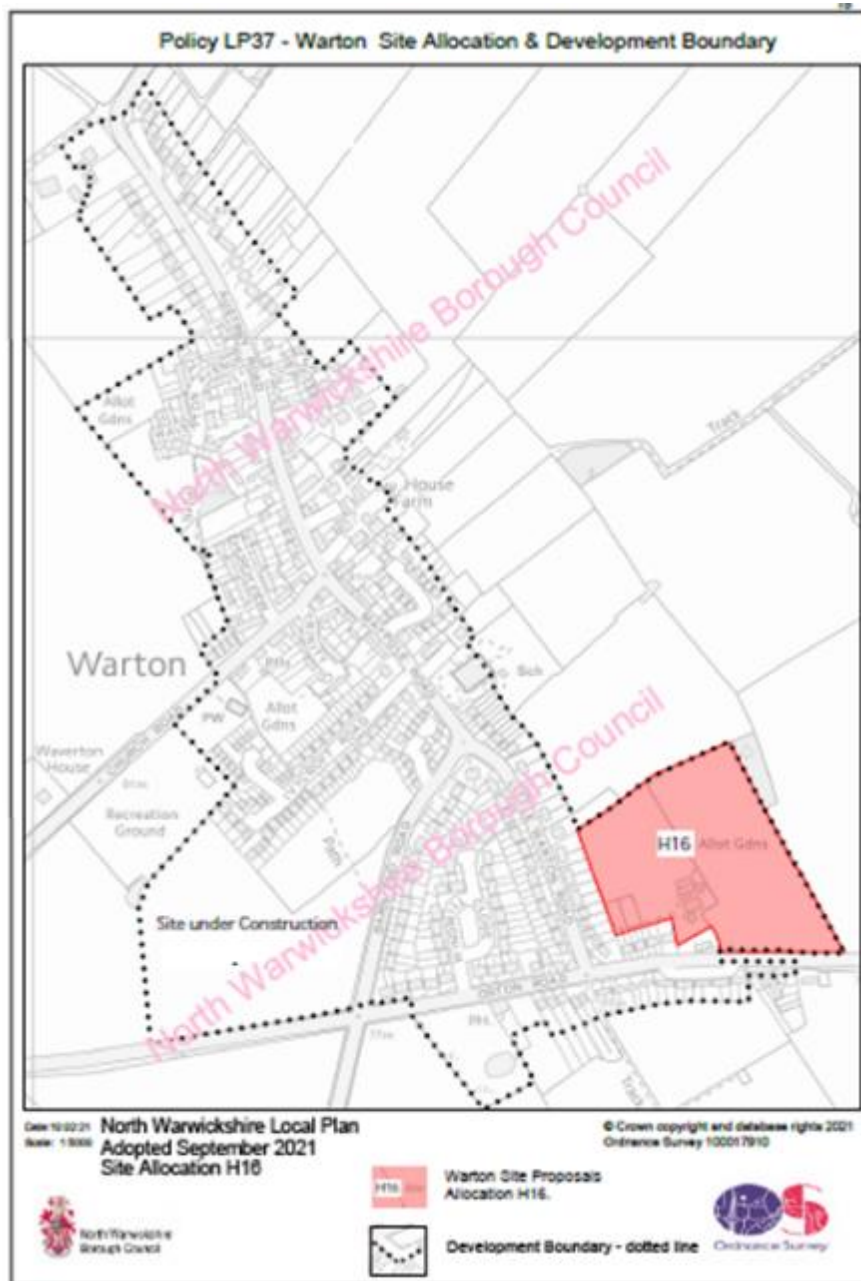


- 4.10 The NWLP sets the amount of development over the plan period 2011-2033. Across the Borough this totals 9,598 new homes, 100 hectares of employment development, and 19 permanent residential gypsy and traveller pitches between 2019 and 2033. As can be seen on Figure 3 most of the development impacting on the Polesworth

area will be on sites H4 (minimum 2,000 new homes) and H5 (approximately 1,270 new homes). The NWLP includes more detailed planning policies for these two sites.

- 4.11 Warton village also includes a site allocation H16 Land north of Orton Rd, Warton, a 4.2 hectare site, with an anticipated delivery of 128 new houses. Development will also be managed through a defined Development Boundary for the village (Figure 4).

**Figure 4. Warton Site Allocation and Development Boundary**

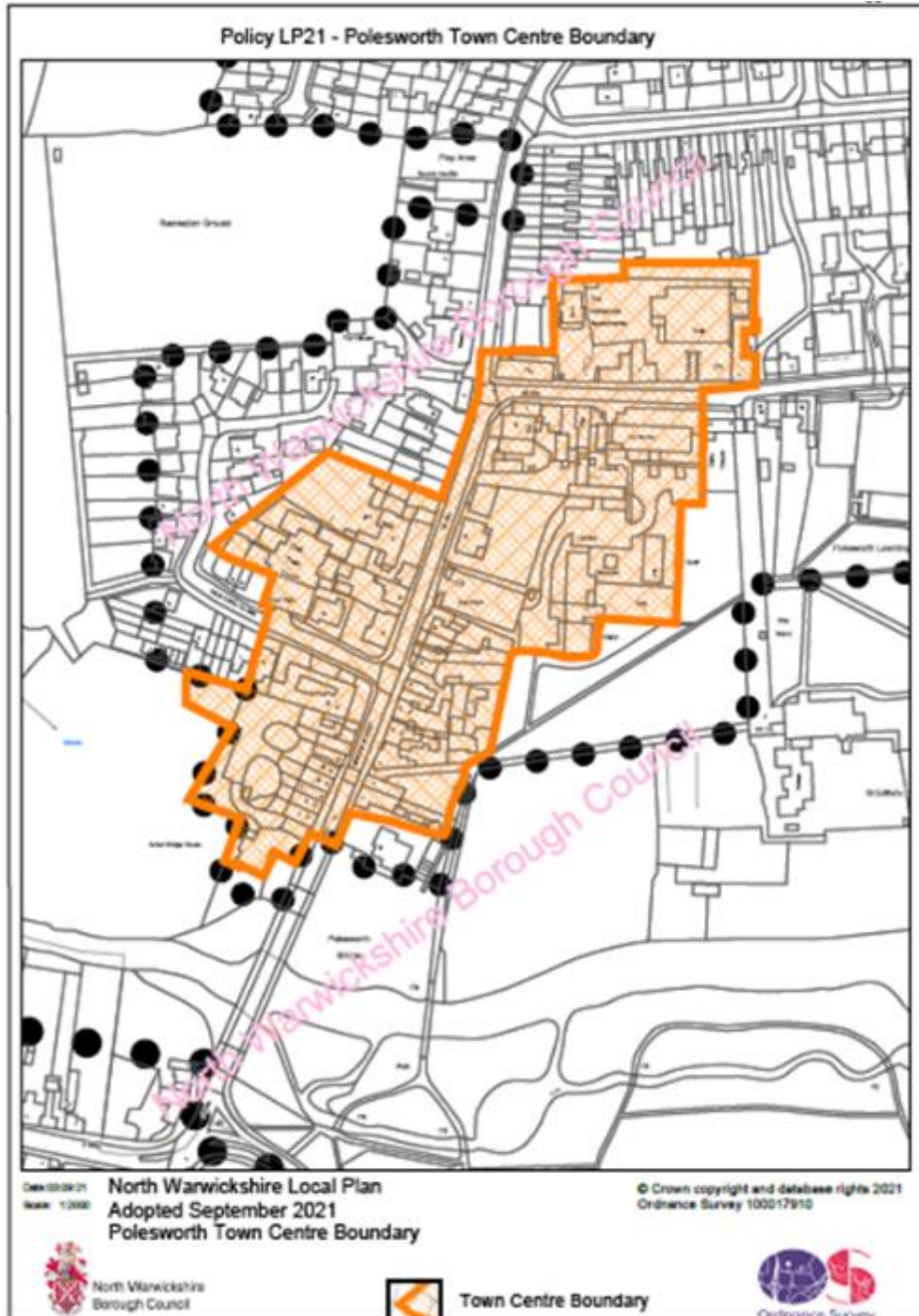


- 4.12 The NWLP also includes several strategic planning policies that are of relevance to the preparation of the PNP, for example those on heritage and landscape. Where relevant and necessary these are referred to in the Background/Justification section of the Draft PNP policies in section 5.0 of this document.



- 4.13 One final area specific planning policy from the NWLP that is worth highlighting is that for Polesworth town centre (Figure 5). Development within this boundary will be managed using Policy LP21 of the NWLP.

**Figure 5. Polesworth Town Centre Boundary as Identified in the North Warwickshire Local Plan**



## 5.0 Neighbourhood Plan Policies

- 5.1 This section of the PNP sets out the planning policies (green boxes) to manage development in Polesworth Parish up to 2033. The policies are defined below each PNP objective. Whilst the policies are divided between the objectives the policies of the plan should and will be read as a whole.

## PNP OBJECTIVE 1 - To protect and enhance green spaces.

### Introduction

- 5.2 The key priority identified through early consultation and engagement has been the need to protect and enhance the area's green spaces. The PNP will seek to do this in one of two ways, by designating Local Green Spaces, a national planning policy protection, that protects once designated in the same way as Green Belt; and by identifying other green spaces to be protected with a less restrictive NDP protection. The PNP also seeks to encourage enhancements to these green spaces when suitable opportunities and funding arise.

### Policy PNP1 – Protecting Local Green Space

The following areas are designated Local Green Spaces (shown on the Policies Map) in accordance with paragraphs 103 and 104 of the NPPF 2024:

PNP1/1 – Birchmoor Allotments  
 PNP1/2 – Birchmoor Recreation Ground  
 PNP1/3 - Station Road Recreation Ground and Community Field  
 PNP1/4 – Hall Court  
 PNP1/5 – The Spinney  
 PNP1/6 – Abbey Green Park  
 PNP1/7 - North Warwickshire Club and Sports Ground  
 PNP1/8 – Hoo Monument  
 PNP1/9 – Warton Allotments  
 PNP1/10 – Warton Recreation Ground  
 PNP1/11 – Glebelands  
 PNP1/12 – St John's Church Allotments

Development, including enhancements, and expansion, where practicable and feasible, of the designated Local Green Spaces will be supported when consistent with national planning policy for Green Belt.

### Background/Justification

- 5.3 Paragraph 106 of the National Planning Policy Framework (NPPF) allows local communities, through neighbourhood plans, to protect green areas of particular importance to them by designating Local Green Space.
- 5.4 Paragraph 107 of the NPPF goes on to advise that *“the Local Green Space designation should only be used where the green space is:*
- a) in reasonably close proximity to the community it serves;*
  - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - c) local in character and is not an extensive tract of land.”*



- 5.5 Policy LP20 of the NWLP “Green Spaces” seeks to retain, protect and wherever possible enhance green spaces shown on the NWLP Policies Map, Policy LP20 also acknowledges Neighbourhood Plans may designate additional areas. The PNP takes up this opportunity. Policy LP22 Open Spaces and Recreational Provision of the NWLP also seeks wherever possible to be retain, protect and enhance (unless their loss is offset by an equivalent or improved replacement) open spaces and recreational areas.
- 5.6 A number of open spaces in the neighbourhood area have been assessed to see if they meet the designation criteria set out in national planning policy (Appendix 1, Table 1).



## **Policy PNP2 - Protecting Other Green Spaces**

**Development that would result in the loss of other green spaces (shown on the Policies Map) will be only supported when it can be clearly demonstrated by the applicant that the open space no longer performs a useful function in terms of the local environment, amenity or active public recreation use.**

### **Background/Justification**

- 5.7 As well as the key green spaces that are suggested for the highest level of protection as designated local green spaces under Policy PNP1, the neighbourhood area also has several other important green spaces that perform a variety of useful functions (Appendix 1, Table 2). These can sometimes be smaller, often quite incidental green spaces that help to make the area a greener place and all add to the quality of life enjoyed by residents and visitors. It is proposed that these spaces are also protected, but not with the high degree of protection offered to designated local green spaces (protection that is consistent with national Green Belt planning policy) that precludes most built development. The green spaces identified in Policy PNP2, that are not considered to meet the national planning policy tests for being designated as Local Green Spaces, could be developed in certain circumstances and these are set out in Policy PNP2.
- 5.8 These green spaces while significant to the residents of the various estates where they exist do not have community wide impact with regard to giving rise to a wide range of leisure activities or heritage issues. Essentially, they give individual estates and localities character and provide opportunities for interaction between small groups of children, dog walkers etc. and occasionally a venue for social events such as VE Day or jubilee celebrations and bring grass areas, plants, shrubs and in some cases trees into residential areas. Examples of these areas are to be found in Sycamore Avenue, Coronation Avenue, Ridding Gardens, Orchard Close and significant examples on the newer St. Leonards Estate which will connect directly to the Polesworth section of the proposed Local Plan H4 development

## **PNP OBJECTIVE 2 - To ensure new development creates a high quality, beautiful and sustainable buildings and places that reinforce the identity of Polesworth, Warton, Birchmoor and the surrounding countryside.**

### **Introduction**

- 5.9 National planning policy seeks to create high quality, beautiful and sustainable buildings and places. Good design is seen as a key aspect of sustainable development, because it creates better places in which to live and work and helps make development more acceptable to local communities. This section of the PNP seeks to help to secure good design in the Polesworth neighbourhood area.

### **Policy PNP3 – Sustainable Design and Construction**

All new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of the settlement in which it is to be situated.

Development should seek to exceed minimum standards for energy efficiency and resource use and seek to be carbon neutral, thereby making a contribution to reducing the effects of climate change. Development will not be supported where it is of poor design that has an adverse impact on the character of the area. To ensure good design is achieved development should be designed to take account of, and will be assessed against, the following criteria, where relevant:

- (a) It promotes or reinforces local distinctiveness of Polesworth, Warton and Birchmoor by demonstrating that appropriate account has been taken of existing good quality examples of street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement;
- (b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;
- (c) It conserves or enhances existing wildlife habitats and incorporates new native planting (if appropriate to the site and its context) and landscaping that create new habitats, nesting (e.g., for birds and bats), encourages pollinators and provides foraging opportunities. Overall, a net gain in biodiversity should be demonstrated;
- (d) It uses space and creates new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations. Such spaces should use native planting (if appropriate to the site and its context) and planting to encourage pollinators;
- (e) It includes sufficient amenity space to serve the needs of the development and its users, in accordance with the Local Plan
- (f) It includes appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for biodiversity. It provides highways for hedgehogs by allowing access through boundary walls and fences;
- (g) It does not have a detrimental effect on the amenity of occupiers of neighbouring property;

- (h) It does not have a severe cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;**
- (i) It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible in accordance with the tests relating to planning obligations**
- (j) It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area in which they are to be located within any submitted Design and Access Statement;**
- (k) It respects the height of the buildings in the immediate surrounding area. Future housing development will generally be expected to be no more than two storeys;**
- (l) It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable high quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;**
- (m) It contributes to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g., building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy. Where such features are included, they should be appropriate in scale to the building of good design and well sited. Such features should also be sympathetic to the surrounding area;**
- (n) It is designed to be as water efficient as possible e.g., by incorporating water collection measures;**
- (o) It uses existing watercourses and ditches, sustainable drainage systems (SUDS, such as swales) to hold rainwater in storms. SUDS should be planted with native vegetation to support wildlife. All paving should be semi-permeable to allow run-off to drain away;**
- (p) It includes features to minimise light pollution;**
- (q) It includes space for off road/pavement storage of refuse and recycling bins in accordance with locally adopted standards;**
- (r) It has appropriate car parking in accordance with locally adopted standards. Car parking should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises the visual impact of car parking;**
- (s) It links to existing rights of way and does not restrict the use and enjoyment of such routes;**
- (t) All new residential development should provide external wall-mounted charging points for plug-in and other ultra-low emission vehicles for each dwelling that is to have a private drive or garage. Where communal car parking is provided this should also contain charging points. Larger homes, such as those with 3 bedrooms or more, should consider providing facilities to charge more than one vehicle at once;**
- (u) It uses Secured by Design principles;**
- (v) It ensures there is no loss of, or damage to, existing trees or woodland. Where trees or woodland cannot be retained, they should be replaced preferably on site, where this cannot be achieved suitable offsetting measures to provide replacement should be provided off-site; and**
- (w) Where relevant, applicants will be required to produce a green infrastructure plan. This should demonstrate how the development links**

**to the exiting green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.**

**Poor design when assessed against the above criteria will not be supported.**

### **Background/Justification**

- 5.10 Policy PNP3 sets out a criterion based policy that will be used to encourage development that positively contributes to and enhances the character of the neighbourhood area and its settlements. The Spatial Vision for the NWLP states:

*“Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance of the public realm as well as good access and provision of Green Infrastructure, open space, sports and recreational facilities.”*

The Borough Council also has Design Champions, and they will be used to promote and encourage local distinctiveness in new developments.

- 5.11 Policy PNP3 will provide a distinct, neighbourhood area specific, set of criteria against which to assess planning proposals and which should be used by applicants and their design teams in the preparation of planning proposals. The aim of the policy is to promote design and construction that make development in the area as sustainable as possible, construction that moves towards zero carbon emission and enables people to live more sustainably and reduce modern life's impact on the environment.
- 5.12 By setting this local policy the PNP is helping to meet one of the key aims of national planning policy – “achieving well designed places”, NPPF paragraph 131 states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

To this effect there is a National Design Guide and National Model Design Code. In addition the Parish Council has produced the draft Polesworth Design Codes and Guidelines. This is an advisory document that is indicative of the sort of considerations that might be addressed by applicants. Formal consultation on the draft document by the Parish Council is envisaged in due course.

- 5.13 In the future, Design and Access Statements should demonstrate how applicants have had regard to the criteria listed in Policy PNP3, for smaller proposals not all will be relevant, but applicants should still explain why they have reached this conclusion in their Design and Access Statement.

- 5.14 Policy PNP3 does not seek to stifle innovation or produce pastiche copies of the past. Innovation and contemporary design are encouraged, but here, as with all new development, applicants and their architects should draw on the past to inform their proposals to ensure that new development is in keeping and harmonises with that of the past.
- 5.15 In seeking to achieve good design it can often be the small details that result in a development achieving or failing to achieve this objective. This can be the result of a single poor choice, for example the wrong brick colour, or use of the wrong window shape. In these days of mass production and standardised house types, the temptation to produce a “could be anywhere” solution is strong. But such solutions fail to undertake a proper analysis of local context. In doing this, such an approach is not in line with national planning policy which states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [National Design Guide and Model Design Code], taking into account any local design guidance and supplementary planning documents such as design guides and codes” (NPPF, para. 134). Policy PNP3 provides such local design policy guidance.
- 5.16 The Building Regulations set standards for energy efficiency and resource use e.g., that of water. Government is committed to zero carbon homes by 2050 to reduce the impact of new build housing on the environment, especially the impact of climate change. The PNP, through Policy PNP3 encourages developers to go beyond the minimum standards in the Building Regulations, so that new development in the neighbourhood area makes the move to zero carbon sooner rather than later.



## **PNP OBJECTIVE 3 - To protect and enhance the built and natural heritage assets of the area.**

### **Introduction**

- 5.17 The neighbourhood area is also valued for the surrounding local countryside. This provides a number of benefits: it can be accessed along the network of footpaths and bridleways that provide opportunities for recreation; it provides valuable separation between the settlements and the Tamworth urban area; separates Polesworth and the villages and helps retain these settlements' separate identities; and the countryside is valued for the visual and other qualities of the local landscape.

