

**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, M 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**

**7 JULY 2025**

The Planning and Development Board will meet on Monday, 7 July 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 9 June 2025** – copy herewith, to be approved and signed by the Chairman.

## ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

### Summary

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

- 5a **Application No: PAP/2025/0227 - Land 290 Metres East Of Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire**

Proposed Battery Energy Storage System (BESS)

5b **Application No: PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton**

Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road

5c **Application No's: PAP/2025/0108, 0112, 0166 AND 0194 together with DOC/2025/0023 - Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN**

- a) 0108 - Retrospective application for external lighting at the rear of ABM Precision Engineering.
- b) 0112 - Retrospective application for the erection of 1.8m high fence and 2.6m high sliding gate.
- c) 0166 - Variation of condition 3 of PAP/2024/0230 dated 4/3/25 relating to the use of the hard-standing
- d) 0194 - Variation of condition 3, the land within the red line boundary shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever, of application PAP/2024/0291 dated 4/03/2025.
- e) 0023 – Application to discharge condition 5 and 6 of PAP/2024/0291 dated 4/3/2025 in respect of landscaping details and the preparation of Delivery and Service Management Plan.

5d **Application No: PAP/2024/0586 - Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire**

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works

5e **Application No: PAP/2024/0549 - Cliff Meadows, Tamworth Road, Cliff, Kingsbury, B78 2DS**

Application to vary conditions 1 and 12 of appeal decision APP/R3705/W/24/3338275 dated 26/7/2024 (PAP/2023/0191) to allow two additional caravans

5f **Application No: PAP/2025/0161 - Meadow View Farm, Kinwalsey Lane, CV7 7HT**

Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property.

5g **Application No: PAP/2025/0021 - Haunchwood Sports Junior Football Club, Ansley Hall Recreation Ground, Coleshill Road, Ansley Common, CV10 OQG**

Proposed extension and internal refurbishment of existing changing rooms and club house, installation of modular building and extension to car parking

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

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

**Summary**

The report updates Members on a recent appeal decision.

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

7 **Speeding up Build Out Consultation - Report of the Head of Development Control**

Members will recall the Government's proposals to reform planning policy and procedures and that it has published the current Planning and Infrastructure Bill. This report outlines the Governments proposals and seek responses to a consultation process on how the "build-out" of planning permissions might be speeded up.

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

8 **Reform of Site Thresholds – Consultation Paper - Report of the Head of Development Control**

Members will recall the Government's proposals to review planning policy and procedures with many measures included in the revised National Planning Policy Framework as well as now being included in the current Planning and Infrastructure Bill. This report outlines the Governments' proposals in respect of redefining the site thresholds for certain types of planning application.

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

9 **Reform of Planning Committees Consultation** - Report of the Head of Development Control

Members will recall the Government's proposals to reform Planning Committees as set out as part of its overall review of planning policy and procedures and as now included in the current Planning and Infrastructure Bill. This report outlines the Governments proposals and seek responses to the consultation process.

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

10 **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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

11 **Exempt Extract of the minutes of the Planning and Development Board held on 9 June 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**

**9 June 2025**

Present: Councillor M Watson in the Chair

Councillors Bell, Chapman, Davey, Clews, Fowler, Hayfield, Hobley, Humphreys, Jenns, Parsons, H Phillips, Ridley, Ririe, S Watson and Whapples.

Apologies for absence were received from Councillors Simpson (Substitute Councillor Davey) Jarvis (Substitute Councillor Clews) Dirveiks (Substitute Councillor Hobley) and Guilmant (Substitute Councillor S Watson).

Also, in attendance was Councillor Michaela Jackson.

**9 Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Ridley declared a non-pecuniary interest in Minute 6e – Application No PAP/2024/0446 – 64–66 Long Street, Dordon by reason of being a member of Dordon Parish Council.

Councillors Jackson, Bell, Hobley and Humphreys declared a non-pecuniary interest in Minute No 6f – Application No: PAP/2024/0127 - Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU by reason of attending meetings regarding to this application.

**10 Minutes**

The minutes of the meeting of the Planning and Development Board held on 20 May 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

**11 Adoption of Polesworth Neighbourhood Plan**

The Chief Executive Informed Members of the progress of the Polesworth Neighbourhood Plan and sought approval to adopt in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

**Recommendation to Council:**

**That the Polesworth Neighbourhood Plan be adopted and form part of the Development Plan for North Warwickshire and be noted.**

## 12 Planning Applications

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

### **Resolved:**

- a **That Application No: PAP/2024/0395 – Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, B76 0EQ be refused for the following reason: “ The proposed development is within an isolated location in open countryside outside of a settlement boundary and not in a location well connected to and accessible to nearby services and facilities by sustainable modes of transport. It is not considered that the site provides for a range of sustainable modes of travel, including a safe and reasonable access to facilities and services in particular for children and those with mobility issues. The proposal is therefore contrary to Local Plan policies LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP10 (Gypsy and Traveller Sites) and LP29 (Development Considerations) of the North Warwickshire Local Plan 2021, as well as guidance within the National Planning Policy Framework and Planning Policy for Traveller Sites “;**
  
  - b **That Application No: PAP/2025/0027 - Land Between Holmfield and Oakdene, Bennetts Road North, Corley is granted planning permission subject to a schedule of conditions which shall first have been agreed by the Board Chairman, the Opposition Spokesperson and Ward Members;**
- [Speaker: Dereck Beverley]**
- c **That Application No: PAP/2024/0582 - Land 230 Metres West of Marston Fields Farm, Kingsbury Road, Lea Marston, Warwickshire is granted subject to the conditions as set out in the Officer report at Appendix A and the recommended alteration to condition 11 as set out in the main Board report, together with the inclusion of the need to submit a Fire Risk Management Plan at pre-commencement stage;**
- [Speakers Callum Wright and Luke Shackleton]**
- d **That Application No: PAP/ 2022/0423 - Land to the south of, Watling Street, Caldecote, CV10 0TS does not alter its resolution from its February 2025 meeting and that it is granted, subject to the conditions set out in report of the Head of Development Control;**

**[Speakers Andy Macdonald and Graeme Warriner]**

- e That Application No PAP/ 2024/0446 - 64-66, Long Street, Dordon, B78 1SL is refused for the following reason: “Notwithstanding the submitted plans, it has not been clearly demonstrated that the proposed use would provide sufficient and adequate car parking provision for occupants and visitors to the proposed site. The applicant has only been able to demonstrate that car parking can only be provided for 15 years rather than in perpetuity. This will be to the detriment of highway safety on Long Street and will be contrary of Policy DNP13(Car Parking along Long Street and New Street) of the Dordon Neighbourhood Plan 2023” and;

[Speakers Yasmin Kong and Ray Evans]

- f That Application No PAP/ 2024/0127- Butchers Shop, Glenside, Ansley Lane, Arley, CV7 8FU is refused for the reasons set out in the Supplementary report of the Head of Planning and Development Control.

[speakers Carolyn McKay and Gulraiz Siddique]

### 13 Appeal Update

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

**Resolved:**

That the report be noted.

### 14 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.

### 15 Authorisation to be granted for Planning injunctions under section 187B of the TCPA 1990

The Head of Legal Services sought authorisation to apply for Injunction proceedings.

**Resolved:**

That the recommendation set out in the report of the Head of Legal Services be approved.

16 **Exempt Extract of the Minutes of the Planning and Development Board held on 20 May 2025**

The confidential extract of the minutes of the Planning and Development Board held on 20 May 2025, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

17 **Enforcement Report**

The Head of Development Control sought delegated authority to the Head of Legal Services to commence enforcement action.

**Resolved:**

**That recommendations 1 to 5 as set out in the report of the Head of Development Control be approved.**

M Watson  
Chairman

## **Agenda Item No 5**

### **Planning and Development Board**

**7 July 2025**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](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, 4 August 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
5/a	PAP/2025/0227	1	<p><b>Land 290 Metres East Of Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire,</b></p> <p>Proposed Battery Energy Storage System (BESS)</p>	General
5/b	PAP/2025/0155	16	<p><b>Land South Of Warton Recreation Ground, Orton Road, Warton,</b></p> <p>Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road</p>	General
5/c	PAP/2025/0108; 0112, 0166 and 0194 together with DOC/2025/0023	32	<p><b>ABM Precision Engineering Ltd, Coleshill Road, Ansley</b></p> <p>a) 0108 - Retrospective application for external lighting at the rear of ABM Precision Engineering.</p> <p>b) 0112 - Retrospective application for the erection of 1.8m high fence and 2.6m high sliding gate.</p> <p>c) 0166 - Variation of condition 3 of PAP/2024/0230 dated 4/3/25 relating to the use of the hard-standing</p> <p>d) 0194 - Variation of condition 3, the land within the red line boundary shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever, of application PAP/2024/0291 dated 4/03/2025.</p> <p>e) 0023 – Application to discharge condition 5 and 6 of PAP/2024/0291 dated 4/3/2025 in respect of landscaping details and the preparation of Delivery and Service Management Plan.</p>	

5/d	PAP/2024/0586	50	<p><b>Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,</b></p> <p>The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works</p>	
5/e	PAP/2024/0549	102	<p><b>Cliff Meadows, Tamworth Road, Cliff, Kingsbury, B78 2DS</b></p> <p>Application to vary conditions 1 and 12 of appeal decision APP/R3705/W/24/3338275 dated 26/7/2024 (PAP/2023/0191) to allow two additional caravans</p>	
5/f	PAP/2025/0161	127	<p><b>Meadow View Farm, Kinwalsey Lane, CV7 7HT</b></p> <p>Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property</p>	
5/g	PAP/2025/0021	135	<p><b>Haunchwood Sports Junior Football Club, Ansley Hall Recreation Ground, Coleshill Road, Ansley Common, CV10 OQG</b></p> <p>Proposed extension and internal refurbishment of existing changing rooms and club house, installation of modular building and extension to car parking</p>	

## **General Development Applications**

**(5/a) Application No: PAP/2025/0227**

**Land 290 Metres East Of Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire,**

**Proposed Battery Energy Storage System (BESS), for**

**E.On UK Plc - C/O Agent**

### **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. The application site extends to approx. 2.5ha and is located to the northwest of the existing Hams Hall Industrial Estate. It lies approximately 2.1 km north of Coleshill Parkway Station and 700 metres to the southwest of the village of Lea Marston. The site is accessed via a private gate along Hams Lane, as shown in the aerial image below. The site is generally flat and currently comprises agricultural land. To the east of the site is a railway line in cutting and one overhead pylon line runs along its western edge. The Hams Hall Substation lies on the opposite side of Hams Lane where the new National Grid building is to be constructed.

2.2 The aerial photograph below shows that the site is set back from Hams Lane behind a significant tree planted corridor. There is a further similar corridor alongside the railway cutting and more substantial woodland to the north between the site and Lea Marston.

2.3 There are no public footpaths running through or close to the site.



### 3. The Proposal

- 3.1. This seeks to use the site to accommodate battery storage of up to 98 MW 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 existing network, with the existing power grid site opposite. The selection of this location is entirely due to the proximity of this strategic substation.
- 3.2. The site layout in essence is a collection of battery container units with electrical cabinets. The containers would be in two rows running north-east to south-west down the site, parallel to the railway line. The proposed development would comprise of the following equipment housed within a 2.4m high palisade fenced compound:
  - 40no. Battery containers
  - 20no. Electrical cabinets
  - 1no. Switchgear and control room
  - 1no. Power Transformer with Bund
  - 1no. Area Reserved for Harmonic Filter
  - 1no. Area Reserved for Reactive Power Compensation
  - 1no. Control and welfare room
- 3.3. The compound would be accessed from Hams Lane with an internal access road that splits into two in front of a 'staging area'. The access road runs in between the two rows of battery containers and electrical cabinets. The access road then loops back and provides access to the other side of the site which is further surrounded by a 2.5m high welded mesh fence, containing car parking space and a temporary lay down area.

- 3.4. The site would have 24 hours CCTV in operation. The vehicle tracks would contain permeable gravel. Water run off would be to an onsite attenuation pond to the north which would allow sustainable discharge into an existing drainage ditch. New landscaping is proposed to the north and west.
- 3.5. The proposed layout is at Appendix B. Appendix C, shows the landscaping and Appendix D illustrates a series of sections through the site. Appendix E shows the power transformers layout.
- 3.6. Supporting documentation has also been submitted. The various reports are summarised below.
- 3.7. A Preliminary Ecological Appraisal has been undertaken. It shows a site of low ecological value with the perimeter tree corridors providing the most valuable habitats. No further surveys were deemed necessary, and mitigation measures can be put into place – e.g. bird and bat boxes together with other refugia. The accompanying Biodiversity Metric Report confirms that the development would enable a 36.38% gain in habitat units and a 100.00% gain in hedgerow units based on the current plans.
- 3.8. An Agricultural Land Assessment concludes that the soils within the site are deep permeable coarse loams. As such, the site is a combination of Grade 2 (84% of the land) and Subgrade 3a agricultural quality (16% of the land).
- 3.9. A Landscape and Visual Impact (LVA) to assess the impact of the proposals on landscape character and visual amenity has been submitted. There are no national or local landscape designations which cover the site or its immediate setting. It lies within a wider tract of land to the north of Coleshill and south the Ancient Woodland known as Sych Wood – that is around 200m to the north-east. The site is located in a broadly flat area with rising land to the northwest. It is also currently part of a wider field parcel of rough grassland, surrounded by mature tree belts and woodland, accessed from Hams Lane. There are a number of electricity pylons in close proximity to the site serving Hams Hall Substation to the west. It is therefore visually well contained by existing mature tree belts and woodland. Views into the site are limited to a small section of Hams Lane to the immediate west; a short section of Footpath M16/1 to the north-west in close proximity to Hams Lane and potential, partial views from limited areas of Hams Hall Distribution Park to the east. At greater distances, further views are truncated by the intervening layers of mature vegetation or existing built form. The proposed development has been laid out to retain the existing landscape features including the mature vegetation to the site boundaries. Areas to the west of the BESS will be enhanced with additional native tree planting, native shrubs, hedgerows and wildflower meadow. A new drainage basin is also proposed which will be planted with suitable native wetland species. Concerning landscape effects, the proposed development of the site is anticipated to result in minor adverse effects and negligible effects on landscape character. Concerning visual effects, the potential development of the site is considered to have a range of neutral, negligible and minor adverse effects on a limited number of visual receptors within the study area, primarily for those using the road or employed at the Substation. Many of the impacts identified above would be anticipated to further reduce over time as the proposed planting matures.