### **Policy PNP4 - Conserving and Enhancing the Landscape**

**New development should conserve, enhance, and where appropriate, restore local landscape character by:**

- (a) Maintaining and enhancing the landscape setting, landscape features, field and settlement pattern of the neighbourhood area;**
- (b) Seeking to conserve *in situ* heritage assets of archaeological value;**
- (c) Retaining or enhancing ponds, streams, mature trees, woodland, ancient and mature hedgerows, or where removal is unavoidable, providing by way of offsetting replacement habitat elsewhere on-the site or within the neighbourhood plan area;**
- (d) Where new planting and landscaping is proposed it should use native species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, links to existing woodland and hedgerows;**
- (e) Promote high quality residential design that respects local townscape and landscape character and reflects local vernacular building styles, layouts and materials;**
- (f) Other than in relation to land to the east of Polesworth and Dordon (Local Plan Policy H4) seek to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, it enhances views of the settlement edge from the surrounding countryside and does not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping;**
- (g) Maintaining and improving access to the surrounding countryside; and by:**
- (h) Seeking to conserve and enhance the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed through the use of appropriate styles and sustainable locally distinctive materials.**

**In addition to the above development should also be prepared using any relevant Landscape or other Supplementary Planning Guidance.**



## Background/Justification

- 5.18 Natural England has produced profiles for England's 159 National Character Areas (NCAs). These are areas that share similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment. Polesworth Parish lies within NCA 97: Arden. In summary this area is:

*"Arden comprises farmland and former wood-pasture lying to the south and east of Birmingham, including part of the West Midlands conurbation. Traditionally regarded as the land lying between the River Tame and the River Avon in Warwickshire, the Arden landscape also extends into north Worcestershire to abut the Severn and Avon Vales. To the north and northeast it drops down to the open landscape of the Mease/Sence Lowlands. The eastern part of the NCA abuts and surrounds Coventry, with the fringes of Warwick and Stratford-upon-Avon to the south. This NCA has higher ground to the west, the Clent and Lickey Hills and to the east, the Nuneaton ridge. The landscape of the lower lying central area is gently rolling with small fragmented semi-natural and ancient woodlands. Mature oaks set in hedgerows, distinctive field boundaries, historic parklands and narrow river corridors are key features, all on the doorstep of a heavily urbanised area. Land use throughout the area is mainly, residential, agricultural and industrial including coal mining, which is still active in the north-east of the NCA.*

*Numerous transport corridors; road, rail, air and canal run through the area. There is likely to be increased development and greater pressure upon the existing infrastructure, particularly around Birmingham, Coventry and the main towns. This pressure could lead to the creation of new green infrastructure linking the urban areas out into the more rural areas. This NCA is among the most geologically diverse. This has had a strong impact on the landscape's character and development and is further reflected in the range of locally and nationally important geological assets across the NCA. There are also many local biodiversity assets and strong cultural links with William Shakespeare and his 'Forest of Arden'."*

- 5.19 NCA97 has 4 Statements of Environmental Opportunity

SEO 1: Manage and enhance the valuable woodlands, hedgerows, heaths, distinctive field boundaries and enclosure patterns throughout the NCA, retaining the historic contrast between different areas while balancing the needs for timber, biomass production, climate regulation, biodiversity and recreation.

SEO 2: Create new networks of woodlands, heaths and green infrastructure, linking urban areas like Birmingham and Coventry with the wider countryside to increase biodiversity, recreation and the potential for biomass and the regulation of climate.

SEO 3: Conserve and enhance Arden's strong geological, industrial, and cultural resource, to increase public access, enjoyment, recreation and to retain a sense of place and history.

SEO 4: Enhance the value of Arden's aquatic features such as the characteristic river valleys, meadows and standing water areas like Bittell Reservoirs, to increase resource protection such as regulating soil erosion, soil quality and water quality.

- 5.20 Locally, the North Warwickshire Landscape Character Assessment identifies 13 Landscape Character Areas (LCAs). Paragraph 6.11 of the NWLP states:

*“6.11 The Landscape Character Appraisal and individual Settlement Appraisals have been carried out and will be developed further into Supplementary Planning Documents and should be used as the basis for creating locally distinctive proposals. The Landscape Character Assessment identified landscape sensitivity areas surrounding settlements and these will be used when assessing impacts from developments. The Borough Council has Design Champions and they will be used to promote and encourage local distinctiveness in new developments.”*

- 5.21 The neighbourhood area lies within two of the LCAs:

- LCA3 Anker Valley
- LCA5 Tamworth Fringe Uplands

- 5.22 LCA3 is described as:

*“A visually open and broad, indistinct valley becoming steeper and more defined to the north close to Polesworth. The River Anker weaves discretely through the valley bottom and the Coventry Canal takes a straighter course south of the river.*

*The land use across this character area is predominantly farmland; however the character varies as a result of the complex mix of peripheral settlements and associated urban land uses. Busy transport corridors include the M42; which passes through the north on a viaduct, the A5; which follows the boundary of the character area along the upper slopes and the West Coast main railway line; which follows the course of the river through the lower reaches of the valley and is clearly discernible by the overhead rail gantries. A network of busy lanes between the peripheral settlements of Polesworth, Dordon, Atherstone, Mancetter and Nuneaton to the south also has an urbanising effect, only the remoter Grendon Park and Caldecote Hall feel relatively tranquil.*

*Polesworth and Dordon are located upon the ridge above the valley and have an urbanising influence on the adjacent landscape. Atherstone, although lower lying, has open edges and large scale development at its periphery, which again influences the character of this LCA. The large scale, brick built Aldi Distribution Centre, although enclosed by woodland planting, is a highly visible landscape detractor within the north of the valley. To the south of Mancetter, urbanising influences include a sewage works and Dobbies World, which includes a visitor's centre with mazes and woodland planting.*

*Farmland across the valley predominantly comprises late enclosure large arable hedged fields, generally with low trimmed, and in some places gappy hedgerows. Smaller, more irregular pastoral fields to the east of Dordon and north of Grendon are occasionally enclosed by timber stock fencing. Small areas of river flood meadow exist around Polesworth (an area to south east is designated as SSSI) and between Leather Mill Farm and Caldecote. Within the north the scrub and birch wetlands at Pooley Country Park, and the east facing partially wooded slopes of mixed farmland between Grendon and Polesworth.*

*Generally tree cover is limited to oak hedgerow trees and riparian vegetation. There are also some pockets of more substantial tree cover; north of Polesworth natural regeneration of birch and scrub provides young woodland around Pooley Country Park, north of Grendon woodland has colonised bare ground of former works, around Grendon Park and Caldecote Hall woodland planting, regular shaped game coverts and scattered parkland trees include evergreen species and create a parkland character.*

*There are wide views across the valley from the upper slopes, with views out being generally contained. To the south distinctive cone shaped mounds from adjacent minerals extraction works and the steeply rising slopes of the Uplands LCA4 have a visual influence on the setting of the otherwise flat valley character.”*

- 5.23 The Landscape Management/Strategies identified for LCA3 are as follows, and these have been used to develop the criteria in Policy PNP4:

Conserve and restore the rural character of the agricultural landscape and the natural regeneration of the former workings around the mining towns:

- Any new development should reinforce the existing settlement pattern of small peripheral towns, retaining the rural character of scattered properties and farmsteads within the valley;
- Any settlement expansion should include appropriate landscape planting to integrate the settlement edge within the landscape and limit encroachment on the valley;
- New agricultural buildings should be sited, designed and landscaped to blend with the surrounding landscape;
- Conserve and restore areas of existing Parkland at Grendon Park and Caldecote Hall;
- Encourage only informal recreational activities appropriate to nature conservation within the valley;
- Avoid types of farm diversification that are inappropriate to the agricultural landscape;
- Encourage introduction and appropriate management of wide field margins along watercourses and boundaries;
- Conserve the historic field pattern, with priority given to restoring and strengthening primary hedge lines including those alongside roads;

- Manage hedgerows to enhance the field pattern by planting up gaps, allow hedges to grow by reducing cut rotation intervals to 3 yearly intervals for wildlife benefits;
- Promote management of small woods and game coverts, in places long rotation coppicing may be appropriate;
- Enhance tree cover through small scale planting of broadleaved coverts and woods in keeping with the visually open character;
- Encourage natural regeneration of trees and vegetation alongside watercourses and promote small areas of wetland planting in areas currently lacking in habitats;
- Encourage ecological management of grassland areas and wetlands.

#### 5.24 LCA5 Tamworth Fringe Uplands is described as:

*“An indistinct and variable landscape, with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy roads, and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizon to the south. The M42 motorway has a dominant and unifying presence, passing through the area within a planted cutting. The industry has direct links to the M42 junction 10, also within the area.*

*To the north large scale modern industrial sheds at Tamworth have an urbanising influence along with the settlement of Dordon, located upon the crest of a gentle escarpment. To the south extensive employment areas, including Kingsbury Link Business Park and the large structures at the oil storage depot frame the area. Coal mining has greatly influenced the character of this area, particularly with regard to settlement character and the legacy of spoil tips, Dordon and Piccadilly at the peripheries of the area are former mining settlements, Piccadilly includes distinctive rows of red brick terraced housing. Within the area there are several large pockets of land disturbed by former mining operations with remnant recently restored spoil heaps, the spoil heap just south of the M42 motorway junction is particularly large in scale and a visual detractor within the local area. The base is now encircled by large scale modern industrial units at Birch Hill Coppice Business Park.*

*Several smaller settlements are located within this area; these are Birchmoor close to Dordon located on elevated land, and surrounded by open arable fields, and Freasley and Whateley, both with red brick and white rendered vernacular buildings, narrow lanes and adjacent surviving pockets of permanent pasture in small hedged fields. The latter villages are relatively peaceful in comparison to the busy land uses generally across the area.*

*Although farmland makes up a significant proportion of the landscape much of this land has a run-down character, with gappy, poorly managed hedgerows. Tree cover within this area is low, and the M42 motorway corridor provides the most notable stretch of tree planting. Woodland blocks adjacent to the southern boundary are located within the adjacent area; they contain this area and provide separation from the deeply rural landscape to the south. Generally the indistinct topography and combination of peripheral elements limits open views to within the area, with particularly open views across the landscape south of the M42 junction. To the west as the topography dips slightly towards the river Tame there are some longer views across the Tame Valley wetlands, these views include pylons and employment areas within Tamworth.*

5.25 As with LCA3, LCA5 also has a set of Landscape Management/Strategies that have been used to help develop Policy PNP4, these are:

- Safeguard the setting of the villages of Freasley and Whateley any development here should reinforce the existing settlement pattern;
- Any settlement expansion should include delivery of a robust Green Infrastructure with appropriate landscape planting to integrate the settlement edge within the landscape and bring additional landscape enhancements;
- Should future mining activities occur they should be accompanied by a comprehensive landscape reclamation strategy to introduce a new landscape framework;
- New agricultural and industrial buildings should be sited, designed and landscaped to mitigate against further landscape impact from built development;
- Maintain a broad landscape corridor to both sides of the M42, introduction of small to medium sized blocks of woodland planting using locally occurring native species would be appropriate within this corridor;
- The design of any recreational facilities should seek to reintroduce landscape structure and features;
- Conserve remaining pastoral character and identify opportunities for conversion of arable back to pasture;
- Encourage development of wide and diverse field margins;
- Encourage retention of hedges and management practices that reinstate historic hedge lines using native locally occurring hedgerow species;
- Encourage planting of hedgerow oaks to increase the tree cover within the area;
- Encourage ecological management of remaining grassland areas;
- Maintain restoration planting / naturally re-vegetated spoil tips to integrate better as landscape features.

### **Policy PNP5 –Assets of Local Historic Value of Local Historic Value**

**The Assets of Local Historic Value identified in Appendix 2 and shown on the Policies Map will be conserved in a manner appropriate to their significance, as demonstrated by the latest evidence and national and development plan policy. When affected directly or indirectly by development proposals, the**

**scale of any harm or loss will be taken into account as well as the significance of the Assets of Local Historic Value.**

**The Parish council will also seek to work with North Warwickshire Borough Council to include these, Assets of Local Historic Value, on the Borough's Local List.**

- 5.26 The neighbourhood area, as well as having Polesworth Conservation Area, Listed Buildings and two Scheduled Monuments, that already have statutory protection through existing legislation, also has many other buildings and structures that have heritage value. In planning policy terms, these are called "Assets of Local Historic Value". These Assets of Local Historic Value are links and reminders of the area's long and varied history.
- 5.27 Policy PNP5 identifies the key Assets of Local Historic Value in the town. NWBC are in the process of preparing a Local List. The NPWG have identified the following buildings and structures as suitable for Local Listing as part of the Neighbourhood Plan process. The detailed assessment setting out the reasons for identifying the Assets of Local Historic Value is set out in Appendix 2 of the PNP.

### **Polesworth**

1	Old Police House, 6 Station Road	2	War Memorial, Church Drive
3	Baptist Church, The Gullet	4	22 Potters Lane
5	Willow Cottage, 11A Potters Lane	6	Lilac Cottage, 21 Tamworth Road (Dame School)
7	24 Tamworth Road	8	Paddocks, 42 Common Lane
9	Royal Oak Public House and Attached cottage and stables, Grendon Road	10	36 Grendon Road (cottage behind the Oak)
11	Georgian House, Bridge Street/High Street corner	12	Spread Eagle PH, High Street
13	Hermitage	14	Farmhouse, Bridge Street (card shop and greengrocers)
15	Nurses Home, 32 Station Road	16	36 Bridge Street (On the bank)
17	Methodist chapel, Bridge Street (Original chapel only)	18	Footpath from High Street at the Station Road/Bridge Street junction onto the playing fields
19	Stiper's Hill Enclosure	20	St. Helena Road from the end of the buildings up to the boundary with Dordon
21	Coffin Trail, Common Lane	22	Site of the Hoo Chapel, off Grendon Road
23	Commemorative marker for site of Little Jim's Cottage, St. Helena Road	24	Mile Stone East on B5000



**Birchmoor**

25	St John's Church, New Street	26	The Gamecock Inn
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**Warton**

27	Primitive Methodist Chapel, Austrey Road	28	Parish room, Maypole Road
29	War Memorial on the wall of the Parish Rooms	30	Cruck Beam House, Church Road/Austrey Road
31	Warton Old Nethersole School, Maypole Road	32	School House, Maypole Road



## **PNP OBJECTIVE 4 - To support vibrant village centres and protect and enhance local services and facilities.**

- 5.28 Polesworth Town Centre (Figure 5 in this document) is identified in the NWLP – development within this boundary will be managed using Policy LP21 Services and Facilities of the NWLP. This Policy supports commercial, business and service uses in the town centre to support vitality; seeks to restrict hot food takeaways and betting shops; and restrict the loss of Class E Uses (including retail). Development management policy is also, therefore covered, and does not need duplicating in the PNP. However, to add value to the NWLP, the PNP identifies those non-retail services and facilities to be protected in Polesworth town centre and the wider neighbourhood area. It is important that services and facilities are retained in each of the neighbourhood area's villages.

### **Policy PNP6 – Protection of Existing Services and Facilities**

**The facilities and services (not including retail uses) listed as follows and shown on the Policies Map will be protected under Policy LP21 Services and Facilities of the NWLP:**

#### **Birchmoor:**

- 1. St John's Mission, New Street**
- 2. Birchmoor Working Men's Club**
- 3. Gamecock Inn**

#### **Polesworth:**

- 4. Baptist Church, The Gullet**
- 5. Abbey Church of St Editha**
- 6. Polesworth Health Centre**
- 7. Polesworth Memorial Hall**
- 8. Polesworth Working Men's Club**
- 9. Tithe Barn**
- 10. Baptist Church Youth Hall**
- 11. Polesworth Scouts Activity Centre, Pooley Country Park**
- 12. Spread Eagle**
- 13. The Royal Oak**
- 14. The Red Lion**
- 15. Foster's Yard Hotel**
- 16. The Bulls Head**
- 17. Polesworth Library**

#### **Warton:**

- 18. Holy Trinity Church**
- 19. Warton Parish Rooms**
- 20. Warton Club**
- 21. The Office**

**Background/Justification**

- 5.29 Community facilities and services are the essential glue that help bind a community together. They not only provide important services, but area places for people to meet and interact contributing to individuals' and the community's health and well-being.



- 5.30 National planning policy acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The facilities identified in Policy PNP6 contribute to all of these aspects of the local community.
- 5.31 The services and facilities identified will be protected under Policy LP21 Services and Facilities (see Appendix 3 for Policy) of the NWLP.
- 5.32 Policy PNP6 does not identify the retail uses in the neighbourhood area, such uses will, however, continue to be protected under Policy LP21 of the NWLP.

**Supporting Parish Council Action 1**

The Parish Council will encourage and work with others to re-open Polesworth Health Centre.

## Policy PNP7 – Sport, Recreation and Leisure Facilities

The following sport, recreation and leisure facilities, also shown on the Policies Map, will be protected and or enhanced in accordance with NWLP Policy LP22 Open Spaces and Recreational Provision.

PNP7/1 - Birchmoor Recreation Ground  
 PNP7/2 - Polesworth Recreation Ground  
 PNP7/3 - Warton Recreation Ground  
 PNP7/4 - Warton Allotments  
 PNP7/5 - Abbey Green Park, Polesworth  
 PNP7/6 - North Warwick Recreational Centre

Proposals that would enhance the appearance, improve access and accessibility to these facilities will be supported when they are in accordance with other development plan policies and the policies of the PNP.

### Background/Justification

- 5.33 Sport, recreation and leisure facilities are another key component of the fabric of the local community. The facilities identified in Policy PNP7 will be protected under Policy LP22 Open Spaces and Recreational Provision (see Appendix 3 for Policy) of the NWLP,



- 5.34 The following sport, recreation and leisure facilities have been identified for protection under Policy PNP7:

- Birchmoor Recreation Ground has a children's play area with play equipment and a football pitch used by a local team.
- Polesworth Recreation Ground has a children's play area with play equipment, football pitches used by local teams, and a hardstanding area with basketball court and children's games marked out.

- Warton Recreation Ground has children's play equipment and football pitch. This could be enhanced by tree planting round edges.
- Warton Allotments provides spaces for local residents for both gardening and social events.
- Abbey Green Park in Polesworth has children's play equipment, benches, tennis courts, fishing, and a nature reserve.
- North Warwick Recreational Centre has football and cricket pitches and club house.

5.35 Polesworth no longer has a leisure centre. Previously there has been a facility at the high school and a much smaller gym now exists in Hall Court. With the planned housing development and a growing population the need for a new leisure centre should be actively explored and such work will be supported by the Parish Council.

## **PNP OBJECTIVE 5 - To ensure new development integrates as seamlessly as possible within its surroundings and minimises impact on existing communities.**

### **Introduction**

- 5.36 The limitations of existing infrastructure and the strains that future housing development could place on that infrastructure and the new demands that could be created are a key concern of residents. This section of the PNP seeks to identify and some of those concerns and develop a planning policy to help address them. NWLP Policy LP21 Services and Facilities already seeks to ensure all major development considers its impact on the provision of services and facilities and where there is an impact this must be addressed. If such an impact is identified all major developments should provide land and / or financial contributions to enable the provision of additional services and facilities; and as set NWLP Policy LP1 all development will be expected to contribute proportionately and in accordance with national policy, statute and relevant supplementary planning documents and guidance to infrastructure provision.

### **Policy PNP8 - Transport**

**The following infrastructure projects will be brought forward during the plan period.**

- **Bridge Street improvements, Polesworth – junction improvements – including traffic signalling**
- **Barn End Road/Orton Road crossroads, Warton – safety improvements**
- **Warton – safer school crossing**
- **Road safety schemes**
- **Measures to improve public transport**

**Development proposals will be expected to contribute to these projects where the tests set out in Paragraph 58 of the NPPF are met**

### **Background/Justification**

- 5.37 Polesworth experiences significant disruption due to traffic congestion and car parking issues. Over the last three years around 500 new homes have been built in Polesworth and significant numbers of new homes have also been built in Austrey and Warton. Cumulatively this adds to the problems in Polesworth, because Polesworth is used as a route to the A5. In addition, Polesworth High School serves surrounding villages and this brings additional traffic into Polesworth on school days. Through the NWLP allocation Policy H4 allocates 2,000 new homes (1,675 to be delivered within the plan period), this will impact significantly on journeys within the neighbourhood area.
- 5.38 A new route to the A5 is also included in the NWLP, running through site H4 this will bring significant additional traffic through Polesworth. Considered together this concentration of new homes and the traffic generated will place the existing road system under extra pressure.



- 5.39 The B5000 is the busiest route through Polesworth. This runs from Tamworth through to Atherstone and the A5 with St. Helena Road and Spon Lane providing some access to the A5. Narrow sections and a canal Bridge on Spon Lane mean that both lanes do not provide access for HGVs and significantly reduce the capacity of these roads to deal with large volumes of traffic. Within Polesworth itself the B5000 passes through a crossroads, known locally as “The Square”. Bridge Street and Market Street leading up to the High School, Dordon and the A5 form the other axis of the crossroads. The Square is an increasingly busy junction with poor visibility, particularly when attempting to cross from Bridge Street to Market Street, this makes this a hazardous junction and frequently has congestion. In addition car parking is allowed on one side of the bridge on Bridge Street, this adds to the congestion problem, at times it can take in excess of 20 minutes to navigate this stretch of road before negotiating the junction. Consultations and petitions have been organised locally and overwhelming support has been given for the need for traffic lights in the Square and double yellow lines on both sides of Bridge Street. If the proposed NWLP developments commence without these measures then the result will be increased and frequent episodes of grid lock, more accidents and incidents of disputes involving aggression together with significant delays for emergency services. The double yellow lines on Bridge Street have now been implemented. A scheme for traffic lights in The Square has been fully prepared by County Highways and is ready to go but currently needs funding to be identified before it can be implemented. This scheme is an essential requirement prior to any further development in Polesworth.
- 5.40 Similarly, a relatively large number of new homes have recently been built in Warton leading to severe traffic flow and car parking problems. The traffic from the neighbouring village of Austrey also passes through Warton on the way to the A5 and motorway.
- 5.41 Within the village Warton has had its fair share of accidents in the recent years, for example at the Barn End Road and Orton Road crossroads. The Parish Council will encourage Warwickshire County Council to address safety at this point. Vehicles travelling from Polesworth approach the junction often incorrectly believing that Orton Road is the main road if they do they move straight across the Barn End Road.



- 5.42 Further problems arise Austrey Road joins Maypole Road at the junction of Church Road. Here, vehicles have a problem manoeuvring, due to the narrowness and slight gradient of the road. Buses and emergency vehicles can be brought to a halt,

because other vehicles are preventing their passage. In winter when ice is present vehicles have a difficult time entering Austrey Road from Church Road due to the steep gradient.



- 5.43 The village's roads are also restricted due to residents having to park on the street. Particular issues arise when Holy Trinity church is being used for weddings or funerals, then it becomes difficult to proceed along Church Road. The Maypole Road outside of the school becomes very congested when parents collect children from the primary school. This means they park near the corner of Barn End Road. A safer means of crossing the road outside of the school needs to be developed possibly a crossing closer to Ivy Croft Road. Speeding traffic along Orton Road, Barn End Road and Church Road is often observed and a concern for residents.
- 5.44 Polesworth is very poorly served by rail – with only one service per day that heads towards Tamworth and no return service. The Parish Council support Warwickshire County Council's aspiration of improving rail services to Polesworth.

**PNP OBJECTIVE 6 - To preserve the distinctive nature of our communities through preserving gaps/areas of separation between all of our existing communities and especially the neighbouring communities of Tamworth and Atherstone.**

**Introduction**

- 5.45 The neighbourhood area faces considerable development pressure, both from allocated sites (H4 and H5) and from neighbouring Tamworth to the west. To maintain the separation of Polesworth and Dordon from Tamworth the Local Plan identifies a strategic gap (Local Plan Policy LP4) (see also Figure 3 of this plan). The Local Plan through the settlement hierarchy also seeks to maintain the separation of the villages in the Polesworth neighbourhood area. The PNP local green spaces policy also seeks to designate local green spaces. These by way of the national planning policy protection for such spaces, should remain open land and will, therefore help to preserve the distinctive nature of our communities. In addition Policy PNP10 of this section of the PNP identifies further ways in which the distinctive nature of Polesworth's communities can be preserved.

**Policy PNP9 – Preserving the Separate Identity of Polesworth's Villages**

**To preserve the separate identity of the Polesworth neighbourhood areas villages the following measures will be supported:**

- a) Development proposals that would maintain the open land area and enhance Pooley Country Park;**
- b) Retention of key open land corridors, such as the River Anker and Coventry Canal; and**
- c) Maintaining as open land the other green spaces identified under Policy PNP2**

**Background/Justification**

- 5.46 Whilst strategic planning policy in the Local Plan seeks to maintain the strategic gap between Tamworth and Polesworth and Dordon and focus development within village development boundaries there is concern that smaller more incremental development could still erode the physical separation and identities of the neighbourhood area's villages. Policy PNP9 seeks to support strategic planning policy by identifying key areas of open land for further protection. These include:
- Pooley Country Park – a 62.5 hectare site, one third of which is a designated Site of Special Scientific Interest, contains several pools caused by mining subsidence, woodland habitats and is situated on the Coventry Canal




- Key open land corridors, including those along the River Anker and Coventry Canal; and
- Non-strategic areas of open space identified as part of the Other Green Space assessment (contained in Table 2). These are sites not considered to meet the national Local Green Space designation criteria, but that are considered to make important, non-strategic contributions to maintain the separation and separate identities of our villages.

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## **Appendix 1. Local Green Space Assessment**




Table 1. Local Green Spaces Assessment


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<b>Birchmoor Recreation Ground/PNP1/2</b>	In middle of the village, access from New Street and Cockspur Street.	 <p>Provides play equipment for children and sports facilities.</p>	1.18 hectares of self-contained formal park.	None.
<b>Birchmoor Allotments/PNP1/1</b>	Rear of village pub	Provides important recreation and food growing area for residents.	0.78 hectares of allotments at the north end of the village, bounded by hedges and adjoining the Recreation Ground to the south.	None.
<b>Station Road Recreation Ground and Community Field/PNP1/3</b>	Access from Station Road and Francis Close. Next to large residential estate.	Provides play equipment for children and sports facilities. Site of Annual Carnival and Fair.	4.03 hectares of open space, including Polesworth Recreation Ground,	Entry is gained to this area through a hard play area, off Station Road which

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
			<p>an area of open land and woodland. Bounded to east and south by local housing and to the west by field boundaries and beyond River Anker.</p>	<p>can also be used as a car park for football matches. Adjacent to the hard play area is an area with play equipment for younger children. Behind this is a field which is used by the community for dog walking, dog training classes, Polesworth Swifts junior football club and for general recreational / family activities. This section of ground is owned by the Parish Council. A further field which connects to the Parish Council land is owned by the Polesworth Community Association and is used in the same way as the Parish</p>


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
				Council land. Both fields are used on an annual basis for the Polesworth Carnival an event which regularly attracts large crowds to the site. This land runs into an area of land which is not maintained but runs along the river bank to the railway and Motorway viaducts providing access to the river bank (River Anker) which provides an important area for wild life and biodiversity together with the opportunity for recreational activity and nature observation. Taken together this is an important area of

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
				land which provides the community with a range of opportunities for sporting activity, interaction with the local natural environment and a wide range of recreational activities.
<b>Hall Court area, Polesworth/PNP1/4</b>	In centre of Polesworth	 <p>Within the confines of the Hall Court area a number of community buildings are located. These buildings include a Memorial Hall (a large community hall), a facility providing day use for Group Homes who specialise in</p>	0.54 hectares of green space within the centre of Polesworth. Various community buildings adjoin the site to the north. Site bounded by trees and hedges on east and south. Western edge is formed by a car park.	None.


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		<p>providing care for adults with learning difficulties and run a number of residential homes within the local community, the Public Library, The Tithe Barn (a community meeting room, Parish Council Office and Community police hub), a medical centre, a community gym (recently converted from work units) and an historic Dove cote (currently used as a Parish store). Vehicular access to the area is from Bridge Street and the area also provides a considerable amount of parking space. There is also a significant amount of green space which is crossed by a number of footpaths. Walking routes connect the area with The Abbey Green Park where the path crosses the River Anker and connecting streams by means of three footbridges. Footpaths also connect this area to a walking route up through the Churchyard to The Nethersoles Primary school which has led to this route being designated as a safer route to school. The Green area is bordered by the Church Drive and Church Walk. Picnic benches are sited on the Green outside the Memorial Hall and the area has been used as a site for Christmas Market events, most recently a</p>		

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		Dickensian Evening which is set to become an annual event. This area adjacent to the Abbey Church, Churchyard and Abbey Green park is viewed as the community or village centre and is within the confines of the existing conservation area.		
<b>The Spinney/PNP1/5</b>	Close to Birchmoor community and in middle of residential estate	 <p>This is a wild area under the ownership of the Parish Council, through which runs a footpath connecting Ensor Drive with Birchmoor Road. The area is the site of an old colliery rail route connecting the Birchmoor colliery with the canal wharf. There is a natural spring which feeds a stream through the area so the area is subject to flooding but</p>	1.42 hectares of woodland in the south west of Polesworth. Bounded by housing to the north, east and south and by open agricultural land to the west.	None.




Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		the site is an area which is naturally adventurous and rich in wildlife.		
<b>Abbey Green Park/PNP1/6</b>	In centre of Polesworth by River Anker.	 <p>The park is a large green area in the centre of Polesworth which is linked by footpaths to the main shopping area in Bridge Street and Hall Court with its links to the Nethersoles School and the Abbey Site. This is an area of restored land following open cast mining which is under the management of the Borough Council. The River Anker runs through the park so the area also serves as a floodplain and there are fishing posts set in the river bank throughout its length through the park. The area has a skate park and an area of play equipment for younger children.</p>	6.57 hectares of green space in the centre of Polesworth. Built development to south and west, River Anker to north, bounded to the east by hedges with open beyond.	None.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		<p>There are also hard surface tennis courts and a bowling green within the park although the bowling green is currently not in use by a bowling club. The Coventry Canal runs along the edge of the park along the route of the Grendon Road with access to the towpath and canal. The park is well served with tarmacked footpaths which run around the park providing good foot and cycle ways and at the point where the River Anker enters the park there is a wooded area and adjacent to this a wetland area which add to the rich diversity of the environment within the park. There is also a very attractive footpath which runs along the river bank from the park through the adjoining fields and links up with the towpath and the Coventry Canal.</p>		

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
Hoo Monument/PNP1/8	On hill at edge of Polesworth.	 <p>The monument is sited on the summit of a hill in a field off the Grendon Road. This is close to the original site of the Hoo Chapel dedicated to St. Leonard. The monument appears as one of the heritage assets protected by this plan's Policy PNP5. The monument is also in the centre of a proposed development site. This should be retained within a significant green area, both to draw attention to the heritage value represented by the monument and to provide an appropriate open space area in what is destined to be an area of significant development.</p>	1.83 hectares of land surrounding the Monument is identified for Local Green Space designation.	None.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<b>Warton Recreation Ground/PNP1/9</b>	Access from Church Road and Ivycroft Road.	The Recreation Ground is pivotal in giving the residents of Warton the opportunity for outdoor relaxation and recreation. The children have a well laid out play area, which enables them to play on equipment which is well maintained and safe to use. The larger area of the ground allows football matches to be played to FA regulations. During the summer Warton Carnival Committee organise their well supported village carnival which terminates on the recreation ground supported by various attractions. After the Covid 19 lock down came to an end a "Picnic in the Park" was organised which was a great success.	1.69 hectares of formal park on the western side of the village bounded by housing and Holy Trinity Church to east and south, open agricultural land to west and Church Road to the north.	
<b>Warton Allotments/PNP1/10</b>	Access from Waverton Avenue. Centre of village.	Warton has had an allotment site for many years, but the current one was formed in 2009. The allotment has 36 plots and offers enjoyment and exercise to a great many residents and plot holders. It has won on two occasions the North Warwickshire Allotment Federation best allotment in North Warwickshire award. Regular items of interest take place -Barbecues-The heaviest pumpkin competition-Sales of produce to support the upkeep of the allotment.	0.93 hectares of allotment gardens on the north west of the village. Bounded by housing to the east and open fields to the west and north, and woodland to the south.	None.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		Currently leased from North Warwickshire Borough Council by Warton Allotment Association award.		
<b>Glebelands, Church Walk/PNP1/11</b>	Large area of fields surrounding ancient church.	 <p>Provides open aspect and views of church.</p>	5.31 hectares of fields surrounding Polesworth's ancient church.	None.
<b>North Warwickshire Club and Sports Ground/PNP1/7</b>	On edge of Polesworth.	The North Warwickshire club is located off the Tamworth Road (B5000) just within the Parish boundary. This is a well maintained sports ground used primarily, though not exclusively, for Junior football activities and training programmes. A well maintained club house serves as a social club and a venue for a variety of community activities.	Yes.	None.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<b>St John's Church Allotments/PNP1/12</b>	Between New Street and Birchmoor Recreation Ground	The St. Johns allotments are located between the St. Johns Hall in New Street and the Birchmoor recreation Ground. They are under the ownership of the Abbey Church and comprise a small group of allotments which bring a productive and tranquil area to the community of Birchmoor, which is much valued by its residents.	Yes	No

**Table 2. Other Green Spaces Assessment**

Number	Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
<b>1</b>	Green area in front of Gamecock Inn Birchmoor	At entrance to the village.	Has planters on with flower displays.	Yes.	None.
<b>2</b>	Green area in Orchard Close Polesworth	In <i>cul de sac</i> of houses.	Green area by railway line.	Yes.	None.



Number	Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
3	Green area in Nethersole Street, Polesworth	In centre of houses.	 <p>Green aspect and area for children to play.</p>	Yes.	None.
4	Green area in Coronation Avenue Polesworth	In centre of houses.	Green aspect and area for children to play.	Yes.	None.
5	Green area in Princes Road Polesworth	In centre of houses.	Green aspect and area for children to play.	Yes.	None.
6	Green area in Sycamore Avenue, Polesworth	By houses.	Green aspect and area for children to play.	Yes.	None.
7	Two green area in Ridding Gardens, Polesworth	In centre of <i>cul de sac</i> Near to Chetwynd Avenue.	Green aspects and areas for children to play.	Yes.	None.

Number	Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
8	Green area off Kiln Way, Polesworth	By houses.	Green aspect.	Yes.	None.
9	Green area in Saxon Close, Polesworth	In centre of Close .	Green aspect and area for children to play.	Yes.	None.
10	Green area in Paddocks Close, Polesworth	In middle of bungalow complex.	Green aspect for older residents.	Yes.	None.
11	Green area in Chaytor Road, Polesworth	In centre of close.	Green aspect and area for children to play.	Yes.	None.
12	Green area in St. Leonards View, Polesworth	In centre of close.	 <p>Green aspect and area for children to play.</p>	Yes.	None.
13	Wooded area from Church Road to Allotments Warton	In centre of village.	Wooded area with pedestrian path.	Yes.	None.

Number	Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
14	Green area in Windmill Close, Warton	In centre of <i>cul de sac</i> .	Green aspect and area for children to play.	Yes.	None.
15	Green area junction Austrey Road/Waverton Avenue, Warton	In centre of village.	Green aspect.	Yes.	None.
16	Green area in Barn End Road, Warton	By houses.	Green aspect for residents.	Yes.	None.
17	Two green areas in Orton Road, Warton	By houses.	Green aspects for residents.	Yes.	None.
18	Three green areas in Waverton Avenue, Warton	By houses.	Green aspects for residents.	Yes.	None.

## **Appendix 2. Assets of Local Historic Value**

## **Polesworth**

### **1. Old Police House, 6 Station Road**



<b>Historic</b>	This was the first dedicated Police House built in the village and contained two secure cells
<b>Aesthetic</b>	It is a distinctive design, quite different from other buildings in the village.
<b>Communal</b>	Now a private house
<b>Age:</b> is it old, or does it have a Significant date?	Built in 1859 and in use as a police station until 1956.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	There are no other examples of this type of building in North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is a striking building at the beginning of Station Road approached from Bridge Street.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
<b>Assessment of Significance</b>	This is a significant building because of its uniqueness in North Warwickshire and its essential visible part of the village's history.

## 2. War Memorial, Church Drive



<b>Historic</b>	This was erected to commemorate those men who died in WWI and then added to, to commemorate those men who died in WWII.
<b>Aesthetic</b>	It was sculpted by Henry C. Mitchell of Tamworth a well-known local mason and unveiled in April 1921.
<b>Communal</b>	It is the focus of an act of remembrance every year.
<b>Age:</b> is it old, or does it have a Significant date?	It was built by public subscription after WWI and added to after WWII
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is of a particular style for this area.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It has a prominent position in the Church Drive.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Many of these commemorated on the monument have surviving relatives still in the village.
<b>Assessment of Significance</b>	This is significant because of its link to the men who died during the two world wars of the last century, many of whom have relatives living in the village and also to the wider community.



### 3. The Baptist Church, The Gullet



<b>Historic</b>	This was erected in 1850 and was paid for by donations from other Baptist congregations in the area. It was built by members of the Baptist community. The land was purchased by Thomas Aspbury, a tailor of Polesworth, who lies buried in the burial ground and his monument has been moved to the east wall of the burial ground.
<b>Aesthetic</b>	It has a very pleasing aspect, especially from the churchyard side.
<b>Communal</b>	The only non-conformist chapel still in use for religious purposes in the village today.
<b>Age:</b> is it old, or does it have a Significant date?	Built in 1850 by chapel members.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a standard building of the time, mirrored by the original Methodist chapel and Congregational chapel.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	Very prominent in The Gullet, but especially from the graveyard side.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	

<b>Assessment of Significance</b>	This is significant because it is the only non-conformist church in the village which is still used for its original function and also is an excellent example of this design.
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#### 4. 22 Potters Lane



<b>Historic</b>	This was originally a much larger building than exists now and erected possibly in the mid to late 1600s. It appears on the 1850 Tithe Apportionment Map of Polesworth.
<b>Aesthetic</b>	It sits well below the road and stands out from other properties along Potters Lane which was realigned when the Trensale Heights estate was erected. It has a visual impact on those approaching from Chaytor Road.
<b>Communal</b>	It is a private house
<b>Age:</b> is it old, or does it have a Significant date?	Erected in the 1600s when the area was still agricultural in nature, but may contain evidence of an earlier building in its structure.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is built with the narrow bricks of the time and is similar to other buildings of the era.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It has visual impact on those approaching from Chaytor Road.
<b>Other:</b> is there any other factor:  Local value or landscape interest?  Archaeological interest? Or Archival Record? – please explain	Small narrow bricks indicate its age. It appears on the 1850 Apportionment Map for Polesworth. It is most likely one of the larger buildings that appears on the 1642 Hearth Tax documents.
<b>Assessment of Significance</b>	The significance of this building is its age and brick structure which has single depth walls. It is part of a larger building, since demolished, and was part of a small holding including orchards. It is one of the few such buildings in the village.