- 3.10 A Highways and Transport Statement has been submitted. Vehicular access to the site is to be provided via an existing field access connecting with Hams Lane on the site's western boundary, which is expected to be widened to accommodate the largest construction vehicle movements. The junction is expected to be utilised during the construction, installation, and maintenance period. Vehicle parking for site workers during all stages of construction and operation will be accommodated on-site with no vehicles allowed to park or wait on the adjoining highway network during any stage of the development. The proposals should not have a detrimental road safety impact on the local highway network and should not adversely affect the safety of other road users. Swept path analysis has been undertaken to establish whether the largest vehicles to access the site, an Abnormal Indivisible Load Vehicle (AILV) (a low loader) and Heavy Goods Vehicle (HGV), can adequately navigate the access junction and Hams Lane. The results of the swept path analysis demonstrate that an AILV and standard articulated HGV can adequately access/egress the site via the access junction with Hams Lane. It is considered that the projected operational vehicle trip generation associated with the BESS does not represent a significant amount of movement, with between 10 and 20 vehicle trips per month generated by the BESS associated with site operations and maintenance activities, and a low number of daily/peak hour movements associated with construction. The proposed development should therefore only have a negligible impact on the operation of the local highway network. It is concluded from the assessments of this Statement that the proposed development would not be expected to have a detrimental impact in terms of road safety and traffic impact. A Construction Traffic Management Plan (CTMP) has also been submitted. It details construction traffic access arrangements, the anticipated construction programme and various traffic management measures to be implemented to minimise the effects of traffic travelling to and from the site during the construction period.
- 3.11 A Flood Risk and Drainage Assessment Report has reviewed the Environment Agency's Flood Map indicating that the development site is situated within Flood Zone 1. This 'Screening Assessment' is used to identify if any sources of flood risk are required to be investigated in more detail i.e., a 'Technical' more detailed assessment which may include consideration / specification of bespoke flood mitigation measures for the site development if considered necessary. The Screening Assessment shows that all flood risk sources are considered 'Low Risk' or less and therefore require no further consideration / assessment. The proposed drainage / SuDS scheme for the development has been developed to manage the surface water runoff from the battery storage development area. The development area will be constructed with permeable materials (e.g. crushed gravel) to allow rainwater to infiltrate into the underlying makeup where it will be intercepted by perforated pipework and allow runoff from semi-permeable / impermeable surfaces to be conveyed into a controlled storage structure. The internal access tracks will be drained via a combination of a perimeter filter drains and by grading track surfaces towards crushed gravel areas where it will be collected via the subsurface perforated pipework. All internal access tracks within the development area will have a nominal crossfall towards the areas of granular material to avoid ponding on the track surfaces. The perforated pipework and

perimeter filter drains will convey runoff to an attenuation basin located to the north of the development area. The attenuation basin will provide suitable treatment and attenuation prior to discharge to the adjacent drainage ditch to the north. It is considered there is no impediment to the development proposals being granted planning permission on the grounds of flood risk and drainage provision. The proposed development will remain safe and sustainable in flood risk terms for the lifetime of the development

- 3.12 A Firewater Management Plan has also been produced in order to demonstrate how firewater runoff volume would be controlled and managed at the site, in light of the release of National Fire Chiefs Council (NFCC) guidance for Fire Rescue Services with respect to BESS. It is noted that new draft NFCC guidance has recently been released however this strategy is based on the 2023 adopted guidance. Comparison of both versions of the guidance indicates that the adopted 2023 version is considered more conservative given the updates indicated within the draft guidance in terms of water supply volumes etc. This FWMP Statement is based on the minimum requirement for water supply of 2 hours at 1900 l/minute noted in the NFCC Guidance. There will be continuing liaison with Warwickshire Fire and Rescue Service (WFRS) throughout the development and construction phases to ensure the proposed FWMP is in compliance with the latest best practice guidance. The proposed strategy to manage the firewater runoff generated is for Full Containment within the proposed SuDS Attenuation Basin which has an available storage volume of 1,657m<sup>3</sup>. The storage capacity is equivalent to over 14 hours of firewater storage without intervention. A pre-development enquiry was submitted to Severn Trent Water (STW) to determine whether a suitable connection to the local water mains would be available to provide the firefighting flow rates required as stipulated by NFCC guidance (approximately 32 l/s). STW confirmed that a connection to the existing 4-inch water main along Ham Lane would be permitted to serve the development. STW also noted however that they cannot guarantee any firefighting flow requirements but propose to supply 8 l/s for fire-fighting hydrants. To address any potential flow limitations from the existing public mains, it is proposed that a water supply tank is provided within the site to provide an initial 228,000 litres of supply (as required by NFCC guidance) and is fed by the existing water mains (via a new connection into the site).
- 3.13 A Noise Impact Assessment shows that a full weekday and weekend background and ambient sound survey has been undertaken in a position representative of the closest receptors. Noise modelling of the proposed sound sources, based on available information and worst-case assumptions has been under-taken. The predicted rating level from the site has been compared to the background sound level. The assessment has shown that the predicted rating level falls below the typical measured background sound level during the daytime and night-time periods. As such, no mitigation measures are required.
- 3.14 A desk-based Heritage Assessment has been provided to assess the predicted impacts of the construction and operation of the proposed development on cultural heritage interests. The site does not contain any designated heritage assets, and no designated heritage assets will be physically affected by the proposed development. The assessment identified the presence of a former parkland and estate, that of the 18th- century Hams Hall, of which the site was a

peripheral part. Evidence from historic mapping indicates that the site was arable farmland from at least the 19th century, likely as a means of supporting the occupants of Hams Hall. The site has remained in agricultural use into the 21st century, with no archaeological features associated with Hams Hall or its parkland having been recorded within the site boundary. Taking into account evidence for land use apparent in historic maps, as well as data supplied by the Warwickshire HER, it has been assessed that the site has a low potential for the survival of hitherto undiscovered, buried archaeological remains. A Geophysical Survey has also been conducted by CFA Archaeology. The geophysical survey recorded several anomalies which were located across the survey area, that mostly relate to services, field drains and other modern disturbances. Linear anomalies are interpreted as former field boundaries and strong archaeological potential. It is considered that the geophysical survey has been successful in identifying the subsurface archaeological potential of the site, and it is therefore assessed that there is low potential for the survival of hitherto undiscovered, buried archaeological remains. Any such remains are likely to relate to agricultural activity, although it cannot be ruled out that evidence relating to former designed parkland landscape could be present. Further archaeological evaluation comprising a programme of archaeological trial trenching may be required to confirm the results of the geophysical survey. The scope and timing of any such works will be agreed with the Warwickshire County Council Archaeology Team and outlined within an agreed Written Scheme of Investigation. It is expected that the requirement for trial trenching could be treated as a planning condition, post-consent

- 3.15 A Geoenvironmental phase 1 Geoenvironmental Site Assessment report was undertaken in December 2023. The site is relatively flat, is not located in a groundwater protection zone and there are not considered to be any geological restraints of the site. Due to the local topography, it is likely that any shallow groundwater if present will flow in an easterly direction towards the River Tame which is located approximately 300m from the site. No current landfill sites are located within 250m of the site. The presence of made ground is not anticipated. No significant sources of ground gas are present. Given the undeveloped nature of the site, there are unlikely to be any significant sources of contamination present that would pose a significant risk to human health or prejudice the development of the site for a BESS. In the absence of any occupiable structures, there exists no critical receptor and in the absence of complete pollutant linkage the site is not considered to pose an unacceptable level of risk to human health. The Initial Conceptual Site Model has not identified any potentially significant on-site sources of mobile contamination, as such the site is deemed to pose no unacceptable level of risk to controlled waters. No significant sources of hazardous ground gas have been identified. Furthermore, in the absence of any proposed permanent structures, there are not considered to be any sensitive receptors and therefore no residual risk. The report concludes that a detailed Phase II intrusive Geoenvironmental Ground Investigation should be undertaken in order to confirm the findings of the initial conceptual site model and value engineer a development solution.

- 3.16 An Arboriculture Impact Assessment (AIA) has been undertaken. The construction of the development will require the removal of one tree at the site entrance in order to construct the proposed access road with suitable visibility splays. The tree in question was recorded as part of A-category group G4, which extends between the site and Hams Lane and contains a number of high-quality oak trees. The tree requiring removal, to the right of the entrance gate, is evidently a twin-stemmed, semi-mature beech that has been subject to pruning works to lift the crown from over the existing access. As an individual, this tree should be considered low quality (C-category) rather than the wider group allocation of A-category due to its relatively young age and small stature. Preliminary tree works have been recommended for G4, including pruning to lift crowns to create a 4m ground clearance over site access. Proposed works within the root protection areas (RPA) of retained trees will include construction of access road within RPAs of G4. Operations within tree RPAs must be carried out in accordance with the preliminary arboricultural method statement and general tree protection requirements as detailed under section 5 of the AIA report, which includes tree protection fencing.
- 3.17 A Planning Statement draws all of the matters together and places the proposal in the overall national and local planning policy context. The applicant acknowledges that the proposal is inappropriate development in the Green Belt and thus the benefits of the scheme have to clearly outweigh the cumulative weight of the Green Belt harm caused together with any other harms identified. The applicant considers that this is the case and has identified the following matters that in his view do outweigh that level of harm and thus provide the very special circumstances necessary to support the proposal – the need to increase renewable energy generation; the present climate emergency, the need to secure energy security, the reversible nature of the proposal, together with the bio-diversity net gain and residual landscape and visual enhancements. It is considered the site falls is “grey belt” but that it meets the conditions set out in the NPPF to conclude that the development is not inappropriate within the Green Belt. Overall, the proposal would aid security of energy supply. The site is owned by E.ON and sits adjacent to the substation to which the BESS will be connected. To this end, the applicant concludes that there is no more suitable a site for this form of development.

#### **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 “NPPF”)

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. Other similar applications have already been determined in this locality at Dunton Hall, east of Water Orton and at Marston Fields Farm. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the Green Belt and whether it conflicts with the purposes of including land within it. The likelihood of any flooding or traffic consequences will also need consideration. The final planning balance will assess the weight of the cumulative Green Belt and other harms against the benefits of the proposal as put forward by the applicant.
- 6.2. It is advised that as with the other cases, the Board should visit the site.

## **Recommendation**

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

Appendix A – Site location plan





Appendix C – Landscaping



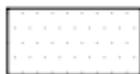


# KEY

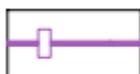
 **Application Site Red Line Boundary**

## Hard Landscape

 **Vehicular Asphalt Surface**  
*To engineer specification & recommendation*

 **Permeable Gravel**  
*To engineer specification & recommendation*

 **Natural Crushed Stone**  
*To engineer specification & recommendation*

 **2.4m High Security Fence**  
Green colour

## Soft Landscape

 **Existing Tree**

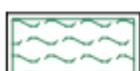
 **Proposed Native Tree**  
Heavy standard tree

 **Proposed Wildflower Meadow**  
Seeded mix

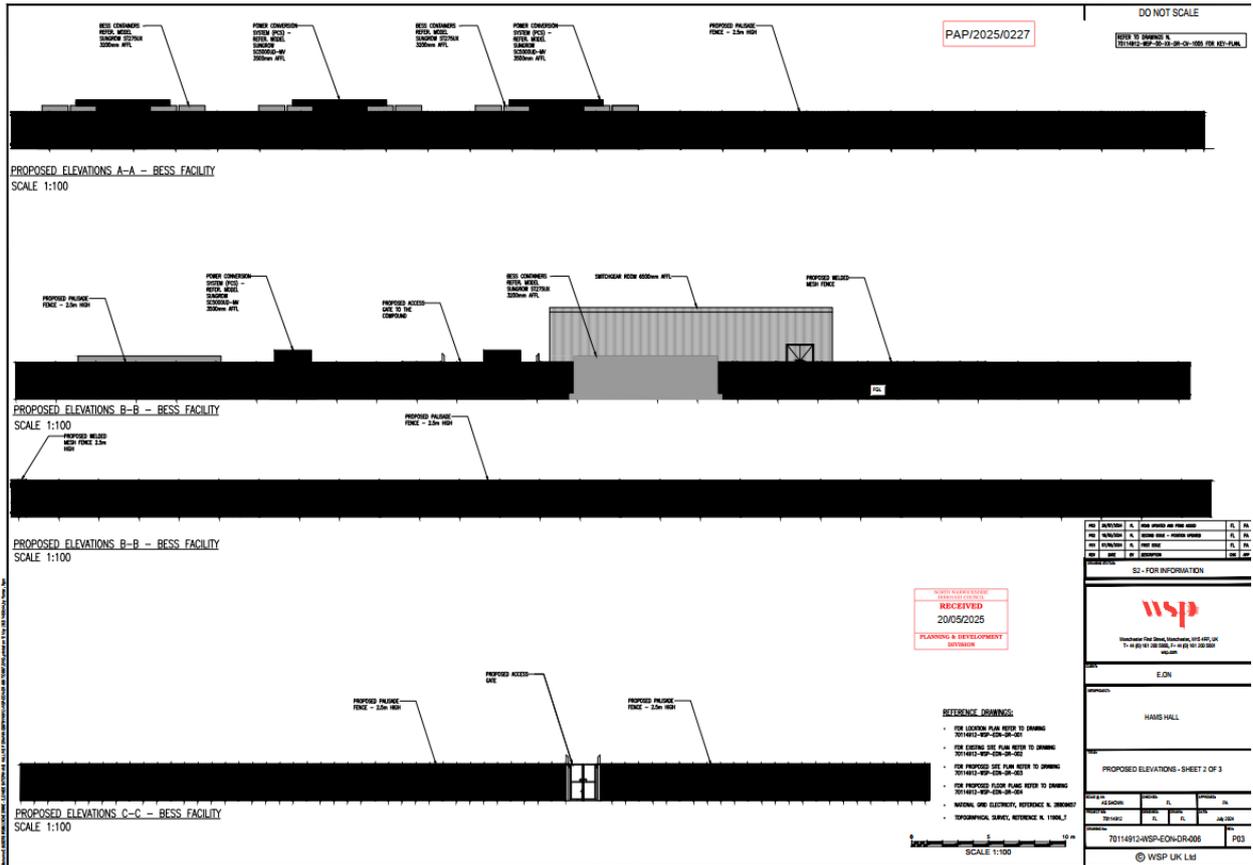
 **Proposed Native Shrub Planting**

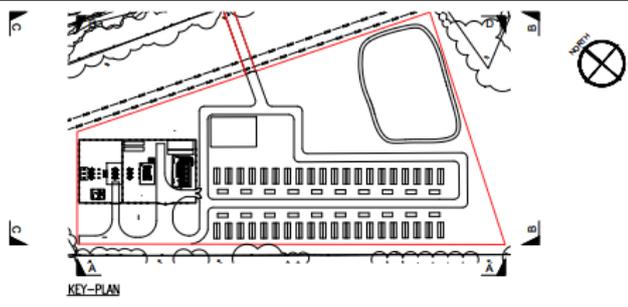
 **Proposed Native Hedge Planting**

 **Proposed Native Marginal Mix Planting**

 **Proposed Wet Wildflower Meadow Seeded Mix**

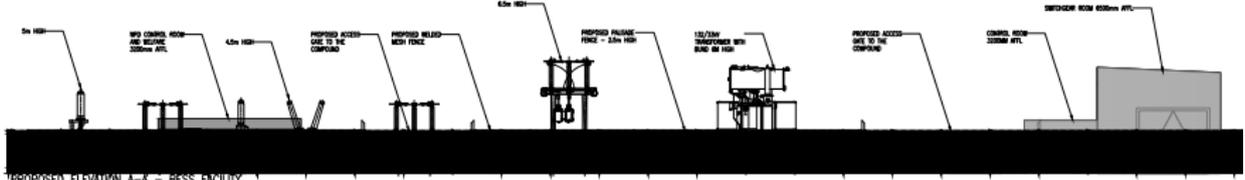
# Appendix D – Sections and elevations





PAP/2025/0227

WORK PROPOSED  
 RECEIVED  
 20/05/2025  
 PLANNING & DEVELOPMENT  
 SERVICES



PROPOSED ELEVATION A-A - BESS FACILITY

SCALE 1:100



PROPOSED ELEVATION A-A - BESS FACILITY

SCALE 1:100



PROPOSED ELEVATION A-A - BESS FACILITY

SCALE 1:100





## **General Development Applications**

**(5/b) Application No: PAP/2025/0155**

**Land South Of Warton Recreation Ground, Orton Road, Warton,**

**Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road, for**

**Briony Stenhouse - Richborough, Michael Ensor Caton and Andrew Norman Caton**

### **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 The application site comprises 6.37ha of land located directly to the west of the settlement of Warton in North Warwickshire. It is located approximately 4km to the east of Tamworth. The site is currently in agricultural use (arable) and is made up of one field parcel. The site is gently sloping with a gradual fall from the west and north towards the south east. The site is defined by Church Road to the north and west, Orton Road to the south and the recently constructed 'Cornfields' development to the east. The eastern boundary meets the existing settlement edge of Warton.

2.2 The north western boundary of the application site is defined by a hedgerow and hedgerow trees and runs alongside Church Road. There is an existing field entrance with a dropped kerb in the north of the site where agricultural access is gained into the field. On the northern side of Church Road there are several residential properties. The southern boundary of the field is defined by an existing hedgerow and a number of mature trees, particularly to the centre of the southern boundary. The hedgerow thins in the south eastern corner where there is an existing field entrance with a gate. On the southern side of Orton Road are further agricultural fields.

2.3 The eastern boundary is adjacent to the recently built properties on the 'Cornfield' estate. This development was previously promoted by the applicants in 2018, with reserved matters consent achieved in 2019. There is no physical boundary marking the edge of this development. The northern part of the eastern boundary is adjacent to Warton Recreation Ground. Hedgerow and small hedgerow trees along with remnants of wire fencing separate the site from the recreation ground. Further east of the recreation ground and 'Cornfield' development is the village of Warton.

2.4 A small pond forms part of the eastern edge of the site, adjacent to the recreation ground. There are no Public Rights of Way (PROW) within the site. There is a PROW (AE15) on the top end of Church Road, to the east of the site which runs down to Stipers Hill.

2.5 The eastern boundary of the application site adjoins the residential edge of Warton at the 'Cornfields' development. There is also linear residential development running west out of Warton along Church Road. This part of the village is predominantly residential. Warton Recreation Ground is adjacent and Warton Holy Trinity Church is 150m from the north-eastern boundary. Allotments are provided off Waverton Avenue. 'The Top Shop', is in the village which provides a Post Office and convenience store. 'The Office at Warton's public house and the Village Hall are 350m from the north-eastern corner of the site along Church Road and Maypole Road. Warton Nethersole C of E Primary School lies further to the east along Maypole Road, 400m from the eastern site boundary. To the north, west and south is open countryside, predominately in agricultural use. Polesworth is located further west of the site, approximately 2km from the site's western boundary. This contains further educational, recreational and employment facilities.

2.6 Location plans are at Appendix A and Appendix B is an aerial photograph.

### 3. The Proposal

3.1 This application is in outline with all matters reserved with the exception of access. A parameters plan defines the proposal, with regards to housing, landscaping and recreation. This is at Appendix C.

3.2 The application has set out that the "aspiration for the development of the site is to provide an opportunity to create a sustainable and attractive extension to the village, inspired by the context and local character of Warton. Embracing high quality and sustainable design principles the proposals are designed to sensitively integrate with the surrounding landscape and built form, providing a range of new homes that can respond to future needs." The overarching principles opportunities that underpin the proposal are said to be as follows:

- Vehicular and pedestrian access to Church Road;
- Keeping a rural, landscape edge along the western boundary of the Site to define the edge of development whilst creating a buffer to blend with the wider landscape and surroundings;
- Protecting and enhancing existing trees and hedgerows along the boundaries of the Site, along with the existing pond, through the creation of ecological corridors;
- Offering an attractive central green focal space, providing opportunities for people to meet and socialise;
- Creating a network of pedestrian connections to facilitate active travel within the Site and to the wider area;
- Creating active travel links through to the recreation ground to the north east to provide access to the local bus services via Red Marl Way; and
- Maximising views out from dwellings fronting the landscape edge to provide an attractive setting.

3.3 The application sets out with regards to access and parking, that the primary access to the proposed residential development is to be delivered in the form of simple priority junction with Church Road. This access will have a 5.5m wide carriageway and adjacent 2m wide footways proposed in accordance with the Warwickshire County Council's Design Guide. The access drawing can be viewed at Appendix D. The primary access road into the site would be designed to adoptable standards, connecting to a hierarchy of internal streets, including secondary streets (also designed to adoptable standards) and tertiary streets. Private drives serving up to 5 dwellings will typically feature to the edges of development. A separate pedestrian access is also proposed to be served from Church Road at the western boundary of the site, which is to connect with existing footways that directly lead to Polesworth. Off-site junction improvements at the Orton Road / Kisses Barn Lane / Stiper's Hill / Linden Lane junction are proposed in the form of providing larger, illuminated and overall, more visible give-way signs along Kisses Barn Lane and Linden Lane, both on approach and at the junction with Stiper's Hill and Linden Lane. Each new dwelling will have on-plot car parking with 1 space for 1 bedroom properties plus 0.5 for visitor parking and a minimum of 2 allocated spaces for every 2+ bed property. This includes the provision of garages for the 4 bed properties. All properties will have electric vehicle charging.

3.5 The residential use of the site is proposed to be up to 110 dwellings, including the provision of 40% affordable dwellings. The proposal provides an opportunity to deliver a range of types, sizes and tenures that reflect local need. The built development area includes roads, footways, private drives, incidental open space and other associated infrastructure. The masterplan allows for a mix of dwelling types and sizes to assist in providing choice within the local housing market and contribute to creating a sustainable, mixed community. The application has assumed that development will, in the main, comprise 2 storey housing, consistent with the typical height of development seen in the surrounding residential areas of Warton. In key locations 2.5 storey dwellings could be used to create focal points, define primary vistas/entrances and add variation to the roofscape. 40% of all proposed dwellings will be delivered as affordable housing (85% affordable/social rent and 15% intermediate rent). The affordable housing will be secured through a Section 106 Agreement. The applicants would support the inclusion of Local Occupancy Criteria within the Agreement to ensure those with a connection to Warton are prioritised.

3.6 When considering open space, the masterplan shows the delivery of approximately 2ha of green infrastructure. This includes 0.83ha of amenity green space and 1.17ha of natural and semi natural green space. Existing boundary hedging and tress would be retained, unless needed for vehicle or pedestrian entrances. Open space is provided in the form of a central, focal green and a circular walk incorporating natural play opportunities. The site identifies a proposed link to the neighbouring recreation ground which includes equipped play. A financial contribution to improve existing equipped play has been identified. Orchard planting is proposed within the western extent of the public open space.

3.7 Specific habitats for biodiversity have been incorporated within the green infrastructure network including species-rich, meadow and wetland meadow grassland. Areas relied upon for the provision of biodiversity net gain are protected by proposed fencing. A small section of low-quality hedgerow is proposed to be removed to accommodate the principal vehicular access and pedestrian routes onto Church Road.

However, all other existing hedgerows around the site and all other existing trees will be retained and strengthened. There will also be new tree and hedgerow planting throughout the new development.

3.8 With regards to surface water attenuation, the proposed development is accompanied by a draft drainage strategy which identifies a new SuDS attenuation pond located in the south-eastern area of the site where the topography slightly falls. This SuDS attenuation pond will provide drainage attenuation for the proposed development

- Supporting documentation has also been submitted and this summarised below.

3.12 Design and Access Statement explains how the parameters plan has been arrived at within the context of the setting of the site.

3.13 A Transport Statement and Plan concludes that the site is in a sustainable location in transport terms, with local facilities within a comfortable walking and cycling distance of the site, and bus services connecting the site to larger settlements to the north and south of the village. The Statement has considered the proposed access and finds that a safe and suitable vehicular access to the site can be provided via Church Road. The additional traffic generation associated with the proposed development is forecast to be minimal and will not be noticeable across the highway network. The Statement finds that there are no existing highway safety issues in the vicinity of the site, nor will the proposed development have a material impact on highway safety. Active travel permeability has been provided through the provision of a further footpath/cycleway links to Church Road to the west and Warton Recreation Ground.

3.14 A Flood Risk Assessment and Drainage Strategy identifies the site as being located within Flood Zone 1 and is assessed as being at low or very low risk of flooding from fluvial and pluvial sources. A Surface Water Drainage Strategy has been prepared to demonstrate that a sustainable drainage solution can be provided for the proposed development. The Surface Water Drainage Strategy has been designed in accordance with current sustainable development best practice. The proposed development will discharge to the local drainage network, at rates equivalent to existing conditions. The surface water drainage system is to be designed to ensure that flood storage volumes are retained onsite for critical storm events up to the 1 in 100-year return period plus an allowance for the effects of climate change. To further mitigate the flood risk to properties in the event of a failure within the drainage system, surface levels will be designed to ensure that flood flows are not directed toward dwellings. A SuDS attenuation basin is proposed to the south-east of the site which will treat and store flows ahead of discharge. The development drainage system is to have a controlled outfall east beneath Orton Road, before ultimately discharging into the existing Seven Trent Water (STW) public sewer at the junction between Orton Road to the surface water sewer. The development proposals ensure that the nature and behaviour of the surface water drainage replicates that of the pre-developed site. A foul water drainage strategy has been prepared which implements measures to discharge foul water flow from the proposed development. Foul water will connect into an existing public foul water sewer located at the junction between Orton Road and Barn End Road. The Drainage Strategy is said to demonstrate that the proposed development will not result in any detrimental impact on existing surrounding properties.

3.15 A Landscape and Visual Impact Assessment describes the existing landscape and visual conditions of the site and its surroundings, provides a commentary on the impacts of the proposed development and appraises the likely effects of the proposal. The site is on the southwestern edge of Warton Village, which has a similar landform as the site. The centre of the village is found at approximately 91m AOD at the junction of Church Road and Maypole Road. The Assessment says that the landscape context for this proposal is not simply open agricultural land of the site, but it includes the peri-urban landscape of Warton and the wider built context of the village, which provide the setting for this proposal. It was considered that the site could successfully accommodate the proposed residential development with minor adverse impacts on the landscape resource, character and visual amenity of the site and surrounding area. From a landscape perspective, the Assessment concludes the proposals as now formulated, will deliver a coherent and logical development of new homes on the southwestern edge of Warton village providing a high quality new landscape with a new social landscape function, and would preserve the distinctiveness of the village, as well as the open countryside setting of the No Mans Heath to Warton – Lowlands Landscape Character Area, and its nucleated settlement pattern. The scheme will replace the site's agricultural character, but a substantial degree of naturalness will remain, albeit in a different form to that which currently exists. A Landscape Strategy Plan has been submitted with the application setting out the proposed landscaping across the site. This includes strengthening of existing trees and hedgerows, the introduction of new native trees (including traditional orchard planting) and creation of dedicated habitats for biodiversity net gain including species rich grassland, tussock and wetland meadow planting. The Landscape Masterplan can be viewed at Appendix E

3.16 A Preliminary Ecological Appraisal shows that the site comprises arable land and a pond with willow scrub. Species rich hedgerows form the boundaries of the site. No statutory or non-statutory designated sites are present within the site boundary. The site falls within the risk zones of Birches Barn Meadow SSSI and Alvecote Pools SSSI. It is currently undetermined how many units the scheme will propose or the level of discharge. However, if it is above 100 units and/ or more than 5m<sup>3</sup>/day of water or liquid waste is discharged, then Natural England will need to be consulted. It was concluded that the development will not have a significant impact on any Statutory Nature Conservation Sites. Four hedgerows are present within the application site. The vast majority of these will be retained. Habitat offering a low ecological value at the site level includes improved grassland, and dense/continuous scrub. Habitat offering higher ecological value includes hedgerows and mature broadleaved trees. The proposal would remove small sections of hedgerow to facilitate the development of the site through the provision of access. Mitigation and compensation for the loss of this habitat can be accommodated through the creation and enhancement of species-rich grassland within the proposed open space provision.

3.17 A Biodiversity Net Gain Assessment concludes that based upon the illustrative proposals a net gain in biodiversity can be delivered as a result of the proposed development. Specifically, an increase in habitat units from 12.23 units to 13.97 units which equates to an 14.24% increase overall. An increase in hedgerow units has also been calculated, from 18.17 units to 20.59 units (which equates to a 13.3% increase).

3.18 A Noise Assessment, relates to the potential impact of existing noise sources on the proposed external amenity areas and on the living rooms and bedrooms within the proposed development. The Noise Assessment demonstrates the feasibility of the site for residential use, assuming that the proposed dwellings are located a reasonable setback distance within the proposed developable area.