## 5. Willow Cottage, 11A Potters Lane



<b>Historic</b>	This building appears on the 1850 Tithe Apportionment Map as a very small dwelling. It is possibly from the 1600s.
<b>Aesthetic</b>	It has a very pleasing aspect and is very distinctive in character.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	1600s but may contain evidence of an earlier building in its structure.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is different in character from other buildings in the area, but there may be others in North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is rendered and has an extended sloping roof line towards the road and stands out from other properties nearby.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is supposed to be of an older construction than 22 Potters Lane, but is considerably smaller on the 1850 Tithe Map than that building so most probably a cotters cottage.
<b>Assessment of Significance</b>	The significance of this building is its uniqueness of shape and structure. Although rendered, it is clear that it is possibly one of the oldest brick buildings in the village.

## 6. Lilac Cottage, 21 Tamworth Road



<b>Historic</b>	This building appears on the 1850 Tithe Apportionment Map as a much larger building. It possibly dates from the 1600s but may contain evidence of an earlier building in its structure.
<b>Aesthetic</b>	It has a distinctive presence in the streetscape, being set back from the road and has an unusual internal room and stairs alignment.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	Erected in the 1600s when the area was still agricultural in nature, but may contain evidence of an earlier building in its structure.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is built of narrow bricks of the period.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is different to the nearby properties which are of more modern date.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The building was once used as a ‘Dame School’ possibly for students who did not gain admission to the Nethersole School in Polesworth or who were from nonconformist families.
<b>Assessment of Significance</b>	The significance of this building is its distinctive shape and inside orientation. It has a large entrance hall and the staircase is not contemporary with the age of the building; a door leads to a large main room which is lower than the driveway outside and this leads to a side room with a small

	window and stairs to a single bedroom with no access to the rest of the bedrooms which are accessed from the main staircase. The west side of the building was much larger and possibly contained the original staircase and the east end has an unusual triangular face.
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## 7. 24 Tamworth Road



<b>Historic</b>	This building was most likely erected at the time the canal was cut through in the 1770s and served as a blacksmiths for the canal horses. It sits sideways on to the road and until recently had the remnants of the blacksmiths at the rear.
<b>Aesthetic</b>	It was purpose built for the blacksmith and his family. Located well above the flood plain of the river Anker it allowed the blacksmith to ply his trade all year.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	1700s.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	This is a building which reflects the canal history and heritage of the village and of the wider area. It is of a type of house that is typical of the era it was erected.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings both in its construction and sideways aspect to the road.
<b>Other:</b> is there any other factor:  Local value or landscape interest?  Archaeological interest? Or Archival Record? – please explain	It appears on the 1850 Apportionment map. It is important for the canal heritage of Polesworth.
<b>Assessment of Significance</b>	This significance of this building is its link to the canal heritage of the area, having been built to serve as a blacksmiths for the working horses.

**8. Paddocks, 42 Common Lane**

<b>Historic</b>	This building was most likely erected in the 1600s as it exhibits many characterises from buildings of that era.
<b>Aesthetic</b>	Originally a farmhouse it is a prominent building in the streetscape.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	1600s but might contain in its fabric material from an earlier age.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a typical farmhouse building for this area, there are other examples in Polesworth itself.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It appears on the 1850 Apportionment map as much larger than it is now.  It stands on the edge of what was Polesworth Common and is most likely one of the houses mentioned in the Hearth Tax of 1662. It is also on the route of the Coffin Trail.
<b>Assessment of Significance</b>	The significance of this building is in its structure as a farm house built on the edge of Polesworth Common. There are other examples of this type of building in the village but this is the best preserved and contains remnants in its outside appearance of its original plan.

## 9. Oak Public House and Attached cottage and stables, Grendon Road



<b>Historic</b>	This building was erected when the canal was constructed through the village in the 1770s and the attached cottage was most likely for the Ostler who looked after the horses, some of which were stabled there and belonged to the larger operators of canal transport companies. This enabled horses to be rested and fresh horses to take their place.
<b>Aesthetic</b>	It is a small building with attached cottage and stables but is quite distinctive in the streetscape.
<b>Communal</b>	It is a public house with private house attached.
<b>Age:</b> is it old, or does it have a Significant date?	Late 1700s.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	This is a building which reflects the canal history and heritage of the village and of the wider area. It appears to be unique in that it consists of both a hostelry and an attached cottage and stables. It does not exhibit any characteristics of a coaching inn.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is very prominent on the corner of Grendon Road and Common Lane.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It has great significance in the history of the canal building in Polesworth with its built environment.

<b>Assessment of Significance</b>	The significance of this building is its link to the canal heritage of the area, having been built as a hostelry with an Ostlers cottage and stables for the horses attached.
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**10. 36 Grendon Road (cottage behind the Oak)**

<b>Historic</b>	This building appears on the Tithe Apportionment Map for Polesworth and is quite likely one of the earliest building in Polesworth on the south side of the river. It is likely to be of 1600s construction and has been much altered. It may be one of the houses that appears on the 1662 Hearth Tax records.
<b>Aesthetic</b>	It is a small building set back from the road and displays a country cottage frontage to Grendon Road, tucked behind the Oak Public House.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	Likely 1600s.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a unique cottage in the village and there are others similar in North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from other properties nearby.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The building may have some connection with the pottery industry which was in this area. Archaeological reports show evidence of this which is reflected in the nearby road name of Potters Lane. This may also be one of the properties mentioned in the Hearth Tax 1662.
<b>Assessment of Significance</b>	The significance of this cottage is it is uniqueness. It is clearly and one up, one down cottage which has been enlarged and may have been a building with living quarters one end and animal stalls at the other.

**11. Georgian House, Bridge Street/High Street corner**

<b>Historic</b>	This building is the only Georgian house extant in the village. It is now separated into individual dwellings and shop premises.
<b>Aesthetic</b>	It has a very distinctive character.
<b>Communal</b>	It is divided into private dwellings and shop premises.
<b>Age:</b> is it old, or does it have a Significant date?	1700s.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It has a very distinctive character although it is not unique in North Warwickshire it is the only building of this design in Polesworth.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is rendered and stands out from other properties nearby.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
<b>Assessment of Significance</b>	The significance of this building is that it is perhaps the only house of Georgian construction in the village. Originally built for the Bond family, who were surgeons, and is now converted into houses, shops and flats.

## 12. Spread Eagle Public House, High Street



<b>Historic</b>	A hostelry has stood on this plot from the medieval period, most probably from the time the Gatehouse was built in the late 14 <sup>th</sup> century. The building juts into the road where High Street narrows as it proceeds eastwards. The plot it stands on covers an area which goes well back from the road and has an area of grass at the east of the building with an alleyway running around the edge of it up to what was common land in the medieval era. This configuration would fit with this being a hostelry with stabling for horses and carts at the rear, such as found close to other monastic sites, such as Romsey Abbey in Hampshire. The 'Spread Eagle' public house is directly opposite the Gatehouse and the medieval building on the site may well have been a hostelry owned by the Abbey in the medieval period. It appears on the 1850 Tithe Map.
<b>Aesthetic</b>	It is a distinctive double fronted building which is rendered but shows different building styles back from the road.
<b>Communal</b>	It is a public house.
<b>Age:</b> is it old, or does it have a Significant date?	The foundations are medieval and the building has various stages to arrive at the present configuration.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It has a narrow frontage typical of a burgage plot and the building extends some way back from the road.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is very prominent in the streetscape as it is directly opposite the Abbey Gatehouse and its presence narrows the High Street for traffic at this point.



<p><b>Other:</b> is there any other factor:</p> <p>Local value or landscape interest?</p> <p>Archaeological interest? Or Archival Record? – please explain</p>	<p>It appears on the 1850 Tithe Map and parts of it may date back to the pre-reformation period. It is also likely to be one of the properties mentioned in the 1662 Hearth Tax documents.</p>
<p><b>Assessment of Significance</b></p>	<p>The significance of this building is that it sits on a burgage plot and was most likely a medieval hostelry which served the Abbey as a guest house. It sits opposite the Abbey Gatehouse and is at the end of the probable site of the market square of the medieval township. The layout of both the building and the garden area around it shows similarities with such guesthouses attached to monastic communities across the country.</p>

**13. Hermitage, Tamworth Road.**

<b>Historic</b>	It is difficult to precisely date this building as it has been both lived in and derelict and rebuilt in living memory. The origins of a building on this site date back to the 7 <sup>th</sup> century or earlier. It was part of the Abbey properties at the time of the Dissolution of the Monasteries and was used as a farmhouse and tenanted from that date, the Polesworth registers from 1631 mentions tenant families, and gravestones in the churchyard commemorate many of them. It has fabric internally that dates back some centuries and shows its use as a farmhouse cum dairy. It appears on the 1850 Tithe Map and would be one of the buildings mentioned in the 1662 Hearth Tax documents.
<b>Aesthetic</b>	It is a rendered house, set back from the road with extensive outbuildings now used as industrial units.
<b>Communal</b>	Private house
<b>Age:</b> is it old, or does it have a Significant date?	The origins date back to the early medieval period and the present house has elements from the later medieval period.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a large farmhouse.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is set back from the road, but stands out on the road from Polesworth to Tamworth.
<b>Other:</b> is there any other factor: Local value or landscape interest?	Sir William Dugdale visited the house in the 1600s and gives a brief description in his book on Warwickshire. It was one of the larger houses mentioned in the 1662 Hearth Tax documents. It is an important building inasmuch as it represents a part of the early medieval, Saxon and monastic heritage of Polesworth.

Archaeological interest? Or Archival Record? – please explain	
<b>Assessment of Significance</b>	The significance of this building is its links to the life of St. Edith of Polesworth, a 6 <sup>th</sup> or 7 <sup>th</sup> century Anglo-Saxon saint, and also to the later monastic community in Polesworth. It is rendered and therefore the original exterior cannot be properly ascertained, however the inside orientation shows its age. When Dugdale visited this building in the 1600s there were still stained glass windows showing figures of prominent nuns from the Abbey. This is an extremely important building in the monastic history of the village.

**14. Farmhouse Bridge Street (Card shop, greengrocers)**

<b>Historic</b>	This was most likely erected in the 1600s as it exhibits many characterises from buildings of that era. It appears on the 1850 Tithe Map.
<b>Aesthetic</b>	It was clearly built as a farmhouse as it is of similar design and age to Paddocks, 22 Common Lane.
<b>Communal</b>	It is now divided into shops with accommodation above.
<b>Age:</b> is it old, or does it have a Significant date?	1600s but might contain in its fabric material from an earlier age.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a typical farmhouse building for this area, there are other examples in Polesworth itself.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings and is a unique building with the streetscape of Bridge Street.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is most likely one of the houses mentioned in the 1662 Hearth Tax documents.
<b>Assessment of Significance</b>	The significance of this building is that it was once a farmhouse, the only one along this section of roadway down to the river, either originally built during the monastic era, or shortly after. It still retains the outline of its origins but now converted into shops and flats.

**15. Nurses Home, 32 Station Road**

<b>Historic</b>	This house was built in 1930 for use as a Nurses Home
<b>Aesthetic</b>	It is a functional house which is different to any other house in the street.
<b>Communal</b>	It is currently used by Polesworth Homes, a charity
<b>Age:</b> is it old, or does it have a Significant date?	1930
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is unique to Polesworth, but follows the same design as many such houses built at the time for the same purpose.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from other buildings around it.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The plaque above the front entrance, which is integral to the building, reads 'Polesworth Nurses Home 1930'.
<b>Assessment of Significance</b>	The significance of this building is its uniqueness in the landscape. It was built for a specific purpose and still retains its original shape and aspect.

## 16. 36 Bridge Street



<b>Historic</b>	This building appears on the 1850 Tithe Map and is very distinctive because of its elevated position in the streetscape. Bridge Street is the medieval hollow way down from the township to the river and this building shows that particularly. It is likely to be a much earlier building, possibly from the 1600s and may be one of the buildings mentioned in the 1662 Hearth Tax documents.
<b>Aesthetic</b>	It has a large frontage onto the road with no front garden. It stands out from other buildings along Bridge Street because of its design and elevated position.
<b>Communal</b>	It is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	Possibly 1600s.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is elevated above the road and is in a prominent position at the northern end of Bridge Street.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It stands out from other buildings at this end of Bridge Street.
<b>Other:</b> is there any other factor:  Local value or landscape interest?  Archaeological interest? Or Archival Record? – please explain	

<b>Assessment of Significance</b>	The significance of this building lies in its position. It sits at the edge of what was monastic land, albeit land that was used for secular purposes. Its elevation from the road gives it it's unique appearance.
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**17. Methodist Chapel, Bridge Street (original chapel only)**

<b>Historic</b>	The original chapel was built in 1857 on the site of a blacksmith's premises. It was erected by Mr. Thomas Watton of Tamworth who built it for £100 with members of the congregation undertaking the labouring work. The chapel opened on the second Sunday in October 1857 and was built on land owned by Sir George Chetwynd, attracting a ground rent of 5s 3d per year. The ground rent was paid up until the land and surrounding properties were purchased in 1908 for the sum of £250 by George Deeming.
<b>Aesthetic</b>	The building has boarded up windows and the original entrance door. It is a typical building of the time and has similar characteristics to the Baptist Chapel and Congregational Chapel in Polesworth.
<b>Communal</b>	It now forms part of a shop and playgroup complex.
<b>Age:</b> is it old, or does it have a Significant date?	1857.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is like other nonconformist buildings of the period, both in Polesworth and other parts of North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is tucked back from the road behind a modern extension built when the chapel was sold for commercial use.

<p><b>Other:</b> is there any other factor:</p> <p>Local value or landscape interest?</p> <p>Archaeological interest? Or Archival Record? – please explain</p>	
<p><b>Assessment of Significance</b></p>	<p>The significance of this building is the simplicity of its style and the fact that it was the last non-conformist church to be built in the village. It still retains its basic shape and window orientation.</p>

### 18. Footpath from High Street at the Station Road/Bridge Street junction onto the playing fields



<b>Historic</b>	The medieval township of Polesworth was approached from the north via Bear Lane which then turned eastwards and widened out to form the High Street. This road is shown clearly on the 1850 Tithe Map. It exists today as a walkway through from the High Street junction with Station Road and Bridge Street to the playing fields on Station Road. It also provides vehicular access to houses. It is an important remnant of the medieval townscape.
<b>Aesthetic</b>	It is a walkway and access road for houses.
<b>Communal</b>	Open to walkers and householders.
<b>Age:</b> is it old, or does it have a Significant date?	It is medieval in origin, from at least the early 12 <sup>th</sup> century.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is the last visible remnant of the medieval roadway into Polesworth from the north.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is tucked away behind a bungalow and alongside a house.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is an important visible remnant of the medieval streetscape of Polesworth.

<b>Assessment of Significance</b>	<p>The significance of this short piece of footpath is that it is one of the last remnants of the original roadway into Polesworth from the North. Medieval in origin it brought both worshippers and pilgrims to the Abbey and Shrine of St. Edith of Polesworth. When the road was altered and straightened in the 1800s, this section was left as a footpath and its importance in the medieval history of the village cannot be emphasised enough.</p>
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## 19. Stiper's Hill Enclosure



<b>Historic</b>	<p>The importance of this as a site of ritual significance can be traced back to the Anglo-Saxon times or even before. These ritual areas had a standing-post and a square enclosure and elsewhere in the country contained shrines. The name is most likely derived from the Old English word for post – Stipere. Dugdale the 17<sup>th</sup> century antiquarian visited Polesworth and the surrounding areas and mentions them in his books on Warwickshire. He found an 'old entrenchment' on the site which he called 'a little fortification'.</p> <p>This was a meeting place for tribes in the area during what is often referred to as the Dark Ages and possibly before the Roman conquest; and later when the Anglo Saxons and then Normans settled here; where proclamations were made, musters declared and courts were held. It certainly survived the Norman Conquest as an important secular meeting-place up until the later Middle Ages when it ceased due to the increase in more formal court arrangements.</p> <p>These courts from the time of the Anglo Saxon settlers, until the later Middle Ages, involved dealing with accusations of crime, disputes of land and property, and the paying of rents. In the Bodleian Library documents show that tenants in the honour – the name for land held by the lord of the manor - of Tamworth met at a court on Stipershill and paid their rents or sought redress for wrongs. In the 1350s for instance it is recorded that a tenant attended the court there and paid over a pair of golden spurs on St. Edith's day as rent for his lands, most payments were in goods not money.</p> <p>These courts were held twice a year on days in the religious calendar out in the open, in the same way as some courts meet today, such as the one on the Isle of Man. There are many records of these courts held in</p>
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	<p>parchments both in private estate papers and in national archives which give rich insights into their dealings.</p> <p>A few years ago Lidar survey was undertaken and it showed the intact outline of the enclosure but recently these earthworks appear to have been breached and damaged by the use of the area as a motorbike scramble area.</p> <p>There are other earthworks along the eastern side of the promontory and these are the remains of the entrenchments dug by the Polesworth Home Guard during World War II whilst practicing defence should there be an invasion.</p>
<b>Aesthetic</b>	It is largely still intact and is of great historical importance.
<b>Communal</b>	The site is on private land.
<b>Age:</b> is it old, or does it have a Significant date?	Although the age of the enclosure would need to be dated by archaeological excavation, recent research by Dr. Nigel Tringham places the age of the site to be most likely before the Roman conquest.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It would seem to be unique in the Warwickshire countryside.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is very prominent from the Warton Road and is marked on old maps of the area as Stiper's Hill Plantation
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	This shows evidence of the first gathering of local tribes in the area for peaceful and warlike motives and is the beginning of this areas rise to prominence and eventual settlement.
<b>Assessment of Significance</b>	The significance of this site is that it is of major importance in the history of this area. Pre dating the Roman period and in use all through the Anglo-Saxon period as the site of a moot and meeting-place. It originated as a gathering place for local tribes, possibly marking the boundary of land owned and occupied by different tribal families. Then continued as a place of major significance in the life of the

	lords of the manor up until more formal court arrangements were put in place.
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**20. St. Helena Road – medieval sunken road.**

<b>Historic</b>	This is a medieval sunken lane leading from Polesworth through a medieval deserted village and onto the Roman A5.
<b>Aesthetic</b>	The lane is part of the visible medieval landscape of Polesworth. It has been widened and houses built alongside it for part of the way until it assumes its medieval proportions before continuing into the next parish of Dordon. It is an ancient lane with old hedgerows and trees alongside and is a natural habitat for wildlife.
<b>Communal</b>	The lane is used for vehicles and walkers.
<b>Age:</b> is it old, or does it have a Significant date?	The lane is Early Medieval.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	<p>This is a medieval sunken lane and as such is important in the landscape. Polesworth Abbey in the ecclesiastical parish of Polesworth, which covered a much larger area than now, held the right of burial and therefore it most likely was used as a coffin way for the inhabitants of the deserted medieval village along its route and other farmsteads on that side of the parish.</p> <p>There is a stone marker where Little Jim's cottage once stood which has importance in local culture.</p>
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is a prominent lane in the street plan of Polesworth, leading to Dordon.
<b>Other:</b> is there any other factor: Local value or landscape interest?	<p>It is often used by heavy vehicles which will have an impact on the medieval aspects of the road.</p> <p>It is alongside the site of Little Jim's Cottage.</p>

Archaeological interest? Or Archival Record? – please explain	
<b>Assessment of Significance</b>	The significance of this road is its medieval origins and usage, it is possibly a coffin way from the old, deserted settlement which was further into Dordon parish and is a prominent lane through the area of Hoo.