3.19 A Heritage Statement considers the potential impact of the proposed development on the setting and significance of those designated and non-designated heritage assets located in the vicinity of the application site. The assessment identified two Listed Buildings, and twenty-one potential non-designated built heritage assets located within a 1km search radius around the site. The report has also considered a Grade I Listed Building located outside of the search area. The statement established that only the Holy Trinity Church (Grade II) and St Edith Church (Grade I) have the potential for their significance to be affected by the site's development, through changes within their settings. The assessment concludes that the site comprises a neutral element within the setting of both of these designated heritage assets whereby it makes no contribution to their significance. The development will result in a small visual change within their settings, which will have no effect on how their significance is appreciated or understood.

3.20 Archaeological Desk-Based Assessment looks at whether there are any likely archaeological constraints to development of the site and identifies whether there will be a requirement for any further archaeological investigation. It concludes that there are no archaeological constraints to the site's development, and it is unlikely that the site will contain any archaeological remains that will need to be preserved in-situ or to be designed around. The identified activity on the adjacent site to the east was investigated through trial trenching post consent and there is no evidence that any of the features extend into this site. It would therefore be appropriate for any further archaeological works to be secured by an appropriately worded planning condition.

3.21 A Grounds Investigation Desk Study Report concludes that any risks to human health could be reduced to an acceptable level by the use of mitigation measures including cover layers, gas resistant membranes and contaminant resistant water supply infrastructure at the proposed development. Additionally, the site is indicated to be in an area that may be affected by coal mining. However, given the anticipated depth to any worked coal and the anticipated thickness of competent solid geology above, the risk posed at the site is considered to be very low such that further assessment and/or investigation with regards to the risk associated with coal mining is not considered necessary. It is recommended that an intrusive ground investigation is completed ahead of any development works to determine the geotechnical properties of the underlying ground conditions and to determine the actual contaminative status of the site. The intrusive investigation should include an assessment of hazardous ground gases.

3.22 A Soils and Agricultural Land Report says that the soils within the survey area comprise a sandy clay loam topsoil overlying a similarly-textured upper subsoil. The field is grade 2 (72%) and grade 3a (26%) with the remainder being other land.

3.24 A Statement of Community Engagement explains that four questions were asked by the applicant at pre-application stage. The first being a closed question asking whether residents supported the proposals and provided 'Yes', 'No' and 'To an extent' options. This allowed residents to express either their support or their opposition to the proposals. The second question asked residents to rank how important certain elements of the scheme would be to them on a graded scale. The remaining two questions were open questions asking for residents' views on the proposed scheme with an opportunity to add any further comments relating to the proposals (positive or negative). A total of 115 responses were received (which represents an approximately 20% responses rate) with many comments received both positive and negative, thus in the applicant's view demonstrating that the questionnaire did not force positive answers.

3.25 An Affordable Housing Statement says that there is a growing need for affordable housing both nationally and in North Warwickshire. There has been an under provision of affordable housing completions in the last five years across the Borough. It has been demonstrated that the provision of up to 44 affordable homes as part of this proposed development accords with the policy requirements as set out in the adopted Local Plan. The proposed development will provide a suitable mix and variety of dwelling sizes with the provision of affordable housing attracting substantial weight in the determination of the application

3.26 A Planning Statement draws all of the matters together and places the in the overall national and local planning policy context. The applicant considered the proposal would meet housing needs in North Warwickshire, providing a sustainable extension to the settlement whilst also thus helping address the Council's housing shortage. A range of technical and environmental assessments have been undertaken to inform the preparation of the development proposals and ensure appropriate mitigation is included to address any adverse impacts that may arise from the development. These are not considered to give rise to any unsurmountable constraints. Overall, the applicant concludes that there are no adverse impacts that would (individually or collectively) 'significantly and demonstrably' outweigh the clear and substantial benefits of the proposed residential development of the application site.

#### **4. Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); 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 "NPPF")

National Planning Practice Guidance – (the "NPPG")

The North Warwickshire Landscape Character Assessment 2010

North Warwickshire Annual Monitoring Report.

## **6. Observations**

6.1 Members will be familiar with the planning issues involved with large scale housing developments. Warton has had a number of housing approvals in recent years, with one being on an adjacent parcel of land as built. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the countryside. The impact upon Warton, along with highways, agricultural land loss, highways matters, bio-diversity, ecology and amenities are further considerations to consider in the planning balance. The latest planning policy consideration and Government guidance is also material in any consideration of the application. The application will need to consider consultation responses and representations.

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

### **Recommendation**

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

# Appendix A – Site location Plan

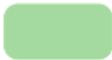


Appendix B – Aerial Image

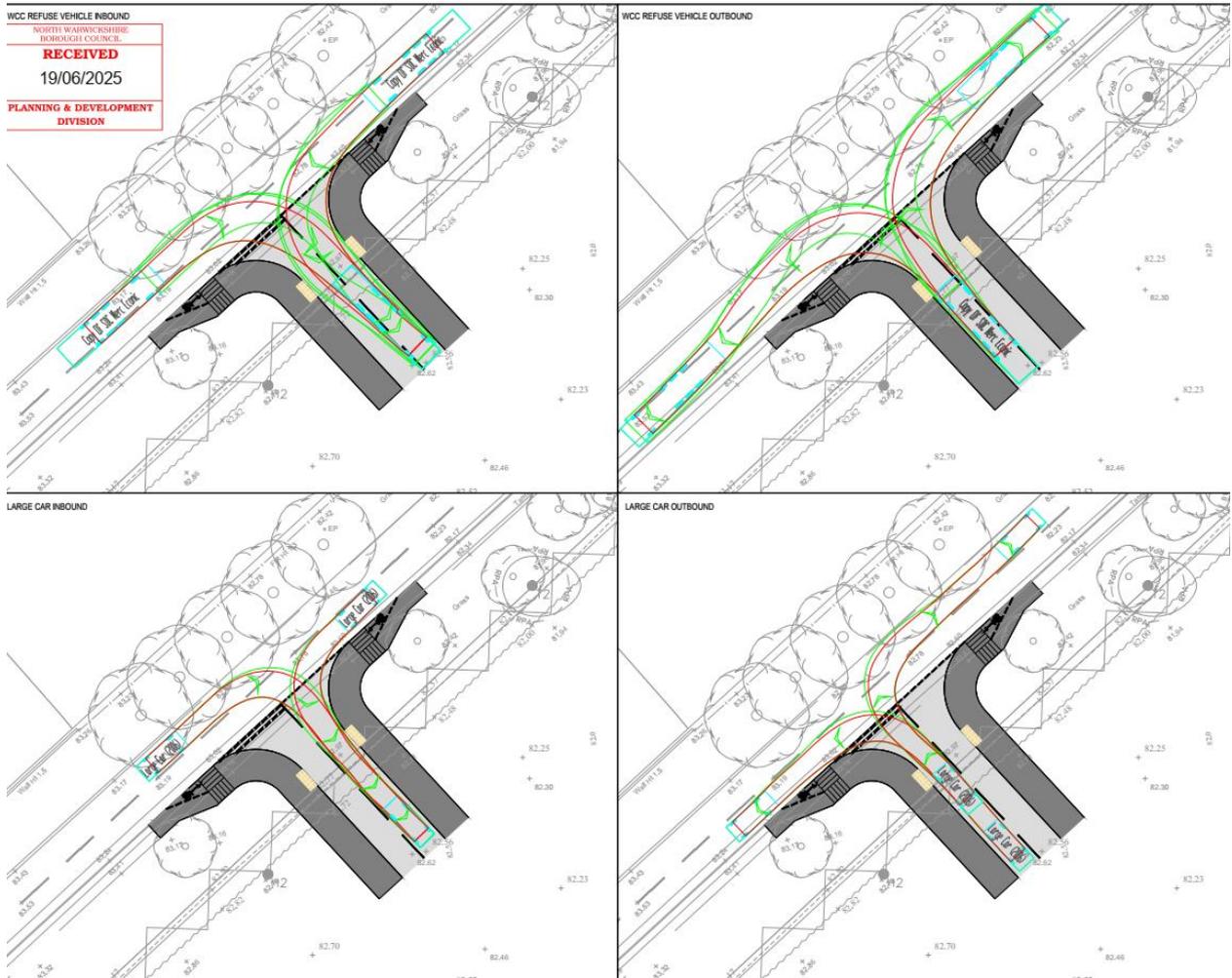


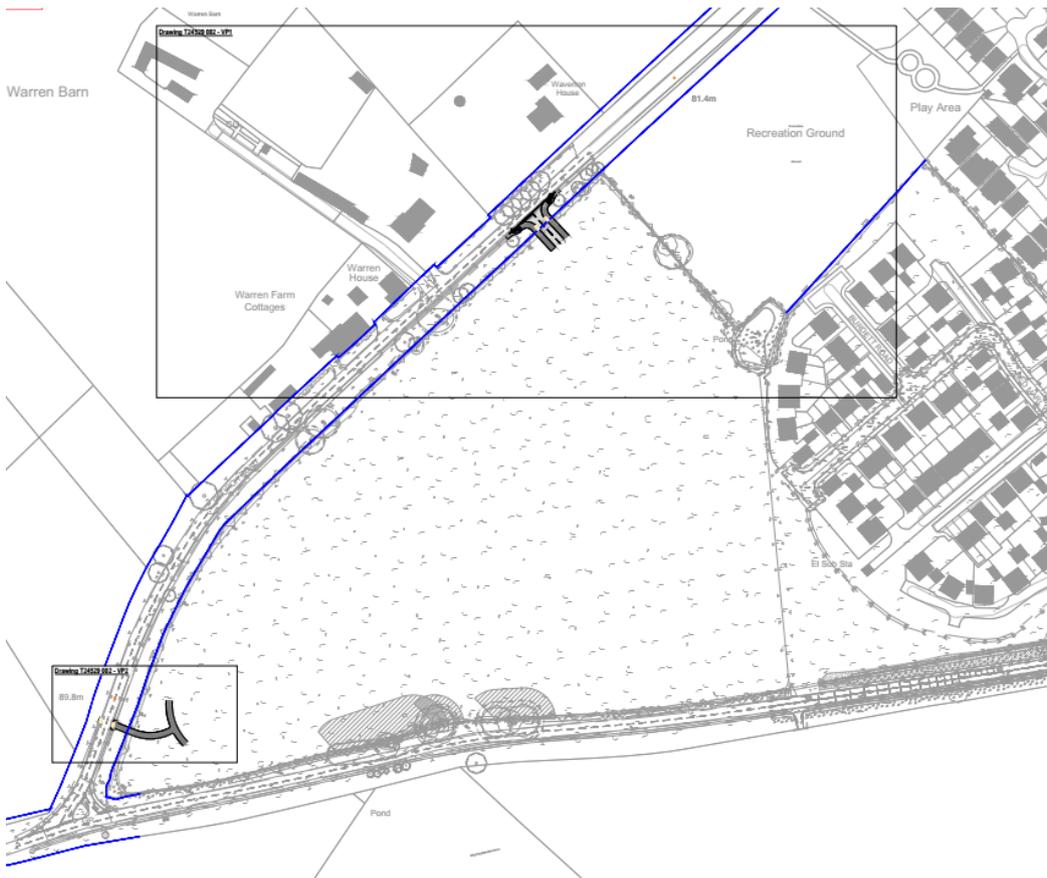
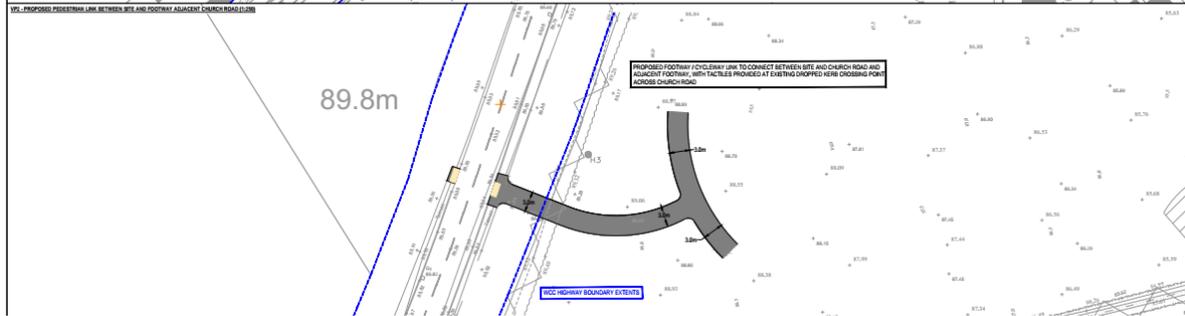
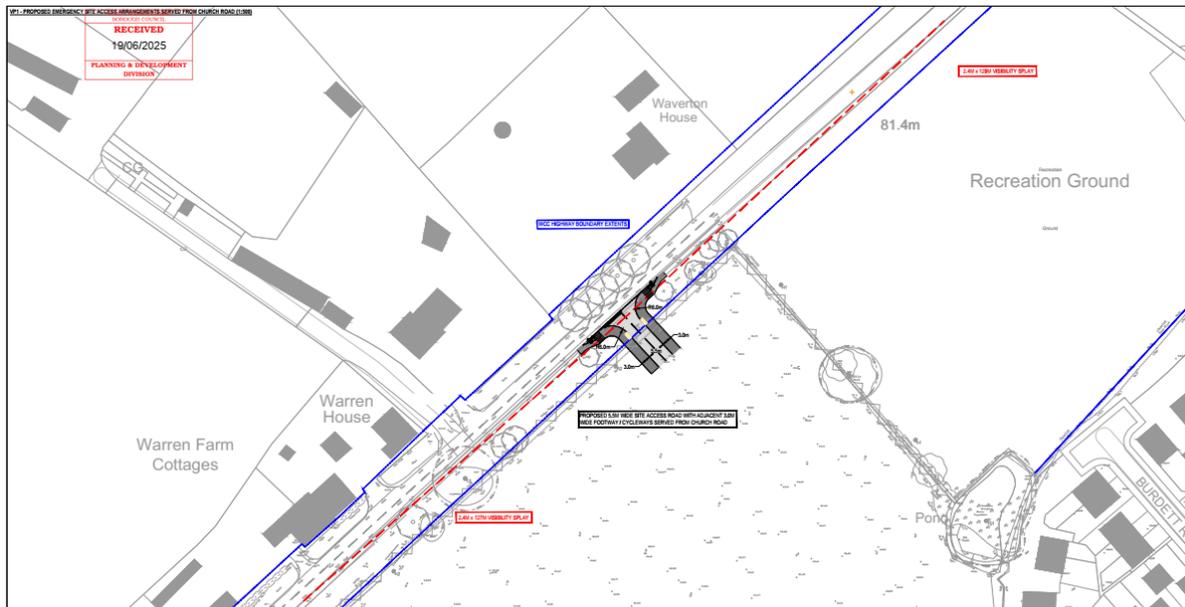
## Appendix C – Parameters Plan



-  Site Boundary
-  Proposed Residential Development
-  Proposed Open Space and Paths
-  Proposed Highway
-  Proposed Sustainable Drainage
-  Existing Recreation Ground
-  Proposed Access/Egress for All Modes
-  Proposed Access/Egress for Pedestrians
-  Potential Future Access
-  Existing Landscape

# Appendix D – Vehicle access and pedestrian access

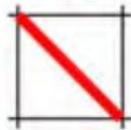




# Appendix E – Indicative Landscape Plan



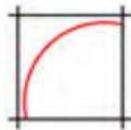
## LEGEND



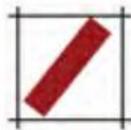
Boundary



Existing trees retained



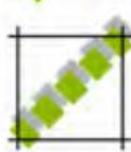
Existing trees removed



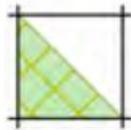
Existing hedgerows to be removed



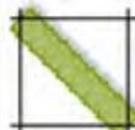
Existing hedgerows to be retained (+ enhanced)



Existing hedgerows recently planted



Existing scrub retained



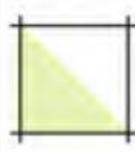
Proposed species-rich native hedgerow undersown with EH1



Proposed traditional orchards



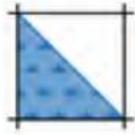
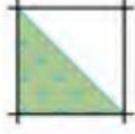
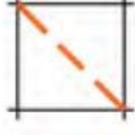
Proposed native trees



Proposed modified grassland



Proposed other neutral grassland (EM3 Species-rich grassland)

- 
Proposed other neutral grassland  
(EM10 Tussock meadow)
  
- 
Proposed other neutral grassland  
(EM8 Wetland meadow)
  
- 
Proposed other neutral grassland  
(EP1 Pond edge)
  
- 
Proposed fencing
  
- 
Existing pond
  
- 
Proposed development parcels

## General Development Applications

**(5/c) Application Nos: PAP/2025/0108, 0112, 0166 AND 0194 together with DOC/2025/0023**

**Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN**

- a) 0108 - Retrospective application for external lighting at the rear of ABM Precision Engineering.**
- b) 0112 - Retrospective application for the erection of 1.8m high fence and 2.6m high sliding gate.**
- c) 0166 - Variation of condition 3 of PAP/2024/0230 dated 4/3/25 relating to the use of the hard-standing**
- d) 0194 - Variation of condition 3, the land within the red line boundary shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever, of application PAP/2024/0291 dated 4/03/2025.**
- e) 0023 – Application to discharge condition 5 and 6 of PAP/2024/0291 dated 4/3/2025 in respect of landscaping details and the preparation of Delivery and Service Management Plan.**

**all for Mr Shaan Chaudry**

### **1. Introduction**

- 1.1 These five applications all relate to the same overall site and are associated with the recent grant of two planning permissions in March 2025 – one for the retention of a concrete hard-standing, and the second for its use as a service yard and car parking area ancillary to the adjoining industrial unit. These were both determined by the Board. As can be seen, applications (a) and (b) seek retrospective consents for lighting and fencing at the site, as these details were not included in these 2025 consents. Applications (c) and (d) seek to vary conditions included in these permissions. Two applications are necessary as the same condition is replicated in both of the 2025 permissions. Application (e) seeks to discharge details reserved by one of the 2025 permissions.
- 1.2 The applications are referred to the Board in view of its past interest in the site.
- 1.3 The report will first describe the overall site and then Development Plan matters will be identified as these are common to all of the cases. Each application will then be dealt with.
- 1.4 The two retrospective applications will be dealt with first, as they can be determined without reference to the other three applications. This is because they are associated with the use under the existing 2025 permissions and are unrelated to the other applications. The report will then look at application (e) as this seeks to discharge conditions attached to one of the 2025 permissions.

Again, this can be treated without reference to the other applications. Applications (c) and (d) will then be assessed, as they seek to vary the 2025 permissions.

## **2. The Site**

- 2.1. The application sites comprise an area of land located to the rear of and adjacent to a site previously occupied by ABM Precision Engineering, a manufacturing company with the benefit of a B2 General Industrial Use. For clarity, whilst ABM Precision Engineering no longer operate from the building, the building will be referred to as 'ABM Precision Engineering' in the remainder of the report.
- 2.2. Nuneaton Garage, a vehicle repair and MOT company, is located adjacent to the former ABM Precision Engineering building.
- 2.3. The site is situated to the south of Coleshill Road. It is outside of a defined settlement boundary and is located approximately 270m to the west of Ansley Common. There is open countryside surrounding the site. The closest residential properties are at Ansley Hall – some 250 metres to the north-west and Willow Lodge at the junction of the Coleshill Road with Pipers Lane – 100 metres distant.
- 2.4 The site of the retained hardstanding is at Appendix A and its use in association with the adjoining building is at Appendix B.

## **3. Background**

- 3.1 The consent for the hardstanding is at Appendix C and that for its use is at Appendix D.

## **4. Development Plan**

The North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

## **5. Other Relevant Material Considerations**

National Planning Policy Framework December 2024 – (the NPPF)

## **6. Application PAP/2025/0108 – The Lighting**

### **i) Introduction**

- 6.1 No external lighting was approved for the hardstanding under planning permission PAP/2024/0291, but condition 9 required details to be approved prior to installation. The applicant has submitted this application to retain the lighting which has in part already been installed on the site, but also to amend it.

- 6.2 The proposal is to retain 10 lighting columns at the rear of the site along the length of the rear southern site boundary with all columns at 4 metres in height. Currently the site has ten columns that are 6 metres tall, but with no lights attached.
- 6.3 The proposed plans can be seen in Appendix E and a Lighting Report is attached at Appendix F.
- 6.4 In respect of consultation responses, then neither the Council's Environmental Health Officer nor the County Ecologist have raised an objection.
- 6.5 Ansley Parish Council has objected on the grounds of the impact on passing vehicles but agrees that the reduction to four-metre-tall columns would "significantly lessen" the harm, as would limiting the intensity of the lighting.
- 6.6 One objection has been received from a local resident saying that this will impact on the character of the area and that columns would be an eyesore.

## **ii) Observations**

- 6.7 There is a lawful B2 General Industrial Use here and an extension to its service yard has been permitted. The principle of external lighting is acknowledged in these circumstances. However, because of its setting – not being within an industrial estate and in a countryside location – the main issues are to assess what harms might be caused and whether these would be unacceptable. These would be potential visual, highway and ecological harms.
- 6.8 The applicant has provided a Lighting Assessment report. Its findings show that in darkness, the illuminance does not spill any further than the site itself with the area underneath the lights having the most illuminance. The objections submitted raise light pollution as a concern for the impact on the surrounding open countryside. However, as seen from within the report, the illuminance outreach is limited to a small area and does not cause further wider harm. The level of luminance from each light source would be 0.5 lux at the perimeter of the lights outreach. This is in accord with the Institute of Lighting Professionals Guidance for a "rural" area. The Council's Environmental Health Officer has not lodged an objection. Additionally, appropriate conditions can be attached relating to maximum light levels, that all of the light sources are installed horizontally with no upward inclination and with lighting hours being conditioned. All of these matters when treated together, carry significant weight, such that the proposals would not conflict with Local Plan policy LP29(9).
- 6.9 Another objection raised related to the impact the potential light pollution would have on the surrounding habitats and wildlife in the area. Local Plan policy LP15 states "The quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of development proposed". The applicant provided an Ecology report, that has been reviewed by the County Ecologist. No objection was lodged. The Ecologist has said that the recommendations of the report include that the lighting plan must be strictly implemented to prevent the artificial illumination of valuable habitats for bats – particularly the buildings north of the site and hedgerow to the

east. The lighting plan uses a directional beam with warm white LEDs (2700 Kelvin) and does not exceed 0.5 lux at these habitat sites.

- 6.10 Concerns have been raised by members of the public, as well as by the Parish Council in regard to the impact the lighting would have on the nearby highways. The main concern being that the lighting at night would distract drivers and lead to accidents. The proposed columns in this application are four metres in height located well to the rear of the site. These are therefore of a similar height to the buildings here. It is agreed that there would be some visibility of the lights from the road – particularly when approaching from the west – but this would not be significant because of the level of lighting proposed, the light sources being pointed towards the ground and the distance away from the actual road. It is thus considered that there would be no conflict with Local Plan policy LP29(6).
- 6.11 The occupiers of residential properties at Ansley Hall have lodged an objection saying that the proposal will have a detrimental impact on the enjoyment of their dwellings due to the light pollution caused. Local Plan policy LP29 says that development should “avoid and address unacceptable impacts upon neighbouring amenities through, noise, light, air quality or other pollution”. In light of the separation distances, the intervening boundary walls and landscaping, the conclusions of the lighting report and there being no objection from the Environmental Health Officer, it is not considered that there would be “unacceptable” impacts arising here.
- 6.12 For the neighbouring residents at Willow Lodge there is a large boundary hedgerow that significantly obstructs the views of the lighting proposed. As well as this, the lighting is behind the existing buildings at the application site further obstructing the views. There would not be an unacceptable impact.
- 6.13 Hence whilst there may be some impact on the neighbouring occupiers, evidence provided shows that light spillage would be contained within the site. This paired with the obstructed views, will mitigate any harm significantly.
- 6.14 The proposal will see a change to the character and appearance of the surrounding area and the site itself. The proposal is located within the open countryside and therefore any proposal will need to not cause substantial harm to the character and appearance of the countryside. Local Plan policy LP29 states that development should “protect and enhance the historic and natural environment”. The proposal sees the current 6 metre columns to be replaced with 4 metre columns. This lessens the impact on the open countryside as the columns become better hidden by the surrounding buildings and the light spillage is also lessened. The comments received from members of the public state the lighting will be an eye sore. However, the site is already used for industrial purposes together with the adjoining buildings. This means that despite the lights not being a common feature for the area, they are located on a site where development such as this would be expected, and it matches the character better than say if the site was in the middle of residential area. The proposal will have an impact on the character of the area; however, this is not to a level than would cause substantial harm to the character and appearance of the open countryside.

## Recommendation for PAP/2025/0108

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

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan and documents:

24 44 01B - P - Proposed External Lighting  
3158 Preliminary Ecological Appraisal V2  
The Lighting Report prepared by Tamlite dated 29/1/25

All received by the Local Planning Authority on 12/03/2025

### REASON

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

3. The proposed lighting shall be implemented wholly in accordance with the Tamlite lighting plan as received by the Local Planning Authority on 12/03/2025.

### REASON

In the interests of the visual amenities of the area and to protect bat habitats.

4. The maximum level of illuminance from any light source hereby approved shall not exceed 0.5 lux at source.

### REASON

In the interests of the visual amenities of the area and to protect bat habitats.

5. Each light source hereby approved shall be angled so as to be parallel with the ground level at the bottom of the column with no upward inclination at all.

### REASON

In the interests of the visual amenities of the area and to protect bat habitats.

6. The lighting arrangements hereby approved shall only be brought into operation between 0700 and 2300 hours on any one day.

## REASON

In the interests of the visual amenities of the area and to protect bat habitats.

## 7. PAP/2025/0112 – The Fences

### i) Introduction

- 7.1 Condition 3 of planning permission PAP/2024/0291 says that any gates or barriers at the entrance to the site shall not be hung so as to open within 20 meters of the highway.
- 7.2 The application is in part a retrospective application to retain fencing at the site – the 1.8 meter tall dark green palisade perimeter fence along the road, side and rear boundaries, and to move the sliding gate presently located across the entrance to the rear of the site such as to afford access onto the extended hard-standing. After consultation with the Highway Authority, the plans are amended such that the fencing would be set back a further 2.4 meters into the site from their present position so as to improve visibility. The proposals are set out in Appendix G.
- 7.3 The Warwickshire County Council as Highway Authority has no objection.

### ii) Observations

- 7.4 The application is in effect to amend the access arrangements already approved under the 2025 permission. As a consequence, the most significant consideration here will be the response from the County Council. As can be seen it has no objection, now that the proposal has been amended in line with its suggested changes. As such, there is no conflict with Local Plan policy LP29(6).
- 7.5 The fencing and sliding gate are not unacceptable in appearance given that this is a lawful industrial site and security matters need to be given significant weight. The colour of the fencing certainly helps and its height is not excessive.

## Recommendation for PAP/2025/0112

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

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

## REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan number 24/44 01B received by the Local Planning Authority on 16/06/2025.

REASON

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

3. The proposed palisade fencing shall be erected a minimum distance of 2.4metres back from the near edge of the public highway carriageway, in general accordance with drawing number 24/44 01B.

REASON

In the interests of highway safety

## **8. Application DOC/2025/0023 – The Discharge of Conditions**

### **i) Introduction**

- 8.1 The 2025 permission for the use of the extended yard as a service yard and car parking area ancillary to the adjoining industrial use – Appendix D – contained two conditions requiring discharge before occupation. Condition 6 requires approval for a landscaping scheme and Condition 5 requires a Delivery and Service Management Plan to be agreed.
- 8.2 The landscaping plan shows a perimeter hedgerow to be planted alongside the length of the southern and western boundaries to the hard-standing extension.
- 8.3 The Delivery Plan shows that articulated lorries as well as transit vans are likely to use the access and that this would be between 0800 and 1800 hours with the lorry movement being 1 per hour.
- 8.4 Warwickshire County Council as Highway Authority has raised some queries mainly because the submission does not deal with the active management of delivery vehicles.

### **ii) Observations**

- 8.5 The landscaping detail is appropriate as it addresses the exposed boundaries of the extension – particularly that facing west and Ansley Hall.
- 8.6 The response of the Highway Authority has been forwarded to the applicant, but at the time of preparing this report, no amended Plan has been submitted. Members will be updated at the meeting, but at the present time there is no firm recommendation to make.

## **Recommendation for DOC/2025/0023**

That determination of this application be deferred pending the submission of an amended Delivery Plan and re-consultation with the Highway Authority.