**21. Coffin Trail, Common Lane**

<b>Historic</b>	Polesworth was a large ecclesiastical parish in medieval times and all inhabitants of outlying hamlets and farms would be buried in the Polesworth churchyard. Coffin ways or trails were used to bring the dead down to Polesworth for burial. This trail leading from Dordon down to the common and then on to the Polesworth churchyard is the only one of these trails that can be identified within the old ecclesiastical parish of Polesworth and as such is important in the landscape.
<b>Aesthetic</b>	Used by walkers and dog walkers, it is a pleasant lane to walk.
<b>Communal</b>	Pathway from Common Lane to Dordon.
<b>Age:</b> is it old, or does it have a Significant date?	It is early medieval in origin.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	Coffin trails would have been a part of the landscape of North Warwickshire but there seem to be no other examples of any still in existence.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is a footpath.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is an important part of the history of the ecclesiastical parish of Polesworth.

<b>Assessment of Significance</b>	The significance of this lane is its ecclesiastical use as a coffin trail or way. It is obviously of some antiquity as the ancient hedgerows suggest. There are no other examples of a lane named as such in North Warwickshire
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## 22. Site of the Hoo Chapel, off Grendon Road and possible Iron Age hill fort site



### Historic

The site is possibly an Iron Age hill fort as it sits on a hill with an escarpment on the north side and would be easily defensible as the surrounding terrain drops away from the flat area at the top of the hill.

The chapel was founded by Roger de Grendon although the exact date of foundation is unknown it took place during the reign of King Henry I or King Stephen (1100-1154). Roger endowed the chapel with a large amount of land, which was presumably worked as a farm for the upkeep of the priests who lived in the Chapel House, and was most likely used for sheep farming, as this area was noted for its quality wool in the medieval period. The land immediately around the Chapel would have been the burial ground for estate parishioners and the priests themselves, the inside of the Chapel being reserved for members of the de Grendon family and their successors. As well as the Chapel there would have been a house for the priests and ancillary buildings for their maintenance and also for the farm, stables and animal enclosures. The usual complement was four priests.

The Chapel was dissolved during the Reformation and was not inhabited from that time. The site was lost in the intervening years but the chapel graveyard was accidentally rediscovered in 1846 when the cutting of the London and North Western Railway went straight through the graveyard, and some gravestones and skeletons were uncovered.

The obelisk was erected by Sir George Chetwynd. Local folklore states it was first erected in the field by the cutting, but was subsequently moved to its present position sometime later. The obelisk in the field has this inscription:- Site of the Chapel of St. Leonard at Hoo Demolished 1538 30<sup>th</sup> Henry VIII.

The precise location of the chapel and the ancillary farm buildings is not known but is likely to stretch across the B5000 and onto the top of Hoo Hill and encompass the site of the obelisk.

<b>Aesthetic</b>	<p>The area is of immense importance to both the Iron Age and the medieval monastic history of the area.</p> <p>The monument itself is a prominent feature in the field to the south side of Grendon Road leading out of Polesworth. It is visible for a great distance around and is particularly prominent in the landscape as Polesworth is approached from Tamworth along the B5000 at Hermitage Hill.</p> <p>To determine the actual area of the Iron Age hill fort, Chapel and ancillary buildings would need a thorough survey including Lidar and geophysics before a full archaeological excavation to identify the precise location, although aerial photographs in the Warwickshire HER show foundations of buildings and the map of the area dated 1722 shows extant buildings in the area.</p>
<b>Communal</b>	The whole area is on private land and the monument which is Grade II listed is not therefore accessible.
<b>Age:</b> is it old, or does it have a Significant date?	<p>The hill fort would have become obsolete either before or just after the Roman invasion of the country.</p> <p>The chapel was built in the early 1100s and suppressed during the dissolution of the monasteries in 1538.</p>
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	<p>The area of the hill fort is of great importance to the early history of North Warwickshire.</p> <p>The monument which is Grade II listed is a unique feature within North Warwickshire.</p> <p>The site of the Chapel and ancillary buildings is of great importance to the medieval history of the area.</p>
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	The hill itself has prominence in the landscape and the monument which is grade II listed is very prominent in the landscape.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The monument which is Grade II listed is a statement feature to the areas monastic past and is very prominent in the landscape.
<b>Assessment of Significance</b>	This site is of immense significance in the monastic history of the area and was possibly originally an Iron Age hill fort. The obelisk which sits in a field near the site of the chapel and monastic complex is Grade II listed. The area has

	never been archaeologically investigated so the exact location of buildings is not known.
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**23. Commemorative marker for site of Little Jim's Cottage, St. Helena Road.**

<b>Historic</b>	The cottage was a typical example of a late 14 century/early 15 <sup>th</sup> century building with exposed cruck construction. It was burnt down in the 1970s. A stone marking the site sits on the side of St. Helena Road.
<b>Aesthetic</b>	The building no longer exists.
<b>Communal</b>	
<b>Age:</b> is it old, or does it have a Significant date?	The building was a medieval cruck construction.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It was made famous by a poem by Edward Farmer and is an important cultural site.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	The area is one well known in the area and a stone at the side of the road marks the site.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is of prominent cultural importance for Polesworth and is part of the mining history of the area.
<b>Assessment of Significance</b>	This site is of significance to the mining history of the area and to the medieval landscape being the site of one of the earlier houses in this area.

**24. Milestone East B5000**

<b>Historic</b>	This is a milestone which once gave the mileage between Polesworth and Atherstone. It stands on the south side of the B5000 just before the railway bridge to the east of Polesworth.
<b>Aesthetic</b>	It is of its kind.
<b>Communal</b>	It is in the hedgerow and is visible to anyone passing when the foliage is cut down.
<b>Age:</b> is it old, or does it have a Significant date?	It is difficult to identify its age, most likely erected in the 1700s when the road became a turnpike road.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	There may be other such milestones in North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is visible but not particularly prominent.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Although very worn, the 'one' of Atherstone can still be made out.
<b>Assessment of Significance</b>	The significance of this milestone is that it is only one of three which has been identified in Warwickshire and the only one positively identified as such in North Warwickshire. It has at some time been removed from the

	<p>other side of the road as some of the inscription that can be made out shows. Recently it was knocked over and the base exposed, this shows it has dressed stonework at the base and the top section usually visible has been smoothed. This stone is possibly originally from the Hoo Chapel and has been repurposed.</p>
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**Birchmoor****25. St. John's Church, New Street**

<b>Historic</b>	Built in 1888 on land purchased by Rev. Madden at a cost of £105 and dedicated as St. John's Mission Church. It is still in use for worship today
<b>Aesthetic</b>	It is of tin construction and retains its original exterior.
<b>Communal</b>	The building is used for worship as well as communal activities.
<b>Age:</b> is it old, or does it have a Significant date?	It was built in 1888, extended in 1898 and then again in 1931.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	The building is of its era. Many of these so called 'Tin Tabernacles' were erected in the area to serve as Anglican churches until funds could be raised to build a brick building. Most have since been demolished or wooden clad but this building retains its original structure and character.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is quite a distinctive building along New Street, Birchmoor.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is one of the last surviving original buildings of this type in the area.
<b>Assessment of Significance</b>	The significance of this building is that it is one of only few remaining 'tin tabernacles' in the country that still retains its original fabric. It was built in the 1880s as a church and still used for that purpose today. It is part of a research project by Dr. Lynn Pearson on early prefabricated buildings.

## 26. The Gamecock Inn



<b>Historic</b>	This was most likely built as a coaching inn to accommodate visitors to the Gilliver's farm to purchase fighting cocks; although local folk memory is that it was Joseph Gilliver's house.
<b>Aesthetic</b>	It is an imposing building standing at the top of the road leading from Polesworth.
<b>Communal</b>	It is a public house.
<b>Age:</b> is it old, or does it have a Significant date?	Most likely built c. Late 1700s
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a standard design, but may have had a Georgian style frontage erected over an older building.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is an imposing building, the largest in the village and holds a prominent place on the road from Polesworth.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Joseph Gilliver was cockfighter for both King George III and IV. He lived on part of Birchmoor Common and bred his cocks there. The Inn most likely accommodated visitors to his holding to purchase cocks.
<b>Assessment of Significance</b>	The significance of this building is its connection to the family of Joseph Gilliver and the raising of fighting cocks for King George III and IV. A Georgian style frontage erected over an older building belies its significance as an early hostelry in the area. It is currently no longer a public house.

**Warton****27. Primitive Methodist Chapel, Austrey Road**

<b>Historic</b>	Erected in 1898 and greatly supported by the Carr family, one of whom who paid for its refurbishment a few years later.
<b>Aesthetic</b>	It was a prominent placed of worship in the village but has been used for industrial use since
<b>Communal</b>	Currently vacant.
<b>Age:</b> is it old, or does it have a Significant date?	Erected 1898.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is now very dilapidated but retains some original decorative brickwork and the original exterior entrance to the chapel can still be seen.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is a building that stands out along the Austrey Road and is quite different from other buildings along that road.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Warton had one of the earliest Primitive Methodist Societies in the area, first established in 1828. Land was purchased in 1896 and the building was erected in 1898. It has distinctive decorative brickwork. It was put up for sale in 1924 but in 1928 after no interest it was reopened as a chapel again but due to extensive repairs being required which could not be financed by the congregation it was closed and put up for sale in 1932.
<b>Assessment of Significance</b>	The significance of this building lies not in its appearance but in its history. It was one of the earliest Primitive Methodist Chapels to be erected once the Society had been established. It has distinctive decorated brickwork and is a local landmark.

**28. Parish Room, Maypole Road.**

<b>Historic</b>	The building was opened in 1909. It was built by Thomas Baxter of Wilnecote, the architect being Arthur Moreton of Nuneaton. Messrs. Morris and Shaw contributed 50,000 bricks and appeals and events raised some £205 which was about half the cost of the room and furniture.
<b>Aesthetic</b>	It is used for many community activities in the village and stands in a prominent place facing Church Road and in the heart of the old village.
<b>Communal</b>	It is used for community activities.
<b>Age:</b> is it old, or does it have a Significant date?	Built in 1909.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a standard parish building of its era.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It holds a prominent place where Maypole Road and Austrey Road converge, facing Church Road.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It was the concept of Rev. H.A. Griffith, who believed a suitable room was necessary to carry out the successful work of the parish. It was opened on Tuesday 9 <sup>th</sup> November 1909 by Mr. F.A. Newdegate who was MP for Nuneaton.
<b>Assessment of Significance</b>	The significance of this building lies in its use as the only community room in Warton, in the heart of the old village. It is a CISWO property and is maintained by a trust.



## 29. War Memorial on the wall of the Parish Rooms



<b>Historic</b>	This was built at the end of WWI to commemorate those who died in the war and added to after WWII.
<b>Aesthetic</b>	It was erected on the front of the parish room in a prominent position.
<b>Communal</b>	An act of remembrance takes places every year.
<b>Age:</b> is it old, or does it have a Significant date?	Erected after WWI
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is of similar design to many such memorials in North Warwickshire.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is prominent on the front of the parish room.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
<b>Assessment of Significance</b>	This is significant because of its link to the men who died during the two world wars of the last century, many of whom have relatives living in the village and also to the wider community.

**30. Cruck Beam House, Church Road/Austrey Road.**

<b>Historic</b>	The cottage is in part a typical example of a late 14 century/early 15 <sup>th</sup> century building with exposed cruck construction. It has been extensively added to and altered over the intervening years.
<b>Aesthetic</b>	The building has a prominent place in the history of the village and is still of importance to the villagers.
<b>Communal</b>	This building is a private house.
<b>Age:</b> is it old, or does it have a Significant date?	The building is in part of medieval cruck construction from the late 14 <sup>th</sup> /early 15 <sup>th</sup> century.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It has importance to the village of Warton as it appears to be one of the earliest extant buildings although in need of repair and restoration. It is of a character that can be seen all over the country.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is prominent on the Church Road/Austrey Road junction.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is very much a building valued by the local inhabitants who view it as important to their history.
<b>Assessment of Significance</b>	The significance of this building is not in its condition but in its age and place in the history of the village of Warton. It is one of the last remaining buildings from the medieval era still standing in the village.

**31. Warton Old Nethersole School, Maypole Road**

<b>Historic</b>	This school building was erected in 1857 by the Nethersole Trust, this is an educational trust set up in the reign of Elizabeth I for the education of boys and girls within the ecclesiastical parish of Polesworth. In 1832 following the enactment of the Educational Reform Bill a thatched cottage was leased by the Trust to provide a school 'for the benefit of the poor children in Warton' and this building was erected after the enactment of the Education Act 1870 and provided gabled roofs, big windows and separate classrooms. It became known as a Board School. In the early 1900s an infant's school was added. The building is no longer used as a school.
<b>Aesthetic</b>	It is a Victorian building
<b>Communal</b>	
<b>Age:</b> is it old, or does it have a Significant date?	Built in 1857.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a similar building to many that were constructed at this time when the education of children was becoming a national rather than local concern.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It sits back from the road and is no longer used as a school.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is part of the history of the Nethersole Trust and is a visual reminder of the Trusts prominence in providing educational buildings in the old ecclesiastical parish of Polesworth.
<b>Assessment of Significance</b>	The significance of this building lies in the fact that it was built as a result of the Education Act 1870 and is a visual part of the history of the Nethersole Trust.

**32. School House, Maypole Road**

<b>Historic</b>	The Education Act of 1870 meant that properly certified teachers were added to the teaching staff of all schools, and it is likely the School House was built at the same time as the new school in 1857 to house the headmaster or mistress. As the numbers of children to be educated grew part of the building was used as a school room and another room built on to the side nearest the school.
<b>Aesthetic</b>	It is a standard Victorian type building
<b>Communal</b>	
<b>Age:</b> is it old, or does it have a Significant date?	Victorian building.
<b>Identity:</b> Does it have a particular Character that would be typical of North Warwickshire?	It is a typical building of the era and type.
<b>Landmark Quality:</b> Does it have a Visual prominence in the Townscape/landscape?	It is set back from the road but easily visible.
<b>Other:</b> is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is of prominent cultural importance of the origins of schooling in Warton.
<b>Assessment of Significance</b>	The significance of this building is its relation to the Old Nethersole School in Warton. It was built at the same time as the school and was a feature of the Nethersole Trusts ethos that teacher's accommodation was built adjacent to its school buildings. It is a visual part of the history of the Nethersole Trust.

## Appendix 3 North Warwickshire Local Plan Policies

### LP2 Settlement Hierarchy

Development within the Borough will be proportionately distributed and be of a scale that is in accordance with the Borough's settlement hierarchy. Development will be commensurate with the level, type and quality of day to day service provision currently available and the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers.

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, including that which would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections)

**Category 1: Market Towns of Atherstone with Mancetter and Polesworth with Dordon and the Green Belt Market Town of Coleshill**

#### **Category 2: Settlements adjoining the outer boundary of the Borough**

Development will be permitted directly adjacent to built up areas of adjoining settlements if:

- a) the site lies outside of the Green Belt or Strategic Gap
- b) development would integrate clearly with wider development
- c) has a clear separation to an existing North Warwickshire settlement to ensure the character of North Warwickshire settlements are preserved; and,
- d) linkages are made to existing North Warwickshire settlements to ensure connectivity between places especially via walking and cycling

**Category 3: Local Service Centres – Baddesley with Grendon, Hartshill with Ansley Common, New & Old Arley, Kingsbury, Water Orton**

**Category 4: Other Settlements with a development boundary - Ansley, Austrey, Curdworth, Fillongley, Hurley, Newton Regis, Piccadilly, Ridge Lane, Shuttington, Shustoke, Warton, Whitacre Heath, Wood End**

Development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable. All development will be considered on its merits; having regard to other policies in this plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability.

#### **Category 5: All other locations**

##### All Development

In all other locations development will not generally be acceptable, albeit as set out above that there may be some instances where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category. Special circumstances should exist to justify new isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings

enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy. All such development will be considered on its merits and with regard to other policies in this plan.

#### **LP4 Strategic Gap**

In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.

#### **Policy LP21 Services and Facilities**

Town centres boundaries and neighbourhood centres are defined on the policies map for the market towns of Atherstone with Mancetter, Coleshill and Polesworth with Dordon. Town centres boundaries and neighbourhood centres are to be treated the same in policy terms as below; those terms refer to the different scales of settlements. In principle commercial, business and service uses will be supported in these locations, and in line with LP2, to support vitality.

Neighbourhood Centres are defined on the Policies Map in the following locations

1. Browns Lane & New Street Shopping parade, Dordon;
2. Jubilee Court, Tamworth Road, Kingsbury;
3. Station Buildings, Birmingham Road, Water Orton; and,
4. 82 to 102 Coleshill Road, Chapel End, Hartshill

Within Town Centres and Neighbourhood Centres changes to sui generis uses such as hot food takeaway or betting shops will be restricted unless:

- clear evidence is available justifying the loss and change of use, and
- there will be no adverse impact on the retail choice and availability in the frontage or centre.

Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted.

The loss of Class E (including retail) units within town centre boundaries and defined neighbourhood centres will only be supported if:

- it can be shown that there is no reasonable prospect of retention of the use;
- occupation is by an alternative retail or mixed community/retail use; and,
- there would be no adverse impact on the retail choice and availability.

Mixed use proposals, including those with residential uses, will be appropriate in principle. Dual or multiple uses of sites or “hubs” providing services and facilities for individual or groups of settlements will be encouraged. Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted. Applications should be supported by relevant and proportionate evidence to demonstrate that would not be the case clear evidence is available justifying the loss and change of use, and

- there will be no unacceptable adverse impact on the retail choice and availability in the frontage or centre.
- there is not a disproportionate over concentration of these uses.

The following factors will be taken into account: the existing mix of uses; the impact on

customer behaviour; the proximity of education establishments; the deprivation levels in the area and the cumulative highway and environmental impacts. Robust justification using a sequential approach will be required to avoid a disproportionate concentration of uses.

Proposals resulting in the loss of an existing service or facility and also including retail uses, which contribute to the functioning of a settlement or the public health and well-being of its community, will only be supported if:

- a) an equivalent facility or service is wholly or partially provided elsewhere, in a similar or more accessible location within that settlement;
- b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction, or the proposal would represent a net gain or improvement in provision,
- c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation and,
- d) its loss will not harm the vitality of the settlement.

All major developments must consider the impact on the provision of services and facilities and where there is an impact this must be addressed. All major developments should provide land and / or financial contributions to enable the provision of additional services and facilities. As set out in LP1 and paragraph 16.6 all development will be expected to contribute proportionately and in accordance with national policy, statute and relevant supplementary planning documents and guidance to infrastructure provision.

## **LP22 Open Spaces and Recreational Provision**

Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced (unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.