### **9. PAP/2025/0166 and 0194 – The Variation of Conditions**

#### **i) Introduction**

- 9.1 Condition 3 of PAP/2024/0230 says that the extended hard-standing shall not be used for the manufacture, assembly, storage or sale of anything – see Appendix C. Condition 3 of PAP/2024/0291 dealing with the use of the extended hard-standing ancillary to the adjoining industrial building has the same wording – see Appendix D.
- 9.2 The two applications seek to vary both Condition 3's. However, there is subtle wording change between the two proposed wordings. PAP/2024/0166 relating to the extended hard-standing requests condition 3 be varied to enable the installation of container storage. PAP/2024/0194 relating to the ancillary use of the hard-standing requests condition 3 to be varied to enable “storage” to be allowed. However, the plans submitted with both applications clearly illustrate the installation of storage containers on the extended hard standing, together with illustrations of containers. In these circumstances, officers recommend that the Board considers both applications alike – for container storage on the extended yard – see Appendix H. As such both applications will be treated together.
- 9.3 The Environmental Health Officer has no objection
- 9.4 Ansley Parish Council has objected. It says that:
- The variation of condition materially alters the original use of the hard standing.
  - The site will no longer be used as intended and it is unknown what the applicant intends to now use the site for.
- 9.5 An objection has been received on behalf of Ansley Hall residents. It refers to:
- Concerns for the site to be used as a 24-hour distribution centre.
  - The original application was resisted by local residents, but they compromised on the grounds that the site would be restricted to the approved use and that condition 3 would prevent the site being used for storage as proposed in this application.
  - The reasoning for condition 3 being necessary was “in the interest of the amenities of the area and to protect the openness of the countryside”, by now allowing this application the LPA would be going against this reasoning.

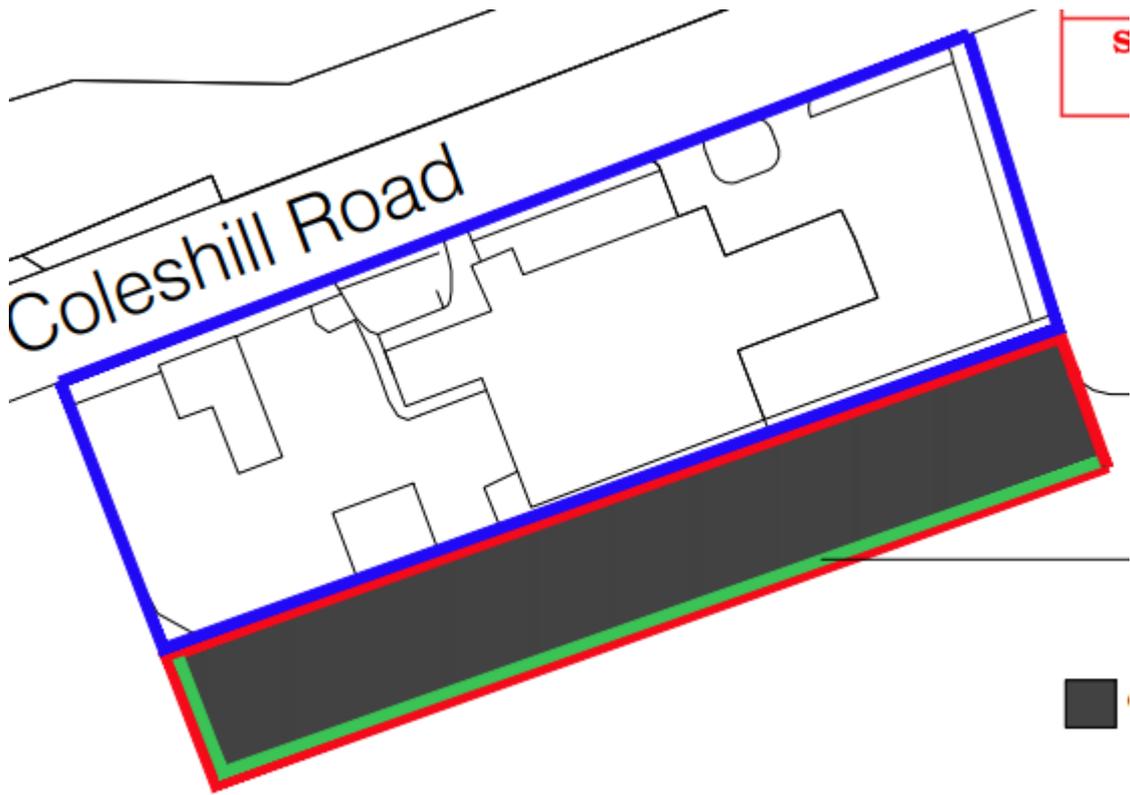
## **ii) Observations**

- 9.6 Planning permission is sought under Section 73 of the Town and Country Planning Act 1990 to develop land without complying with conditions subject to which a previous planning permission has been granted. In this instance these are conditions attached to the 2025 permissions. Under Section 73, the merits of the original application do not require full re-consideration. The Local Planning Authority's remit is only to consider the proposed changes to the approved scheme. Due regard must be had to the Development Plan, which has not changed since the original application, and any other material planning considerations.
- 9.7 However in both cases here, it is considered that the proposed variations if approved would materially alter the scope of the 2025 permissions. In respect of the extension permission, the permitted use would be extended so as to include a new B8 storage use. Similarly, the permission for the use of the hard-standing ancillary to the adjoining B2 building, would introduce an additional B8 storage use onto the site thus leading to a mixed use of the larger site comprising both B2 and B8. In both cases the scale of the change is material by fact and by degree. In other words, the storage being introduced is a use on its own, not one connected to the operations of the lawful B2 use of the building. It is a new separate use. The plans show at least ten containers each measuring 2.5 by 12.5 meters and 2.5 meters tall. The extent of the use is thus not immaterial.
- 9.8 As a consequence, in both cases it is considered that the proposed variations fall outside the remit of a Section 73 Application. Fresh full applications are the appropriate way in which to deal with the proposal to introduce a new use to the respective sites. It is thus recommended that the applicant be invited to withdraw the current applications and re-submit under Section 78 of the Act.

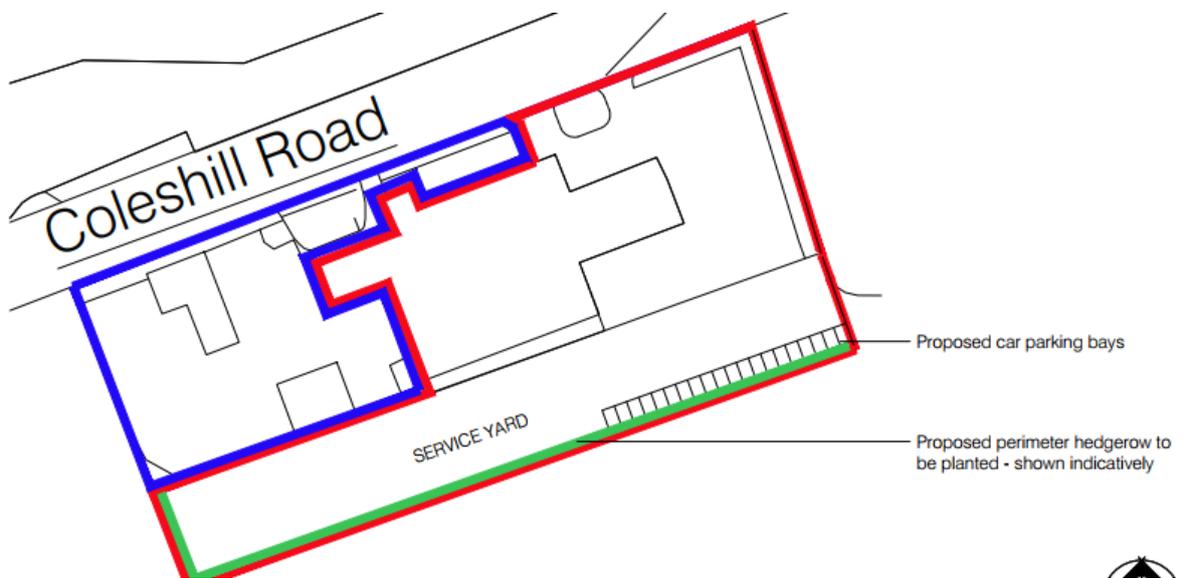
### **Recommendations for PAP/2025/0166 and 0194**

That the applicant be informed that these two proposals are considered to be beyond the scope of Section 73 of the Act in that they introduce a new B8 use to the site by fact and degree thus resulting in a mixed B2/B8 use on the site. As a consequence, the applicant be invited to withdraw these two applications and re-submit under Section 78.

**Appendix A:**



**Appendix B**



## Appendix C

### DECISION NOTICE

Full Planning Application

Application Ref: PAP/2024/0230

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**Site Address**

Abm Precision Engineering Ltd, Coleshill Road, Ansley,

**Grid Ref:**

Easting 430747.99  
Northing 293544.35

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**Description of Development**

Retrospective application for concrete hardstanding

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**Applicant**

Mr Shaun Chaudry

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Your planning application was valid on 26 June 2024. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:  
Site Plans, Dwg. 01B, dated May 2024, received by the Local Planning Authority on 17/01/2024.

**REASON**

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

2. The area of hardstanding hereby approved shall not be used other than for purposes ancillary to the operation of the adjoining unit previously known as 'ABM Precision Engineering'. It shall remain ancillary to the main building and shall not be sold off, sub-let or rented out separately.

**REASON**

To define the use of the area of hardstanding.

**PAP/2024/0230**

3. The area of hardstanding shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever

**REASON**

In the interests of the amenities of the area and to protect the openness of the surrounding countryside.

**INFORMATIVES**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/thecoalauthority](http://www.gov.uk/government/organisations/thecoalauthority)
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

## Appendix D

Advertisements Regulations 1992 (as amended)

### DECISION NOTICE

Full Planning Application

Application Ref: **PAP/2024/0291**

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**Site Address**

Land To The Rear Of ABM Precision Engineering Limited, Coleshill  
Road, Ansley, Warwickshire,

Grid Ref: Easting 430748  
Northing 293544

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**Description of Development**

The change of use of land from agriculture, to a service yard and car parking area, ancillary to the adjoining industrial unit

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**Applicant**

Mr Shaan Chaudry

---

Your planning application was valid on 26 June 2024. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:  
Site Plans, Dwg. 01C, dated June 2024, received by the Local Planning Authority on 17/01/2024.

REASON

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

2. The development hereby approved shall not be used other than for a service yard and parking area ancillary to the operation of the adjoining unit previously known as 'ABM Precision Engineering'. It shall remain ancillary to the main building and shall not be sold off, sub-let or rented out separately.

REASON

To define the use of the service yard and parking area.

3. The land within the red line boundary shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever.

REASON

To define the use of the service yard and parking area.

4. Any Gates or barriers erected at the entrances to the site for vehicles/heavy goods vehicles shall not be hung so as to open to within 20 metres of the near edge of the public highway carriageway.

REASON

In the interests of highways safety and to ensure that vehicles do not overhang onto the highway.

**Pre-Occupation/Use Conditions**

5. The development shall not be occupied until a Delivery & Service Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authority. The Delivery & Service Management Plan should include details on the following:

- Delivery vehicle types,
- Times of delivery
- Frequency of delivery

REASON

In the interests of highways safety.

6. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of the soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of the soft landscaping including the species, the size, the quantity and the location of planting.

REASON

In the interests of securing mitigation planting in order to protect the open countryside.

7. The landscaping scheme referenced to in Condition 6 shall be carried out in accordance with the approved scheme and shall be implemented within the next planting season following occupation of the adjoining premises previously known as ABM Precision Engineering for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority

REASON

In the interests of securing mitigation planting in order to protect the open countryside.

8. The development hereby approved shall not be brought into use until the parking space provision has been marked out in general accordance with 'Site Plans, Dwg. 01C, dated June 2024, received by the Local Planning Authority on 17/01/2024'.

REASON

In the interests of highways safety and providing adequate parking arrangements.

9. No external lighting shall be installed until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority.

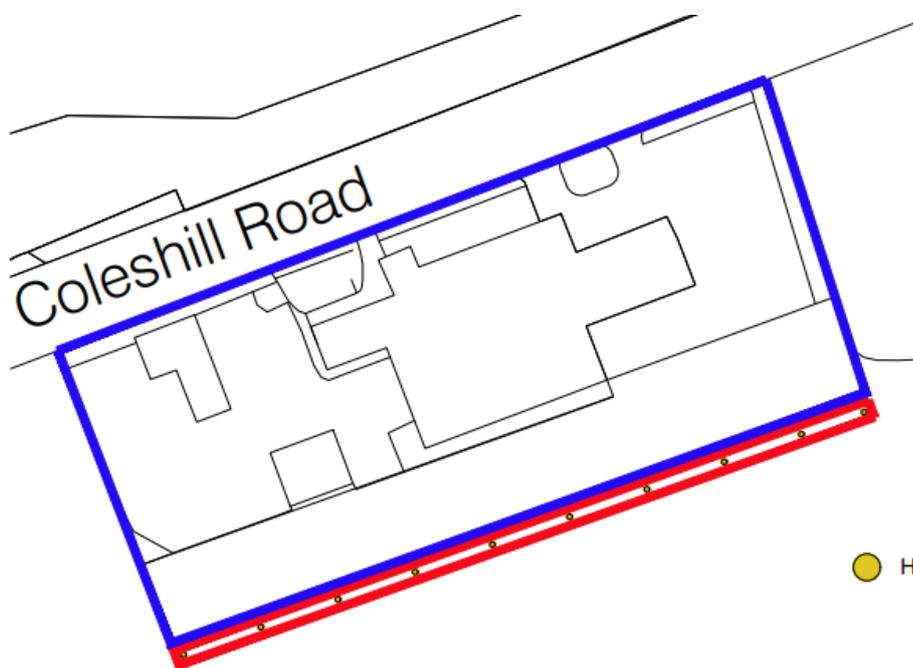
#### REASON

To ensure appropriate measures are taken in relation to protected species.

#### INFORMATIVES

1. The applicant is reminded of the requirements of conditions 6 and 7 which remain outstanding. These require details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/thecoalauthority](http://www.gov.uk/government/organisations/thecoalauthority)
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

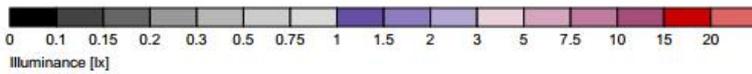
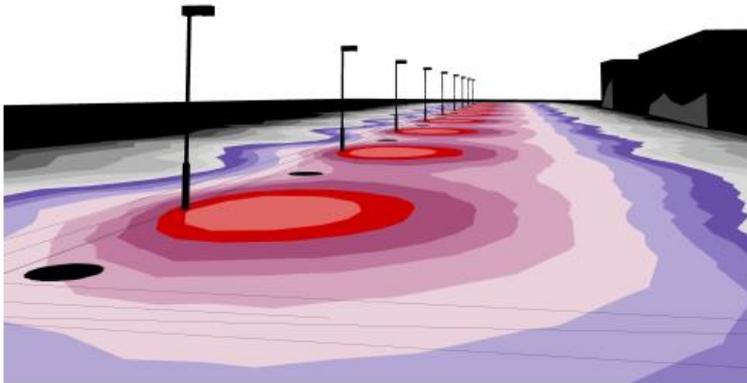
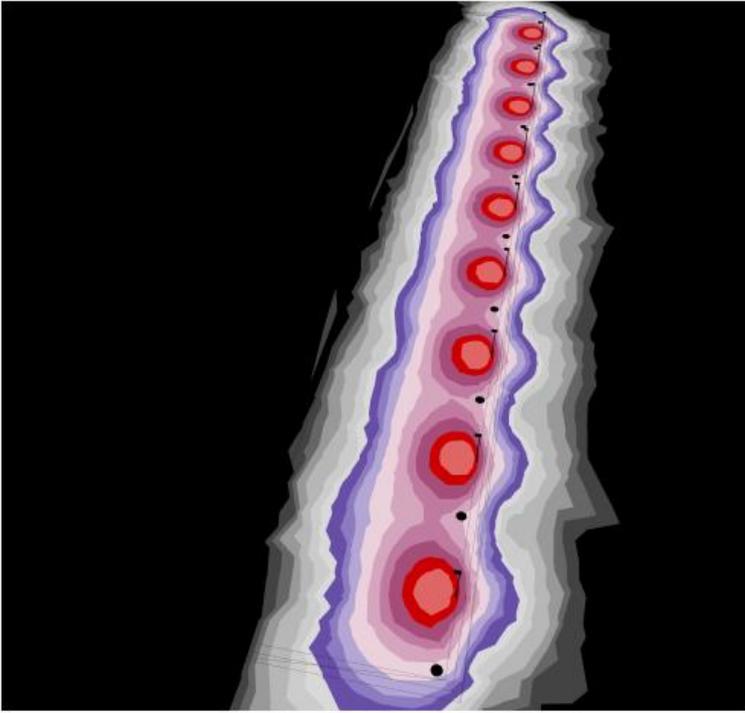
## Appendix E

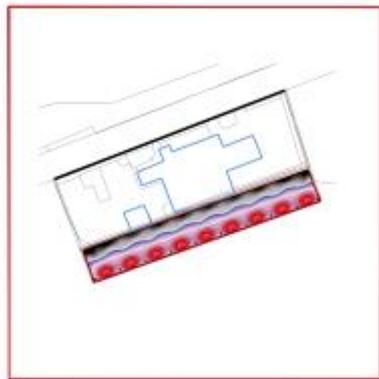
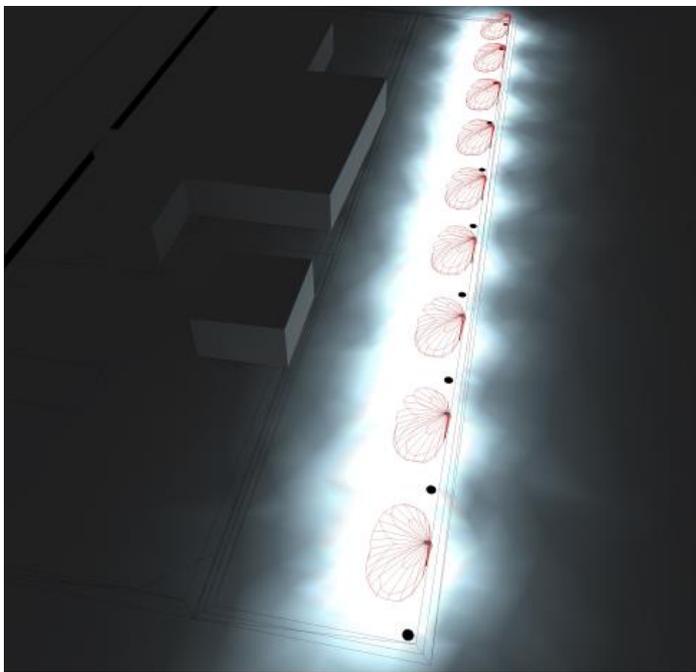


● Hatch denotes external light location

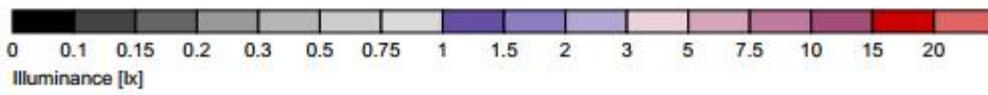


# Appendix F

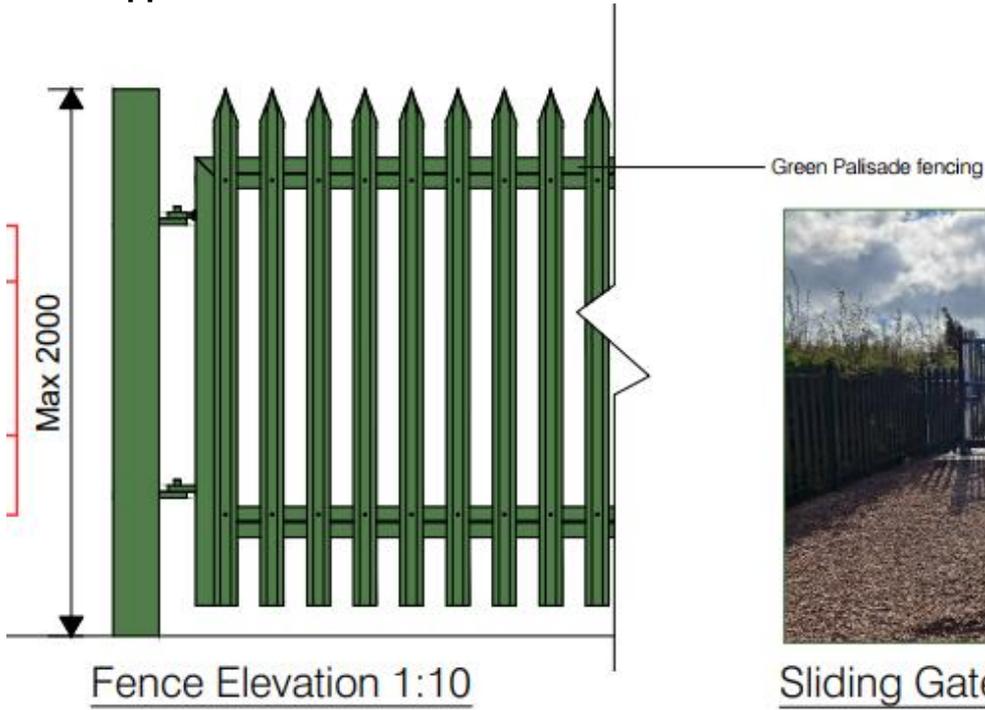




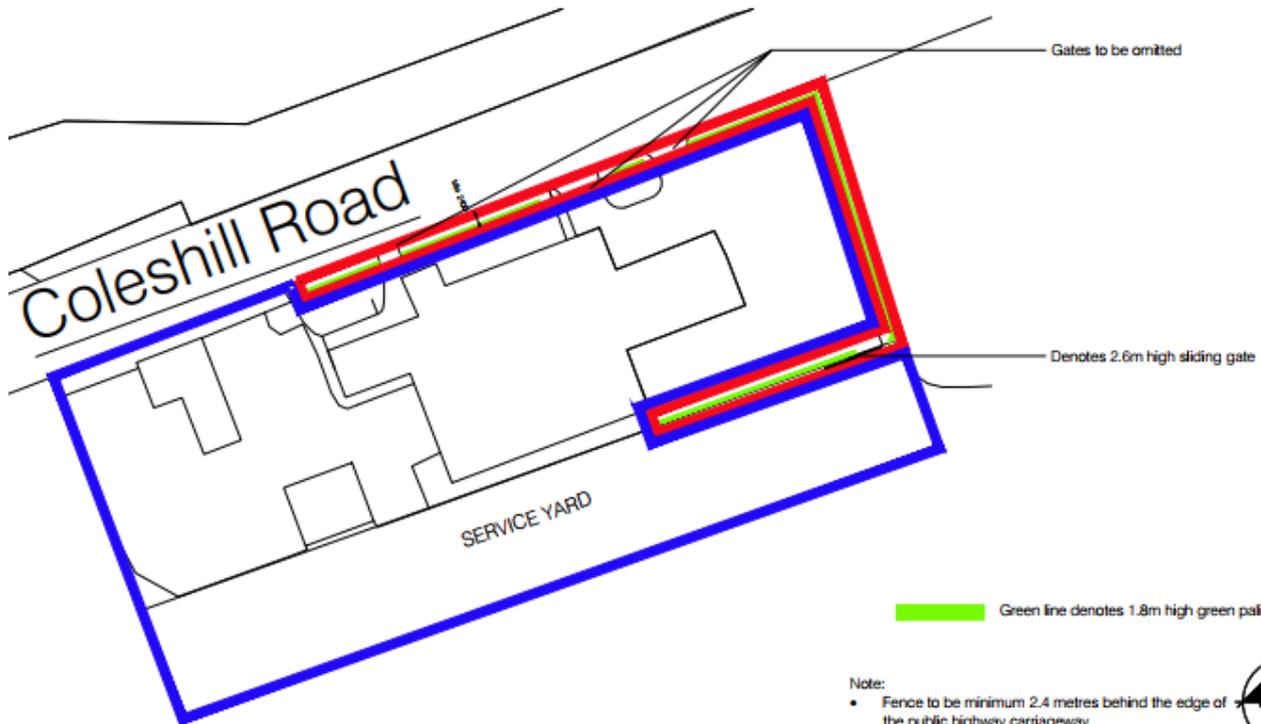
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Appendix G



Sliding Gate - Not to scale

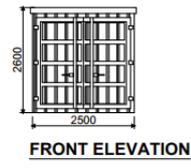
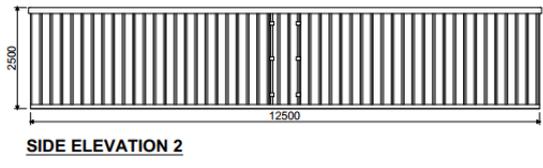
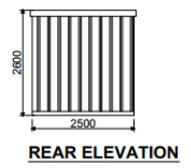
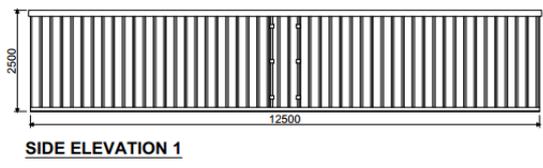
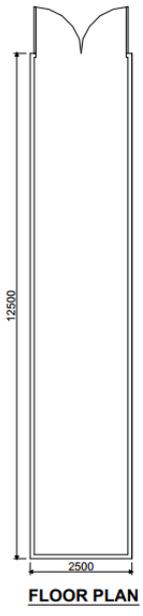
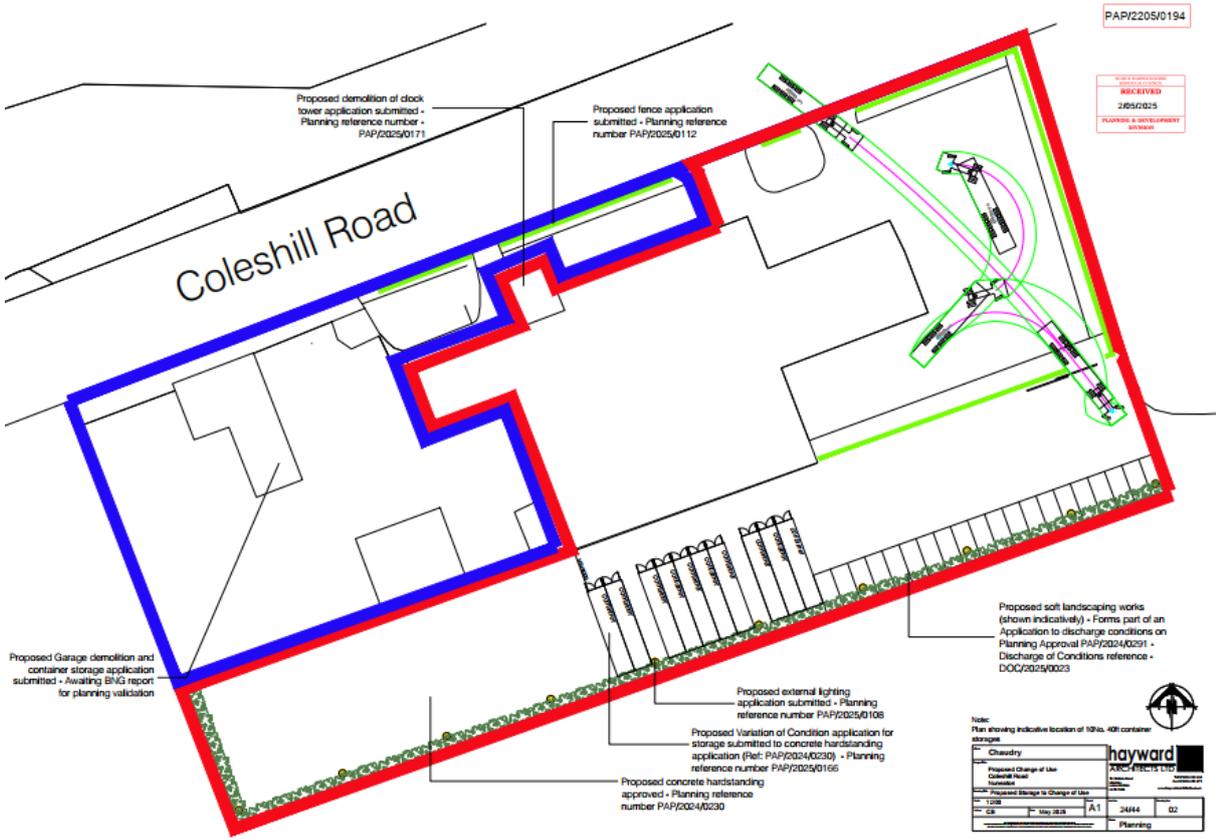


Green line denotes 1.8m high green palisade fencing

- Note:
- Fence to be minimum 2.4 metres behind the edge of the public highway carriageway.
  - Fence position as approved in application PAP/2024/0291



# Appendix H



## **General Development Applications**

**(5/d) Application No: PAP/2024/0586**

**Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,**

**The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works, for**

### **-Ampyr Solar Europe**

#### **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 An Environmental Impact Screening Opinion concluded that the proposal would not need an accompanying Environmental Statement, as it was not likely to result in significant environmental effects.