The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to surrounding areas where appropriate.

The Council will require the proper maintenance of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.

## Glossary

**Accessibility:** The extent to which employment, goods and services are made easily available to people, either through close proximity, or through providing the required physical links to enable people to go to locations where they are available.

**Affordable Housing:** Housing that is provided to eligible households at a price/ rent below the market rate, whose housing needs are not met by the market. It includes socially rented, affordable rented and intermediate housing.

**Ancient Woodlands:** These are defined as areas where there is believed to have been continuous woodland cover since at least 1600 AD. It can include both ancient semi natural and ancient replanted woodlands. They are irreplaceable habitats.

**Appropriate Assessment (AA):** Under the Habitat Regulations Assessment, stakeholders such as developers/ Local Authorities are required to undertake this assessment when a plan or project is likely to have an impact on any European Environmental conservation designations (i.e., Natura 2000 sites consisting of Special Protected Areas of Conservation, Special Protected Areas, etc.). The overall aim of this assessment is to demonstrate that the plan/ project will not have an adverse impact on the integrity of the environmental designation. Alternatively, the AA will need to demonstrate why the proposed project/ plan is in the overriding public interest and the compensatory measures that will be taken to ensure the overall coherence of the Natura 2000 sites is protected.

**Biodiversity:** The variety of plants, animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and genetic diversity.

**Blue infrastructure;** refers to water elements such as rivers, streams, canals, ponds, wetlands and floodplains.

**Brownfield Land:** See definition for Previously Developed Land.

**Carbon Footprint:** The amount of greenhouse gas produced in daily life through the burning of fossil fuels.

**Community Infrastructure Levy (C.I.L):** This allows Local Authorities to raise funds from developers undertaking new building projects in their area. This is used to fund a wide range of infrastructure (i.e., transport schemes, schools, etc.) that are needed to support the development of their area.

**Connectivity:** The linkages that exist between key locations.

**Developer Contributions:** Contributions made by a developer to remedy the impact of development, either by paying money for work to be carried out or by directly providing facilities or works either on or off-site.

**Development Plan Document (DPD):** These are planning documents forming part of the Local Development Framework (LDF) and which have a status of being part of the development plan. In order to acquire this status, they will be subject to independent scrutiny through a public examination. Certain documents within the LDF must be DPDs, for example a Core Strategy, Site Specific Allocations of land and Area Action Plan where produced. There must also be an adopted Policies Map which may be



varied as successive DPDs are adopted. Current Local Planning Regulations no longer use the term DPD and refer to Local Plans instead.

**Dwelling:** A self-contained building or part of a building used as a residential accommodation, and usually housing a single household. A dwelling may be a house, bungalow, flat, maisonette or residentially converted farm building.

**Evidence Base:** The information and data gathered to justify the policy approach set out in the Neighbourhood Plan including physical, economic, and social characteristics of an area. It consists of consultation responses and the finding of technical studies.

**Greenfield Land:** Land which has not previously been developed, including land in agriculture or forestry and land in built up areas used for outdoor sport and recreation (including public and private open space and allotments).

**Green Infrastructure:** A strategically planned and delivered network of high quality green spaces and other environmental features. It is designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

**Infrastructure Delivery Plan (IDP):** The IDP identifies the necessary social, physical and green infrastructure required to support the new development proposed in the Joint Core Strategy for West Northamptonshire up to 2029. The document will be subject to monitoring and regular review.

**Listed Building:** a building listed because of its special architectural or historic interest considered to be of national importance and therefore worth protecting and listed on the statutory list of 'buildings of special architectural or historic interest'.

**Local Plan:** The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current Core Strategies and other planning policies which under the Regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

**Localism Act:** This is an Act of Parliament that changes the powers of local government in England. The Act includes provisions for local government finance, town and country planning, the Community Infrastructure Levy and the authorisation of nationally significant infrastructure projects.

**Mode:** The type of transport being used for a journey.

**National Planning Policy Framework (NPPF):** This document sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

**Assets of Local Historic Value:** buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, such as Listed Buildings.

**Parish Plans:** Are prepared by Parish Councils and other local community groups and set out a vision for their local area and usually include an action plan of how to achieve the vision. Parish Plans can be used to inform the development of planning policy at the local level.

**Physical Infrastructure:** Includes existing and future development required to support utilities, transport and waste management.

**Previously Developed Land (PDL):** Land which is or was occupied by a permanent structure (excluding agricultural and forestry buildings) and associated fixed surface infrastructure, including the curtilage of (land attached to) buildings. It includes defence buildings and land used for mineral or waste extraction when there is no requirement for subsequent restoration. Land in built up areas such as private residential gardens, parks, recreation grounds and allotments are not considered as PDL. PDL is still commonly referred to as brownfield land.

**Public Realm:** Areas available for everyone to use, including streets, squares and parks.

**Section 106 Agreement/ Contribution:** Refers to Section 106 of the Town and Country Planning Act 1990 and is a legally binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

**Site of Special Scientific Interest (SSSI):** A site or area designated as being important due to its wildlife plants or flowers and/ or unusual or typical geological features. SSSIs are identified by Natural England and have protected status under Wildlife and Countryside Act 1981.

**Social Infrastructure:** Includes education, healthcare, sports facilities, cultural and community facilities.

**Strategic Environment Assessment:** A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use.

**Supplementary Planning Document (SPD):** Provides additional guidance on matters covered by a DPD/ Local Plan. They will be an important consideration in determining planning applications.

**Sustainable Development:** Development which meets the needs of the present, without compromising the ability of future generations to meet their own needs.

**Topography:** The gradient and variations in height within a landscape.

**Wildlife corridors:** Areas of habitat that connect wildlife populations.



# **POLESWORTH PARISH NEIGHBOURHOOD PLAN**

**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](http://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, 7 July 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](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
6/a	PAP/2024/0395	1	<b>Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ</b>  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	General
6/b	PAP/2025/0027	32	<b>Land between Holmfield and Oakdene, Bennetts Road North, Corley</b>  Erection of two three-bedroom bungalows	General
6/c	PAP/2024/0582	71	<b>Land 230 metres west of Marston Fields Farm, Kingsbury Road, Lea Marston</b>  Installation of a Battery Energy Storage System (BESS) plus ancillary infrastructure and equipment, landscaping, biodiversity improvements and access	
6/d	PAP/2022/0423	133	<b>Land to the south of Watling Street, Caldecote, CV10 0TS</b>  Outline planning permission for Extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class Eg); storage (Class B8); new spine road; car parking, landscaping and enabling works -All matters reserved	

6/e	PAP/2024/0446	197	<b>64-66 Long Street, Dordon</b>  Proposed Change of Use: Conversion into 9-person 9 room HMO (House in Multiple Occupation) including 10 parking spaces	
6/f	PAP/2024/0127	232	<b>Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU</b>  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**

**(6/a) Application No: PAP/2024/0395**

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

**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, for**

**Mr Patrick Doherty**

### **1. Introduction**

This application was deferred at the last Planning and Development Board in May (Appendix A) to enable re-consultation on a recently received amended plan (Appendix B) which changed the application area of the site. Neighbours have been re-consulted in respect of the amended plans. Members visited the site on 16 May – see Appendix C.

### **2. Representations**

No additional representations have been received in respect of the proposal at the time of preparation of this report, and the Board will be updated at the meeting on any that are received in the interim.

### **3. Observations**

The amended location plan at Appendix B increases the site area of the application. The blue area is to be retained in the applicant's ownership and will remain as shown on the extant equine permission which is a car park, a residential building (not built) and large barn (built). The remaining areas indicated red on the plan will be as indicated on the submitted site layout plan and the only other structures would be the 6 pitches including caravans, two amenity buildings and a garage building. This layout can be conditioned to ensure that the layout remain as indicated and that the previously approved building cannot be built.

The agent indicates that it is "My client's intention is for the land edged blue to continue in use for the stabling and keeping of horses. The large barn contains more than enough stables for this purpose. Whereas he wishes to complete the dwelling and 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."

Overall, the amended site area enables there to be greater control over the wider area and for the removal of buildings which have not been built yet under the extant permission. An additional condition is proposed to ensure that the proposed layout is built.



## **Recommendation**

That planning permission is GRANTED subject to the conditions as set out in Appendix A of the report and the additional condition below:

13. Within the redline plan submitted 15 May 2025 hereby approved no other buildings or structures shall be erected other than those indicated on the site layout plan received on the 22 August 2024.

## **REASON**

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

## 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

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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

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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

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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

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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

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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 layout 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, Bodymoore Heath Lane, Bodymoore Heath, Kingsbury, Warwickshire, B76 0EQ



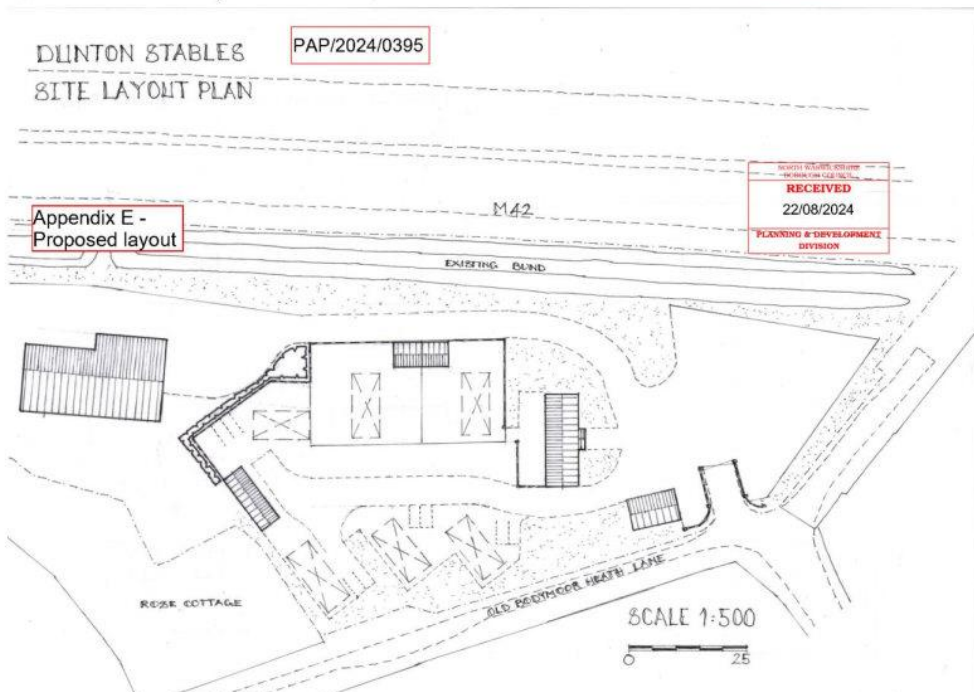
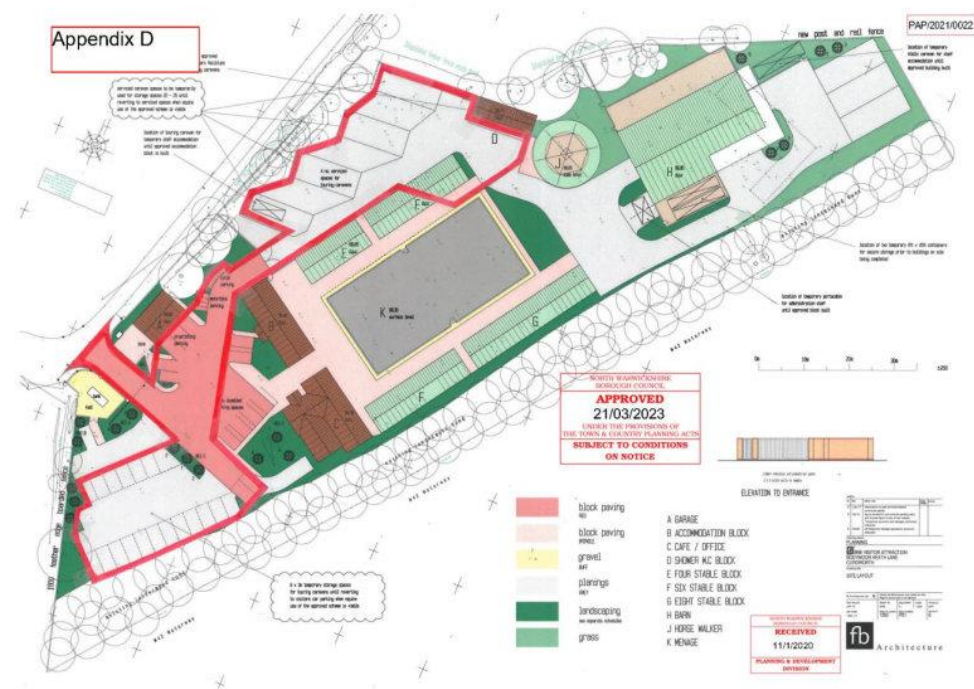
Location Plan shows area bounded by: 420195.12, 296122.27 420435.12, 296422.27 (at a scale of 1:1250), OSGridRef: SP03349627. This representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary. Produced on 3rd Jun 2024 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2024. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner 1103523-03. Unique plan reference: #03064054-588265. Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan! logo, pdf design and the www.buyaplan.co.uk website are Copyright © Planning Ltd 2024.





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## Appendix F



### 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: 26<sup>th</sup> 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, Fillongley<sup>1</sup>, 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.

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<sup>1</sup> 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.

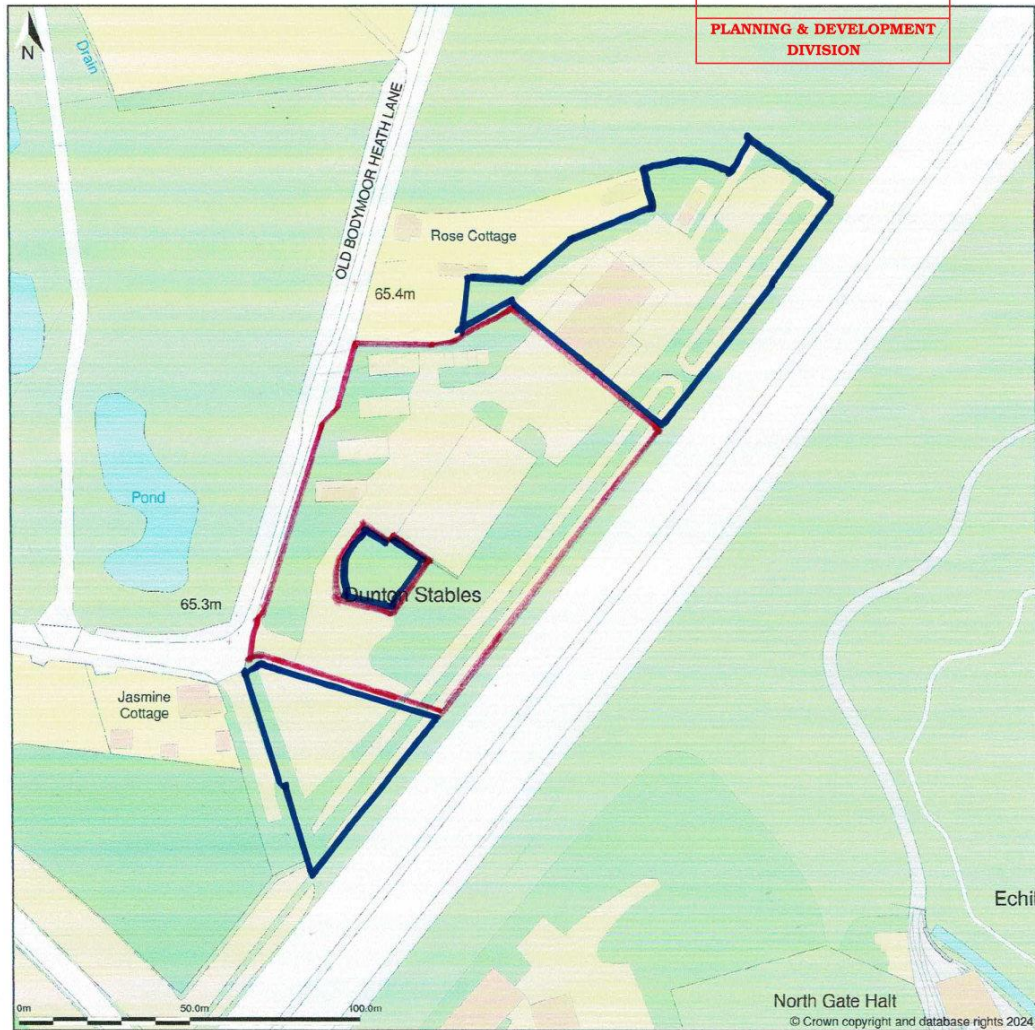
- 5) Notwithstanding the details as shown on the approved plans, the Gypsy residential site use hereby permitted shall not commence until details of a foul water drainage scheme to serve the development has been submitted to and approved in writing by the local planning authority. The scheme shall include 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.

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

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**PLANNING & DEVELOPMENT  
DIVISION**



Location Plan shows area bounded by: 420195.12, 296122.27 420495.12, 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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**PAP/2024/0395**

**Site Visit – Friday 16 May 2025 at 1445**

**Dunton Stables Equine Centre, Bodymoor Heath Lane**

Present: Councillors Bell, Dirveiks, Humphries, Phillips, Ridley, Simpson and Watson together with A Collinson and J Brown.

1. Members met inside the site around the existing access point.
2. They were shown plans illustrating the extent and scope of the existing planning permission for the site.
3. They identified the menage, the barn and the hard-standings for the caravan pitches together with the half completed amenity block. The siting of the other buildings that had permission but not yet implemented was pointed out – the stables, the residential accommodation and the administration building.
4. The setting of the site was noted – the adjoining motorway and the surrounding woodland. The general levels of the site were noted.
5. The proposed plan was also shown to Members so that what was proposed could be compared with the extant permission over the larger site.
6. The existing use of the site with some gypsy and traveller pitches was also noted.
7. The location of the cess pits was noted near to the entrance.
8. Members noted the location of the closest private residential property (Jasmine Cottage) close to the site entrance and they walked up the adjoining lane to see the closest property at the other end of the site (Rose Cottage). From here they noted the change in levels and the position of one of the pitches in respect of the Cottage's garden.
9. Members also went further along the cul-de-sac to its end in order to see the additional private residential properties here
10. The visit concluded at around 1515



## **General Development Applications**

**(6/b) Application No: PAP/2025/0027**

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

**Erection of two 3 bedroomed bungalows, for**

**Mr D Beverley**

### **1. Introduction**

- 1.1 This application was referred to the Board's May meeting, but determination was deferred so as to enable Members to review the introduction of "grey belt" through the new National Planning Policy Framework (NPPF).
- 1.2 The previous report is attached at Appendix A.
- 1.3 For the benefit of Members, the current Section of the NPPF in respect of Green Belt matters is attached at Appendix B.
- 1.4 The applicant in his submission to the Board, drew attention to paragraphs 154 and 155. At the meeting he asked the Chairman if he could submit a Statement to Members and this was subsequently received and circulated. It is as at Appendix C.

### **2. Observations**

- 2.1 Members are aware from Section 13 of the NPPF that inappropriate development is harmful to the Green Belt and that it should not be approved except in very special circumstances – paragraph 153 of Appendix B. On the other hand, if it is not inappropriate development, then it is by definition not harmful to the Green Belt and there is thus no Green Belt refusal reason available
- 2.2 The proposal is for new built development. This is inappropriate development unless it falls into one of the exceptions outlined in the NPPF – paragraphs 154, 155 and 160. In this case, it is agreed that the land is "previously developed" (PDL). There are as a matter of fact, two references or exceptions applicable to this case because of its PDL status, and not just the one as perhaps suggested by the applicant. The first is in paragraph 154(g). However, secondly, paragraph 155 also refers to proposals for the development of homes – as here – which would utilise Grey Belt land, may also not regarded as being inappropriate development, subject to conditions. It is agreed that this site is grey belt land under the NPPF definition, as it is PDL and meets the other conditions in the NPPF definition of "grey belt" land. Hence paragraph 155 is the second potential exception. There is no indication in the NPPF, that only one is to be considered, or that greater weight should be given to one or the other. As with all planning matters, they have to be read as a whole.

- 2.3 As a consequence, both have been taken together. The report at Appendix A concludes that the proposal does not satisfy all of the four conditions in paragraph 155 of the NPPF and is thus inappropriate development and should not be approved except in very special circumstances. Bearing in mind that the proposal is now for two buildings in tandem and not as previously for frontage development, the report also concluded that under paragraph 154(g) there would be harm to the openness of the Green Belt. That has to be greater than the “moderate” harm found by previous three Inspectors as those three cases only related to one building, not two and did not add in the new harm now identified as being the conflict with Local Plan policy LP30 - paragraphs 9.31 to 9.35 of Appendix A. When these matters are all put together and read as a whole the current proposal is inappropriate development in the Green Belt.
- 2.4 The report at Appendix A assessed the final planning balance in order to establish whether there were the very special circumstances here to support this inappropriate development. It did not do so.
- 2.5 It is not considered that the recommendation should therefore be amended following receipt of the further Statement from the applicant.

### **Recommendation**

As set out in Appendix A.

## 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 190m<sup>2</sup>. 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 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 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 <sup>st</sup> October 2020 – 30 <sup>th</sup> October 2021 – 9 new entries (9 plots by 30 <sup>th</sup> October 2024)
Base period 7 - 31 <sup>st</sup> October 2021 – 30 <sup>th</sup> October 2022 – 3 new entries – (3 plots by 30 <sup>th</sup> October 2025)
Base period 8 - 31 <sup>st</sup> October 2022 – 30 <sup>th</sup> October 2023 – 3 new entries – (2 plots by 30 <sup>th</sup> October 2026)
Base period 9 - 31 <sup>st</sup> October 2023 – 30 <sup>th</sup> October 2024– 1 new entry (1 plot by 30 <sup>th</sup> October 2027)
Base period 10 - 31 <sup>st</sup> October 2024 – 30 <sup>th</sup> October 2025 – 4 new entries (as 21/01/2025)
<b>Total – 20 entries up to 21/01/2025, Base periods 6 to 9 (10 not yet ended)</b>

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)
<b>Total permissions granted – 24</b>

- 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,

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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



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This drawing is to be read in conjunction with all other relevant drawings and specifications.

0m 2m 4m 6m 8m  
Scale 1:100

PAP/2025/0027

Side Elevation

Clay Panelling

Obscured Glazing

Obscured Glazing

Render

**MATERIALS**

- ROOF
- CLAY PANTILES
- RAINFALL GOODS
- FASCIA
- BATWORK
- RENDER
- WINDOWS
- CLAY PANELLING
- BLACK UPVC
- WHITE UPVC
- TO 3 ALUMINUM
- OFF WHITE THROUGH COLOUR
- WHITE UPVC

Front Elevation

Rear Elevation

**RECEIVED**

28-01-2025

PLANNING & DEVELOPMENT  
DIVISION

NORTH HAMPSHIRE  
BOROUGH COUNCIL

Project Name		Project Ref	
LAWD (SUSTAIN)		NORTHAMPTON + OROKANE	
Client		Developer	
DORSET COUNCIL		DORSET COUNCIL	
Type		Scale @ A3	
Elevations		As indicated	
Number of Views		Number of Views	
Planning Application		Number	

PLANS 1 & 2

## 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

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#### **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.
- 

#### **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,
- 

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.

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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



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## 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: 19<sup>th</sup> December 2022

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**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 dismissed<sup>1</sup> 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.

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## 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

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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 approval<sup>1</sup> 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 approval<sup>2</sup> 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.
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

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<sup>1</sup> Planning Application Reference: PAP/2019/0115

<sup>2</sup> Planning Application Reference: PAP/2022/0303

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## 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

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**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).

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### 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 Inspector<sup>3</sup> 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

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<sup>3</sup> 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

## 13. Protecting Green Belt land

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
143. Green Belt serves five purposes:
- 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.
144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
  - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
  - c) show what the consequences of the proposal would be for sustainable development;
  - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
  - e) show how the Green Belt would meet the other objectives of the Framework.
145. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.
146. Exceptional circumstances in this context include, but are not limited to, instances where an authority cannot meet its identified need for homes, commercial or other development through other means. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and

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propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.

147. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
  - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
  - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
148. Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations. However, when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site's location is appropriate with particular reference to paragraphs 110 and 115 of this Framework. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
149. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
  - b) not include land which it is unnecessary to keep permanently open;
  - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
  - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
  - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
- 150. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
- 151. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Where Green Belt land is released for development through plan preparation or review, the 'Golden Rules' in paragraph 156 below should apply.
- 152. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

## Proposals affecting the Green Belt

- 153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness<sup>55</sup>. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special 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.
- 154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:
  - a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

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<sup>55</sup> Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
  - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
    - i. mineral extraction;
    - ii. engineering operations;
    - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
    - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
    - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
    - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
- 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<sup>56</sup>;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework<sup>57</sup>; and

<sup>56</sup> Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.

<sup>57</sup> In the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13.



- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.
156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review<sup>58</sup>, or on sites in the Green Belt subject to a planning application<sup>59</sup>, the following contributions ('Golden Rules') should be made:
- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
  - b. necessary improvements to local or national infrastructure; and
  - c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.
157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%<sup>60</sup>. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.
158. A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.
159. The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.

<sup>58</sup> The Golden Rules do not apply to: (i) developments brought forward on land released from the Green Belt through plans that were adopted prior to the publication of this Framework; and (ii) developments that were granted planning permission on Green Belt land prior to the publication of this Framework.

<sup>59</sup> Including where there are variations made to existing permissions (where the existing permission involved development that was subject to the Golden Rules).

<sup>60</sup> The 50% cap does not apply to rural exception sites or community-led development exception sites, or if the local planning authority has a relevant existing policy which would apply to the development which is above 50%.

160. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

From: [REDACTED]  
Sent: 21 May 2025 14:03  
To: Democratic Services <DemocraticServices@NorthWarks.gov.uk>  
Cc: [REDACTED]  
Subject: PAP/2025/0027 Land between Holmfield and Oakdene Bennetts road North Corley.

APPENDIX C

Caution: Warning external email

Good afternoon,

I attended the planning board meeting 20th May 2025 and my application was deferred but the chairman said that I could send a statement to the members. Between now and the next board the members have asked to have training on the NPPF 2024 GREY BELT. I would like to say I know members have a difficult role because they are asked to vote on a variable number of applications on many different types of planning issues. I on the other hand only have to know about my own application. I can appreciate it's harder to make a decision when there may be conflicting information, all I am asking is any decision is based on all of the relevant policy, wherever it's an against the application or for it.

I know I was allowed to make representation on my application, but it's difficult to explain a policy especially when the head of planning just puts forward what the officer has put in their board report. I believe if members can see the NPPF DECEMBER 2024 paragraph that's relevant, it makes things clearer. I would also like to say that a member brought up the fact that three inspectorate appeals were dismissed. Yes, this was the case, but these appeals were before the NPPF was changed and their reason for refusing was because moderate harm to the openness of the Green Belt would be caused. All three were moderate harm. The new NPPF DECEMBER 2024 now says SUBSTANTIAL harm to the openness of the Green Belt would have to apply. The last point is the officer's board report was based on the grey belt, but as the application passes the first test in paragraph 154: the grey belt is not relevant to the application, it actually states Paragraph 155, should also not be regarded as inappropriate where all of the following apply, thus paragraph 154 should be applied first, hence the application meets the criteria of paragraph 154 of the new NPPF DECEMBER 2024, so the grey belt element doesn't matter.

Thank you for allowing me to make this statement, attached copy of paragraph 154. I hope this email reaches all of the board members, I am not sure if I can send to everyone.

## **General Development Applications**

**(6/c) 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 This application was referred to the Board's May meeting, but determination was deferred in order that the Board could have a further report from the applicant in respect of fire safety.
- 1.2 The previous report is attached as Appendix A and the site visit note circulated at the May meeting is at Appendix B.

### **2. Additional Information**

- 2.1 The applicant has submitted a Briefing Note in response to the deferral. This is at Appendix C.

### **3. Observations**

- 3.1 The applicant's Statement provides a very full and extended summary of the various responses given to Members' questions at the last meeting, supplemented with a much greater degree of technical background.
- 3.2 The previous report dealt with fire safety at paragraphs 5.41 to 5.45. Attention is drawn to paragraph 5.42 where Members are reminded that it is not within the remit of the Board to replicate other Regulatory legislation. The proposal therefore has to be determined on its planning merits. However, in doing so, the applicant has shown that he has fully taken account of current standards and requirements in respect of the relevant legislation in respect of minimising the risk of fire and that the application layout and content has been arrived at with full engagement with the Warwickshire Fire and Rescue service both at pre- and post- application stages. From a planning perspective substantial weight should be given to its formal response of there being no objection. Notwithstanding this, the Briefing Note identifies a number of other cases which have been the subject of planning appeals and quotes from those decisions. As is the case in assessing other matters which are more generally dealt with under other legislation, Inspectors need to have "compelling evidence" to substantiate claims that a development would pose an unacceptable risk. Additionally, as Members are aware, the use of planning conditions is one of the ways in which potential risks

can be mitigated. The original report included such a condition at 11 – requiring the submission of a detailed Battery Safety Management Plan. Such conditions have been included in cases granted planning permission at appeal. As indicated at the last meeting, the Board did discuss the need to include a Disaster Recovery Plan, and the applicant has acknowledged that he would agree to such a requirement. It is therefore in respect of all of these matters that the recommendation is as set out below.

### **Recommendation**

As set out in Appendix A, but with the following substituted for Condition 11.

11 No development shall commence on site until a detailed Battery Storage Safety Management Plan (BSMP) to facilitate safety during the construction, operation and de-commissioning of the battery storage system has first been submitted to and approved in writing by the Local Planning Authority.

The BSMP shall include details of the location and capacity of on-site fire-fighting water supplies as well as a Disaster Recovery Plan.

The approved BSMP shall be adhered to at all times throughout the construction, operational and decommissioning periods as approved under conditions 4, 5 and 6 above.

### **REASON**

In the interests of public safety

## 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 Harns 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.

5g/130

**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,

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- 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

## Appendix - A

### 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.

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- 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.

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- 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

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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 be 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.

6d/54

5g/147

6c/97



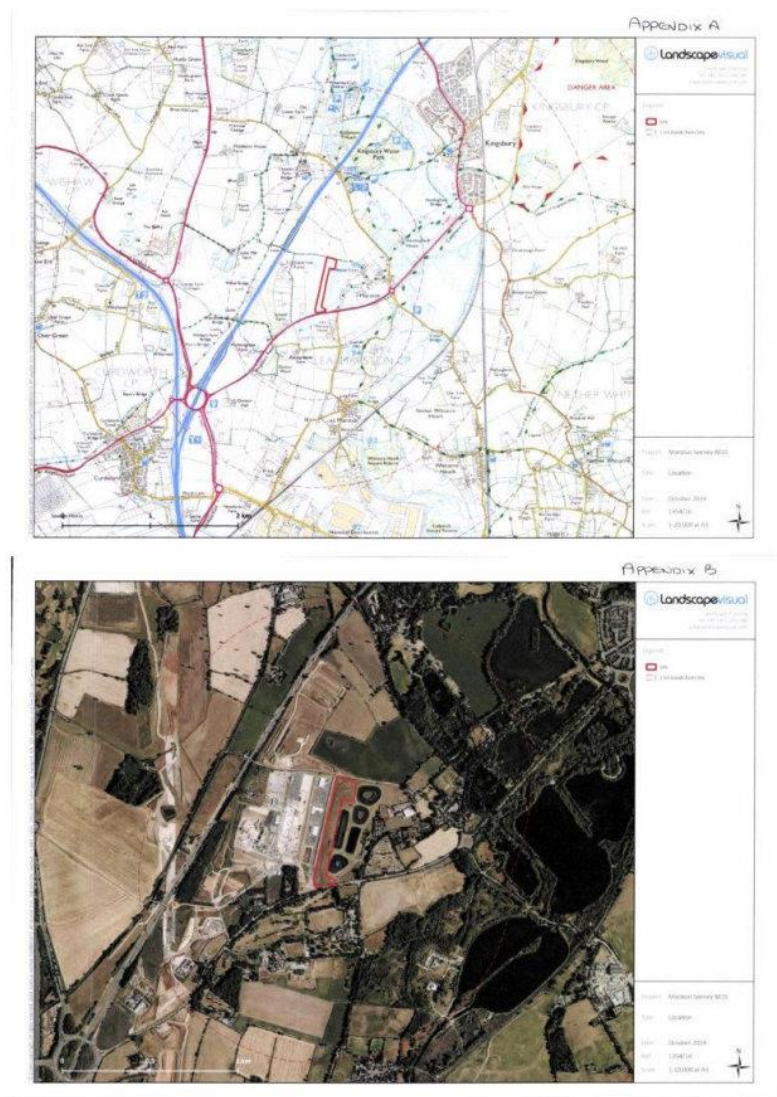
**Recommendation**

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

6d/55

5g/148

6c/98

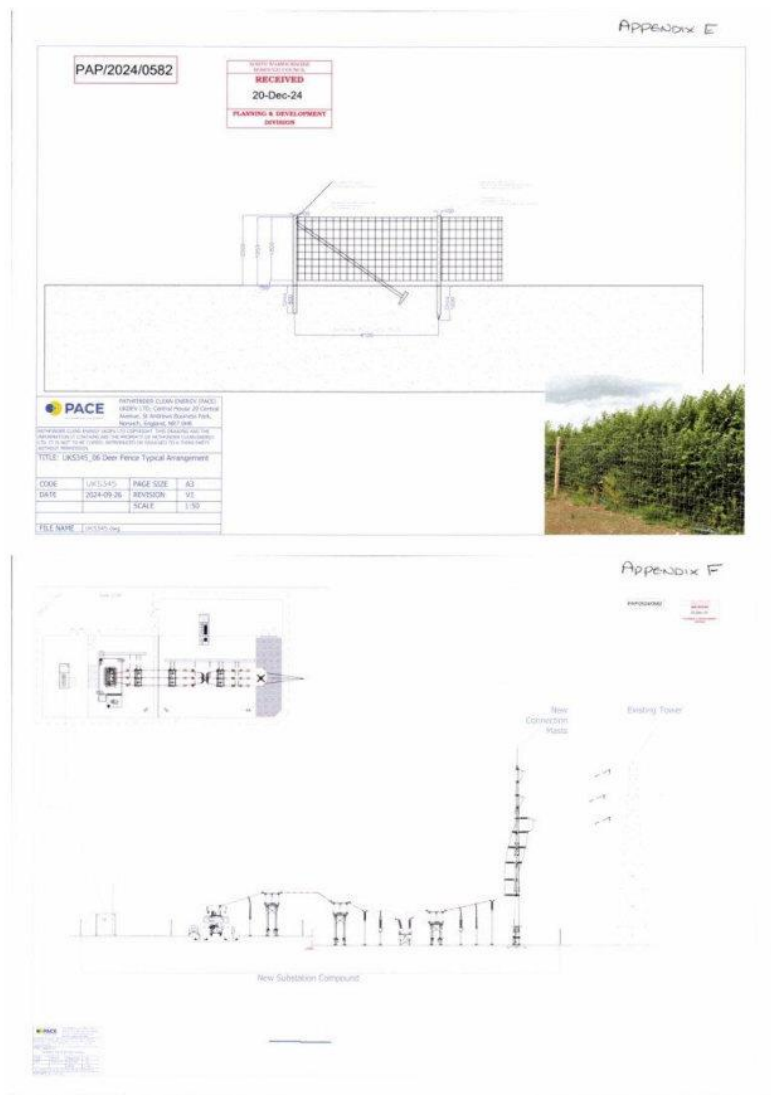


6d/56

5g/149

6c/99

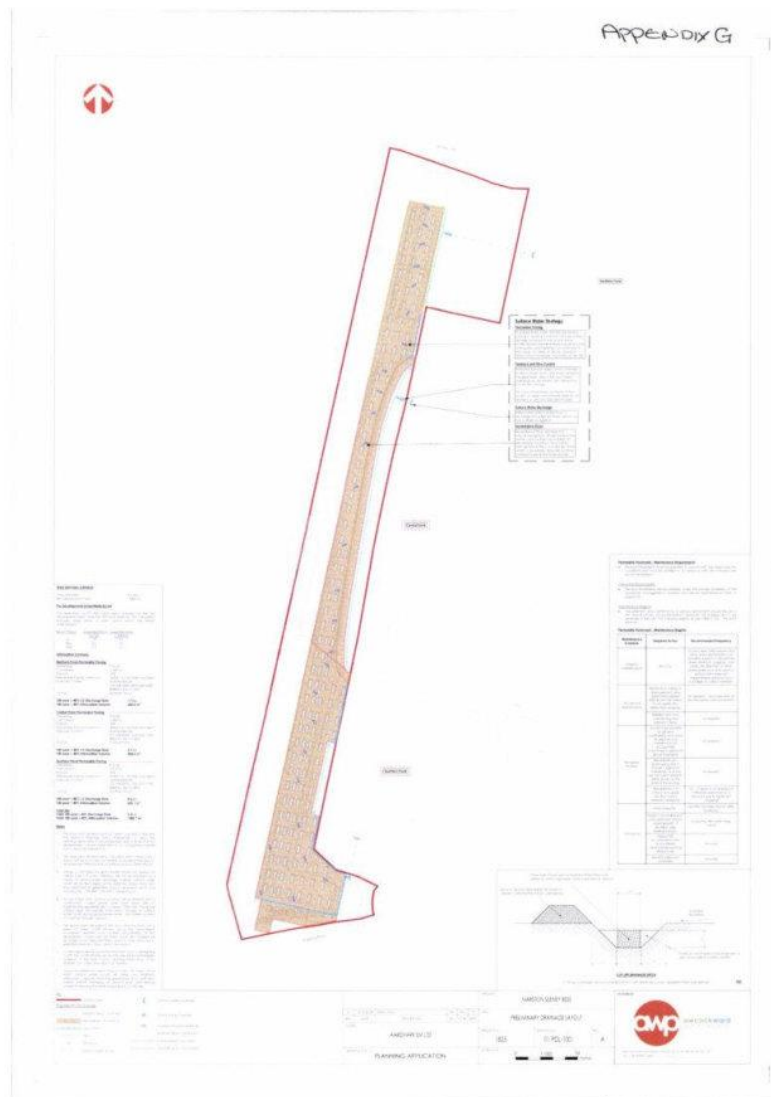




6d/58

5g/151

6c/101



6d/59

5g/152

6c/102







## Appendix - E

PAP/2024/0582



Higher Ford Wiveliscombe  
Taunton Somerset TA4 2RL

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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 Government's 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 (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.'

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:

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**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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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



5g/160

6c/110



## 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

Email: [iangriffin@northwarks.gov.uk](mailto:iangriffin@northwarks.gov.uk)  
[planappconsult@northwarks.gov.uk](mailto:planappconsult@northwarks.gov.uk)

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](mailto:firesafety@warwickshire.gov.uk)  
[www.warwickshire.gov.uk](http://www.warwickshire.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.

OFFICIAL - Sensitive

5g/161

6c/111

- 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, banded 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](http://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

5g/162

6c/112

## 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.



## APPENDIX B

**PAP/2024/0582**

**Land 230 metres west of Marston Fields Farm, Kingsbury Road, Marston**

**Site Visit - Friday 16 May 2025 at 1525**

Present: Councillors Bell, Dirveiks, Humphries, Phillips, Ridley, Simpson and Watson together with A Collinson and J Brown. Mr Baines – the land owner- was present for part of the visit.

1. Members met at the end of the Old Kingsbury Road at Marston
2. They walked along the A4097 up to the entrance into the Fishery.
3. From here they were able to see part of the eastern boundary of the site; the location of the sub-station and the shared access arrangements.
4. The line of the pylons was observed.
5. Members then walked further along the A4097 to the HS2 roundabout and the end of the diverted footpath.
6. From here they could see the earth bund running along the east side of the HS2 compound, the footpath itself, the existing hedgerow boundary to the western boundary of the site and the line of the overhead lines and pylons.
7. The general levels of the land were noted.
8. Whilst here Members were given visualisations of the proposed development so that they could place the view into the photographs that they had.
9. Members then returned to Old Kingsbury Road and drove through the village and up Seeney Lane to the northern end of the site.
10. From here they could look south, with the HS2 compound, the pylons and the footpath all visible. The recent earth mounding along the northern edge of the fishery site with Seeney Lane was noted.
11. The general fall in ground levels towards the A4097 was noted
12. Members looked to the north of Seeney Land towards Bodymoor Heath Lane leading to the Water Park and towards Kingsbury. The fall in levels towards Bodymoor Heath Lane was noted.
13. Another set of visualisations was given to Members as viewed from the northern end of the footpath where it enters Seeney Lane.
14. The visit concluded at around 1600.



## Fire Safety Briefing Note

### Marston Seeney BESS

28th May 2025

#### Executive Brief

*PACE shares the same priorities as the communities we work alongside - safety and peace of mind. The notion of a fire at one of our sites is not only unacceptable to the public but to us as developers, owners, and operators. Our interests are directly aligned: we go to great lengths to ensure the safest possible designs are implemented, because we're ultimately responsible for their performance and safety long into the future.*

*The fire risk at modern Battery Energy Storage System (BESS) sites is extremely low. Advances in safety engineering, battery chemistry, and regulatory guidance have transformed how such systems are designed, monitored, and managed. PACE's proposals for Marston Seeney go beyond current best practice, incorporating the latest NFCC guidance, industry standards, and site-specific feedback from Warwickshire Fire & Rescue Service. There have been no UK injuries or community impacts from operational BESS fires, and all evidence confirms that risks are both containable and declining.*

*This briefing outlines the design, safety measures, regulatory context, and precedent. It also sets out, in clear and specific terms, why the proposed location is a suitable and policy-compliant location for this development.*

*Drawing on planning policy, technical standards, and relevant appeal decisions, the note provides a structured overview of BESS fire safety, site design evolution, and emergency preparedness. It concludes that, together, these measures provide a multi-layered approach to safety, significantly reducing the likelihood and severity of any potential incident.*

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## **1. Background on BESS**

- 1.1. Battery Energy Storage Systems (BESS) store electricity using lithium-ion cells – similar to those in a phone or Electric Vehicle (EV), but on an industrial scale. Like all energy systems, there's a theoretical fire risk, but in reality, fires are extremely rare, and modern technology is designed to prevent, contain and control them.
- 1.2. Modern BESS are rigorously engineered with multiple layers of safety, including thermal management systems, early warning diagnostics, and automatic fire suppression. They are installed under strict international and national standards and are subject to detailed risk assessments during the planning and installation stages.
- 1.3. Currently, all BESS developments are designed in accordance with the National Fire Chiefs Council (NFCC) Guidance, which was published in 2021 and sets out the design requirements and standards expected for all proposals put forward.

## **2. How often do BESS fires actually occur?**

- 2.1. A 2023 study from DNV and IEA estimates that fewer than 50 BESS fire incidents have occurred globally since 2017 – across tens of thousands of installed systems. That equates to a fire rate of approximately 0.001% annually, or 1 in 10,000 installations per year.
- 2.2. By comparison, petrol and diesel vehicle fires occur at a rate of 1,530 per 100,000 vehicles. EV fires occur around 25 per 100,000 vehicles. Comparatively, In nearly all cases, BESS fires have been contained within a single container.
- 2.3. Whilst we understand the local impact of the 2020 Carnegie Road fire, the fire was extinguished, with no injuries reported. This site accounted for just 0.4% of the UK's total installed BESS capacity of 4.7GW, the vast majority of which has operated for thousands of hours without incident.
- 2.4. Two recent UK fires in 2025 – Thurrock and Cirencester – both occurred during construction, not operation. These happened before safety systems (like suppression and ventilation) were live. No injuries occurred, and both sites resumed construction within days.
- 2.5. The Victorian Big Battery fire in Australia (2021) lasted longer due to wind and access issues – but again, no injuries, no community risk, and fire crews managed the event effectively.

- 2.6. In the UK there has been no off-site evacuations, no community impacts, and no fire service casualties as a result of a BESS fire.
- 2.7. Just as air travel carries inherent risk but is widely recognised as one of the safest forms of transport due to rigorous engineering standards, operational protocols and continual improvement, BESS also carries a theoretical fire risk - but one that has been comprehensively addressed through advanced design, international standards, and stringent safety testing.
- 2.8. As with aviation, where layers of safety are built in to prevent incidents and protect lives, modern BESS are subject to detailed risk assessments, certifications (see list under section 8) to prevent, contain and safely manage even the most unlikely thermal events.

### **3. In the event of a Fire Emergency**

- 3.1. Fires at BESS sites typically stem from a process called thermal runaway. This happens when one battery cell overheats and starts a chemical reaction. But for that to occur, it would mean the following preventative systems in place would have failed:
  - 24/7 remote control and alert systems - monitored 24/7 by internal control systems, with automated alerts to operators and coordination procedures in place with the local fire service.
  - Overcharge protection - automatic detection of overcharge which immediately isolates and switches off units
  - Thermal management systems (TMS)
  - Smoke and gas sensors
  - Fire suppression systems
- 3.2. If a thermal runaway event does occur, the burning is usually limited to one container, lasting a few hours before the system self-extinguishes or is suppressed.
- 3.3. As a reactive precaution, to help with the containment of a fire in the event of an incident, modern BESS containers are sealed steel units with:
  - Integrated fire suppression systems: specified to be automated and designed based on the expected emissions rate and type of potential fire. It may include water, clean agents, or aerosol-based systems and tailored to minimise unnecessary water use.
  - Pressure relief vents to manage flare-up

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- Unit separation to stop fire spreading
- 3.4. When attending an incident, fire services are trained to isolate the container, cool the surrounding units as well as the air and space between them, and let the suppression systems do the work. This is known as the 'Boundary Cooling Strategy' which also forms a part of our contaminated water strategy – with the proposed drainage strategy allowing for full containment and safe disposal of any water used for firefighting.
- 3.5. *Older BESS units (pre-2020) lacked some of today's features – including:*
- Real-time remote diagnostics
  - Thermal runaway isolation systems
  - Standardised emergency access protocols
- 3.6. They also typically operated using an older technology, Nickel Manganese Cobalt (NMC) cells which is now replaced by the inherently safer Lithium Iron Phosphate (LFP) technology, largely setting the standard across new BESS schemes.
- LFP batteries have lower energy density than NMC, which means they generate less heat during charging/discharging and are less sensitive to overcharging or fast charging.
  - LFP has better thermal stability, owing to more stable chemistry at high temperatures. The materials (especially the iron phosphate cathode) are chemically and structurally more robust and non-reactive, so they do not decompose or release oxygen (a key contributor to thermal runaway) as easily as NMC.
  - LFP is widely recognised as a significantly safer battery chemistry, to the extent that global insurance standard-setter FM Global has reduced its recommended separation distance between BESS units from 6 metres to just 1.5 metres when LFP is used - a clear endorsement of its improved safety profile. Nonetheless, the BESS at Marston Seeney has been designed in full accordance with current NFCC guidance, maintaining the 6-metre separation distance.

#### **4. Design Development: Pre-Application and Post**

- 4.1. Before submitting the planning application, we engaged directly with Warwickshire Fire & Rescue Service (WFRS) to ensure the design met their operational requirements and aligned with the most recent fire safety standards. This was done at the pre-application stage and included the submission of draft layout plans, access strategy, and an early version of the Outline Battery Safety

Management Plan (OBSMP). We asked WFRS to review the proposed BESS layout in detail and provide specific feedback on fire risk management, appliance access, and emergency procedures.

- 4.2. One of the most significant changes made was to the spacing of the BESS units. WFRS advised that to effectively mitigate the risk of fire spread between containers and to allow sufficient operational clearance for personnel and equipment, each BESS container should be spaced by at least 6 metres, with an allowance for inverter cabins to be spaced at 3m intervals.
- 4.3. We revised the site layout accordingly, increasing separation distances to meet this requirement. In addition, a dedicated fire access route was introduced around the BESS compound, designed to accommodate fire appliances with sufficient width, turning radii, and hardstanding. Two points of access were established to provide redundancy in the event one route was obstructed.
- 4.4. While BESS installations typically rely on dry fire suppression systems internal to each container (such as clean agent gas or water mist systems), WFRS also requested clarity on local water supply for fire service use. In response, we mapped the nearest fire hydrants and included this in the Hydrant and Access Plan, confirming that water would be accessible should an external intervention be required.
- 4.5. Further small tweaks to the design were made through the application process following comments from WFRS and local residents. This involved increasing the width of internal access tracks from 3.6m to 3.7m.

## **5. Why is this site suitable for BESS?**

- 5.1. The Site benefits from substantial spatial separation from sensitive receptors, with all nearby occupied structures lying at distances that exceed those typically advised for thermal hazard buffers within UK fire safety best practice, including the National Fire Chiefs Council (NFCC) guidance. This level of separation—alongside the site's standalone layout and embedded mitigation features—significantly reduces the potential for off-site impacts in the highly unlikely event of a thermal incident.
- 5.2. While there is no prescribed statutory separation for public safety, current UK fire safety guidance, including that from the NFCC, typically expects buffer distances of 50–100m between BESS infrastructure and occupied buildings or sensitive receptors, depending on technology type and mitigation measures. The Marston

Seeney design exceeds these indicative thresholds, reinforcing confidence in its layout from a thermal hazard perspective.

- 5.3. The site is visually well-contained by existing mature tree belts and hedgerows, particularly along its southern and eastern boundaries. This landscape enclosure acts as a natural barrier and helps limit public access or incidental interaction with the infrastructure. The land itself is relatively flat, with no steep gradients or drainage paths that could transmit thermal effects or contaminants off-site in the event of fire or equipment failure.
- 5.4. Access to the BESS area is restricted via locked gates located off a privately controlled access track. The absence of any public rights of way through the BESS compound ensures that members of the public will not be in proximity to the infrastructure under normal circumstances. This is a key difference from more urban or publicly accessible installations.
- 5.5. All BESS units are pre-engineered, sealed containers with integrated suppression and monitoring systems. These are self-contained systems, meaning that in the unlikely event of thermal runaway, the fire is confined to one unit. The site's layout ensures that this is not only technically true but spatially enforced through container spacing and directional venting away from boundaries.
- 5.6. The site lies within immediate reach of Warwickshire Fire & Rescue Service, with the nearest full-service fire station located at Coleshill, approximately 8.5 miles (15 minutes by road) from the site. This is well within NFCC-advised thresholds for rapid response to low-frequency, high-safety infrastructure. In addition, support could be mobilised from Nuneaton or Rugby stations if required, ensuring geographic redundancy and consistent response coverage.
- 5.7. This proximity ensures that in the unlikely event of an incident, response teams can attend the site quickly with full knowledge of the container layout and on-site fire mitigation systems, which they reviewed at both the pre-application and application stages of the proposal. They will then review it a third time at the discharge of condition stage.
- 5.8. The BESS compound is accessed via the A4097 to the south providing direct and uncongested connection to the regional highway network. This allows fire appliances and emergency services to reach the site without delay or the need to navigate narrow rural lanes, residential estates, or gated infrastructure.

The private access road will be constructed to highway-compatible standards, with:

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- Minimum 3.7m clear width for fire appliances
- Turning heads to accommodate vehicle manoeuvring
- All-weather surfacing to ensure year-round access

These design features were included at the request of WFRS following consultation and are set out in Section 4.2 and 7.1 of the OBSMP.

## 6. Appeal Decisions of Relevance

### 6.1. APP/C3240/W/22/3293667 – East End BESS, Telford, Shropshire (March 2023)

In this case, the Inspector acknowledged past concerns about battery fire risks but noted advancements in technology and safety measures.

The decision outlined:

*"Battery fire risk had been a concern some years ago; however, technology has moved on, and battery storage is recognised in national policy and guidance."*

The appeal was allowed, with conditions requiring the submission and approval of a detailed Battery Safety Management Plan (BSMP) in consultation with the local fire and rescue service - which we have already agreed upon.

### 6.2. APP/V4630/W/24/3347424 – Great Barr, Walsall (January 2025)

A non-determination appeal whereby the Inspector allowed the appeal. The inspectorate likewise awarded costs to the applicant on this basis. The decision noted:

- The local fire and rescue service raised no objections.
- Fire safety concerns could be adequately addressed through planning conditions requiring a comprehensive BSMP.

The Inspector found no compelling evidence to substantiate claims that the development would pose unacceptable fire risks.

### 6.3. APP/Q4625/W/24/3343977 – Solihull (2024)

The appeal was allowed, but is primarily in relation to Green Belt and Opening. However in the other matters section with regard to BESS the Inspector states:

*"Whilst there was significant local concern regarding topics including fire safety, they had not been presented with compelling evidence to substantiate this claim."*

The decision highlights the importance of evidence-based assessments over speculative concerns.

## **7. Approach to Planning Conditions**

- 7.1. As a developer, owner and operator of BESS sites, we strive to ensure that we are building facilities that maintain public safety and security as the highest of priorities.
- 7.2. We agree to the wording suggested under Condition 11 and are happy for this to be extended to include reference to a Disaster Recovery Plan, or alternatively for the imposition of a separate condition requiring submission and approval of a standalone Disaster Recovery Plan prior to commissioning.
- 7.3. In this regard we would suggest the following amended condition 11 wording:

*No development shall commence on site until a detailed Battery Safety Management Plan (BSMP) to facilitate safety during the construction, operation and decommissioning of the battery storage system has first been submitted to and approved in writing by the Local Planning Authority.*

*The BSMP shall include details on the location and capacity of on-site fire-fighting water supplies as well as a disaster recovery plan.*

*The approved plan shall be adhered to at all times throughout the construction, operational and decommissioning periods as approved under conditions 4, 5 and 6 above.*

- 7.4. Likewise, if the case officer or committee otherwise deem it appropriate and with regard to the 6 planning condition tests established within the PPG, we are open to the further inclusion or amendment of conditions to reflect on the matter of fire safety.

## **8. Guidance, Standards and Certifications**

- 8.1. Both within the remit of planning legislation and beyond, we are expected to follow an extensive set of UK & global safety guidance, standards and certifications.
- 8.2. National Fire Chiefs Council (NFCC) guidance

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- Authoritative UK fire safety guidance, providing the most widely adopted UK-specific guidance for the safe development and operation of BESS, helping developers align with fire service expectations and best practices.
- Focused on prevention and containment: The guidance outlines measures to minimise the risk of fire starting, and ensure that if an incident does occur, it can be effectively contained and managed without harm to people or property.
- Promotes early collaboration and risk mitigation: It encourages close engagement with fire and rescue services during the planning and design stages to ensure site-specific risks are properly assessed and addressed, fostering safer, more resilient installations.
- Supports public and stakeholder confidence: Adhering to NFCC guidance shows a clear commitment to safe, responsible development, which should be considered a valuable reassurance to planning authorities, local communities, and emergency responders.

#### 8.3. Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems (March 2024) - UK Gov

- A best-practice document to help developers, operators, planners, regulators, and other stakeholders understand and apply appropriate health and safety (H&S) standards throughout the lifecycle of grid-scale battery energy storage systems (BESS).

#### 8.4. Certification UL 9540A

- A rigorous certification standard specifically designed to assess thermal runaway risk in battery energy storage systems. It tests the exact system configuration proposed for deployment, evaluating how thermal runaway could occur and how it might propagate through the system.
- The certification also verifies the effectiveness of safety systems intended to limit or halt this propagation.
- In the unlikely event that thermal runaway does occur, UL 9540A testing establishes the necessary safeguards to prevent explosion and determines the appropriate deflagration venting measures required as a last resort.
- Recognised by Department for Energy Security & Net Zero.

#### 8.5. Standard NFPA 68

- The recognised standard for explosion protection through deflagration venting. It governs the design, placement, installation, and ongoing

maintenance of systems that safely vent combustion gases and overpressure resulting from a deflagration event within an enclosed space.

- By providing a controlled release path, NFPA 68-compliant systems prevent catastrophic structural damage and protect surrounding equipment and personnel.
- The adoption of NFPA 68 in BESS design has significantly improved safety by ensuring that, in the unlikely event of thermal runaway leading to gas ignition, the energy is safely managed and directed away from sensitive areas. This has become a critical element of modern BESS fire safety engineering.

#### 8.6. Standard NFPA 69

- Internationally recognised standard that sets out the requirements for systems designed to prevent and control explosions in enclosures where flammable gases, vapours, mists, or dusts may be present. Modern BESS are engineered with integrated safety systems that comply with NFPA 69, ensuring that the risk of explosion is actively mitigated through design.
- These systems may include gas detection, inerting, suppression, or control devices that prevent conditions that could lead to deflagration. By adhering to NFPA 69, developers ensure that modern BESS installations incorporate best-practice engineering to minimise explosion risk—making them significantly safer and more reliable than legacy systems or unregulated technologies.

### 9. Conclusion

- 9.1. The proposals at Marston Seeney BESS incorporate all the relevant UK and international safety standards and guidance referenced above. In addition to this regulatory compliance, further mitigation measures have been included to ensure the highest level of safety. These include:

- Comprehensive inspection and maintenance regimes to monitor system integrity and performance over time
- Careful technology and equipment selection.
- Incorporation of Advanced Battery Management Systems and Thermal Management Systems for real-time monitoring and control of temperature, voltage and current across individual cells.
- Robust, weatherproof and blast-resistant enclosures to contain thermal or mechanical incidents.
- Integrated fire detection and suppression systems, activated automatically in the event of abnormal thermal conditions.

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- Appropriate separation distances between units to reduce propagation risk.
- Remote monitoring and control allowing operators to intervene quickly in case of anomalies.
- Emergency response planning, including coordination with local fire services and clear site access for first responders.

Together, these measures provide a multi-layered approach to safety, significantly reducing the likelihood and severity of any potential incident.

## Appendix 1 - Sources

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