#### **2. The Site**

- 2.1 This comprises 75 hectares of agricultural land to the west of Brick Kiln Lane at Hurley Common, north-east of the Coventry Road, north of Knowle Hill and east of the Kingsbury Rifle Range. Camp farm and its outbuildings about the south-west corner of the site. The closest residential properties are at Camp Farm, together with frontage on the north side of Knowle Hill to the south (60 metres distant). There are also residential properties to the north off Brick Kiln Lane (250 metres distant from the panels). Other properties are to the south - Drakenage Farm, Tib Hall Farm and a collection of property at Bodymoor Green (respectively 400, 300 and 500 metres away). The southern edge of Kingsbury is 600 metres to the west and the Hurley Recreation Ground is 100 metres to the east on the other side of Brick Kiln Lane.
- 2.2 The site is in open countryside with the Rifle Range to the west as well as the Birmingham-Derby Rail line set on an embankment. The site itself slopes northeast/southwest in line with the general topography of the land and has a fall of around 30 metres. It presently comprises two large arable fields with some hedgerow remnants and trees dotted throughout the site. There are more substantial hedgerows along the southern and south-eastern boundaries as well as along Brick Kiln Lane.

- 2.3 A public footpath – the T56 – crosses east/west over the site from Camp Farm to the southern edge of the Rifle Range and a second – the T55 - runs alongside the north-western boundary of the site adjoining the Rifle Range and running up to Old Rail Farm further to the north. A general location map with the footpaths is at Appendix B.

### 3. The Proposals

- 3.1 This is for a solar PV array with an installed capacity of 49.9 MW, together with a battery storage area with a capacity of 50 MW. It is said that the site would generate enough electricity to power around 25,000 homes. It is proposed to arrange the panels so as to re-instate the historic field pattern thus adding in new hedgerow and tree planting along those former field boundaries and their margins. The typical height of the panels would be 2.8 metres and these would be fixed into the ground by poles piled into the land. Other infrastructure includes inverters, transformers, a private substation and cabling. The fourteen inverters are to be located within the centre of the panel arrays – each some 6 metres by 3 metres and 3 metres high. The Substation compound housing the switching gear and transformers would be some 50 metres by 12 metres with the tallest elements at six metres tall. It would be bounded by a 2.5 metre tall palisade fence. A brick and tile control building would be 25 metres by 7.5 metres and 5 metres to its ridge. The Battery Storage System (BESS) will comprise some fourteen steel containers, each being 15 metres by 3 metres and 3 metres high and will have a capacity of 50 MW. The Battery Storage System, the substation and the control building would all be located together in a compound towards the far south-western edge of the site. A hedge is proposed to be planted around the BESS.
- 3.2 A post and wire deer fence – two metres tall would be erected around the perimeter of the site with CCTV cameras mounted on 3 metre wooden poles at 50 to 100 metre intervals. A new construction and operational access for the site will be provided off Knowle Hill around 110 metres west of its junction with the access track that leads to Camp Farm. This would be six metres wide with a bell-mouth design. A secondary access from Camp Farm would also be used.
- 3.3 The footpath that runs through the centre of the site would be diverted around the southern perimeter of the site and this would be widened to 10 metres and would be enclosed by hedging.
- 3.4 Landscape mitigation measures proposed include 4km of new native hedgerows running along the southern boundary of the site and sub-dividing the existing large field at the western end of the site together with a 1.2 km long belt of woodland to the southern boundary. This landscaping includes the provision of hedgerow around the BESS to reduce its visual impact. Further tree planting would take place alongside existing hedgerows and additionally the field to the west of Brick Kiln Lane and the site would become a native-species meadow suitable as mitigation for skylark displacement (equating to 10.8 hectares). A corridor of land within the site at its western end would become pasture that would be “wet meadowland”.

- 3.5 It is estimated that construction would take 16 to 20 weeks - with 10 HGV movements a day averaging over that period – and working hours being 0800 to 1800 on weekdays and 0800 to 1300 hours on Saturdays.
- 3.6 The proposed development is designed to operate for forty years, with decommissioning and return to agricultural land.
- 3.7 A plan illustrating the general layout as well as plans showing the various buildings and structures are at Appendices C to O. An indicative landscape mitigation and enhancement plan is shown at Appendix P.

#### **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 “NPPF”)  
 National Planning Practice Guidance – (the “NPPG”)  
 Climate Change Act 2008 and the 2019 Addendum  
 UK Solar PV Strategy 2014  
 Clean Growth Strategy 2017  
 Energy Security Strategy 2022  
 UK 25 Year Environment Plan 2018  
 National Planning Statement for Energy – EN1  
 National Planning Statement for Renewable Energy Infrastructure – EN3  
 Clean Power 2030 Advice on achieving clean power by 2030 - National Electricity Transmission System Operator (NESO)  
 North Warwickshire Landscape Character Assessment 2010  
 Coventry and Warwickshire Green Belt Study 2016  
 The Kingsbury Conservation Area Designation Report.

#### **6. Consultations**

Warwickshire County Council as Highway Authority – Objection  
 Warwickshire County Council as Lead Local Flood Authority – Objection.  
 Warwickshire County Council Ecology - Objection  
 Warwickshire County Council Archaeology – No objections subject to conditions  
 Warwickshire County Council Trees – No objection subject to conditions  
 Warwickshire Fire and Rescue Service - No objection subject to conditions  
 Warwickshire Police – No objections subject to Informatives.  
 Warwickshire County Council Footpath – No objection  
 Ramblers Association – No objection in terms of footpath diversion, objection on Green Belt grounds  
 Historic England – No comments  
 NWBC Environmental Health Officer – No objections subject to conditions  
 The Coal Authority – Standing advice  
 Cadent – No objection subject to an informative

## 7. Representations

### 7.1 Kingsbury Parish Council objects on the following grounds:

- The development is on Green Belt, which should only be altered in exceptional circumstances and not in response to a planning application.
- This application is not considered an exceptional circumstance.
- The location of this proposal is situated on land higher than the surrounding countryside and coupled with the height of the solar panels, perimeter fencing and CCTV masts will blight the landscape and will have considerable impact on the spatial and openness of the countryside.
- The size of proposed development will be disproportionate to the size of Hurley and will have a significant detrimental impact on the lives of the residents regardless of screening.
- No visual image of the completed site displaying perimeter fencing and CCTV masts has been produced.
- This land is suitable for agricultural use (eg sheep grazing) and should not be sacrificed for solar energy.
- Flood could be worsened by the proposal.
- The impact of HGV accessing the site which have weight considerations and low bridges should be considered.

### 7.2 Fifty-seven letters of objections have been received raising the following matters:

- Loss of Best and Most Versatile (BMC) Agricultural Land.
- Loss of 75 hectares of agricultural land is significant.
- Loss of good agricultural land.
- Council should carry out the verification of the agricultural land information.
- The MAFF (now DEFRA) 1983 land classification shows land is Grade 2 agricultural land. The applicant's consultant now claims it is 3b with no explanation of the change.
- Food security should be prioritised above energy provision.
- Detrimental change to the landscape, will have detrimental negative impact on the area.
- Experiencing significant disruptions from HS2 in the wider surrounding. If this solar farm proceeds, the cumulative impact would be overwhelming.
- There has been an increase in local wildlife since the commencement of HS2, and further development could continue to fragment and destruct natural habitats.
- The development site provides important breeding habitat for skylarks, (amongst other documented and witnessed wildlife), with the area currently supporting 8 pairs of skylarks. The proposed development would result in the loss of breeding habitat for these and potentially other species.
- Diverting the public footpath to avoid frequently flooded areas would be beneficial.
- New pipeline for the Grand Union Canal transfer may have an impact on the proposal.
- The proposed hedgerows will take years to mature enough to effectively screen the solar farm installation. In the interim, members of the public will still be able to

see security fencing, CCTV, transformers, solar panels, and other associated infrastructure until the hedges reach a reasonable height.

- The installation of high-security fencing and planting will enclose parts of the routes, transforming them into corridors that detract from the visual amenity of these cherished walking paths.
- It will lead to industrialisation of the countryside.
- Nature of slope and size of the scheme means that it will be visible.
- Any glare, particularly when the panels are wet, will draw attention to the installation and impact walkers navigating the pathways.
- Should have been better engagement with residents.
- How is the solar farm decommissioned.
- UK Solar PV Strategy, proposals should prioritise appropriate siting and consideration of landscape and local amenity impacts. We fear this development does not meet these criteria.
- Do not believe that the enclosed diverted path will provide a similar experience to the wide-open views currently experienced.
- The 10m wide public footpath would give access to off-road bikes.
- Many birds and wildlife in the area which will be impacted on.
- Hares are on the site. They range over Camp Farm, Old Rail Farm, Waste Farm as well as the MoD range
- Flooding situation will worsen with the development.
- Does not take into account downstream effects of flooding.
- Concerns regarding the ambient noise level increase from the battery storage and inverters, cannot see any clear indication of the level of increase in ambient noise that will occur in Brick Kiln Lane.
- Previously unsuitable for development.
- Size of site under 50MW is such that it is not considered to outweigh the harms of the current agricultural benefit of the land.
- The loss of long open views surrounded by development makes it more important to retain this land.
- The open aspect of the site does not require absorbing into the nearby infrastructure. It needs to retain its' open aspect and vistas.
- The Battery storage (2700 square metres) is an industrial building that should be on an industrial estate.
- No route has been agreed for National Grid cabling and access to it has not been shown.
- There are other suitable large local areas include Daw Mill Colliery site, large warehouse industrial developments and sand and gravel excavation backfill surrounding Lea Marston and Tame Valley.
- The site is visible from the N, NE, and NW and parts of Kingsbury including the adjoining roads. The PROW now has open views which will be lost.
- The fact that the surrounding area contains large areas of infrastructure is not a reason for further development of the remaining open farmland.
- Already solar farm, one at Merevale and one approved in Lea Marston.
- Concern glint and glare to Birmingham Airport and to drivers.
- There are possible road safety issues at the entrance of the site in question.
- The construction traffic of 10 HGVs with 45 HGVs per day at peak.
- Number of weight limitations and a bridge restrict HGVs in the area.
- Fire risk close to fire range and oil terminal.

- Area blighted by solar farm and the size of the solar farm will dwarf the surrounding villages of Hurley and Hurley Common.
- Devaluation of properties by the position of the solar farm.
- The village will get no benefit from the proposed development.
- 2.4 metre high perimeter fencing directly next to Knowle Hill will make it look like a secure unit.
- The solar panels up to 3m in height will still be seen above the hedges.
- The lighting will make the scheme much more visible.
- Flawed climate science of solar panels.
- Alternative site assessment is flawed based on profit rather than impact on countryside.
- There is precedent of the refusal of the Fillongley Solar Farm as inappropriate development.
- Grey belt should not affect any assessment.
- Put solar panels on houses rather than on fields spoiling people's views.
- Opposed as it's not a community energy project which would see lower bills and benefits to the area.
- The extended footpath will reduce tourist walkers using the area and therefore reduce tourists.
- The electricity panels will be targets for terrorism or war.
- Radiation and contamination risks if there is a leak from the panels.

7.3 A letter of comment has also been received.

- Impact of climate change is real and a balance between food security and energy security is required. An informed decision on facts should be made.

7.4 A letter of support has been received.

- This is just what our community needs in order to meet climate targets, begin reversing climate damage of the past and ensuring new generations have clean and renewable energy.
- It seems the drainage concerns have been comprehensively assessed and addressed, with plans in place to mitigate any potential flooding risks there may be post project

## **8. Observations**

### **a) The Green Belt**

8.1. The site lies wholly within the Green Belt.

8.2. 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.

8.3 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 found to be inappropriate development, then the planning balance as set out in paragraph 8.2 will have to be assessed. If 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**

8.4 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.

8.5 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 instance the site is agricultural land and it could not be agreed that it is PDL. 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.

8.6 Hence an assessment has to be made as to whether the land “strongly” contributes to purposes (a), (b) and (d).

8.7 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 regard 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 up to 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 railways and motorway corridors in between. In these circumstances, the site is not considered to “strongly” provide protection from urban sprawl.

- 8.8 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, so not Hurley and Kingsbury which are both defined as villages not town. 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 although the site is 75 hectares it is not on the edge of a town. The site is therefore considered to serve a weak contribution in maintaining a clear physical separation between neighbouring towns.
- 8.9 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.
- 8.10 It is thus considered that this site does not strongly contribute to these three purposes.
- 8.11 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.
- 8.12 The overall conclusion from the above assessment is that the application site is “grey belt” land within the Green Belt.
- 8.13 As indicated above in paragraph 8.4, 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.

- 8.14 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 8.6 - 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). It is agreed that there would be some encroachment onto countryside, but it would be difficult to argue that the development of the site itself would affect the ability of the remaining Green Belt across the area to function and to serve all five purposes when taken together in a meaningful way. Moreover the harm caused is not permanent.
- 8.15 Little weight is attached to purpose (e) in this case. 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.
- 8.16 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 by the applicant indicating that there is a local and national need for the installation of sources of renewable energy. The UK has committed to meeting a legally binding target of net-zero carbon emissions by 2050. This requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level. For this site, the clean energy generated will save on average 21,000 tonnes of carbon dioxide (CO<sub>2</sub>) per year, which adds up to over 800,000 tonnes of CO<sub>2</sub> over the next 40 years (the design life of the solar farm). Adding to this the site selection process undertaken to consider the site provides evidence to indicate the need for the development.
- 8.17 National Electricity Transmission System Operator (NESO) recently published Clean Power 2030 Advice on achieving clean power by 2030. The “clean power pathway”, sees a four-to-fivefold increase in demand flexibility with, amongst other things, an increase in grid connected battery storage from 5GW to over 22GW and solar from 15GW to 47 GW. NESO predicts that unprecedented volumes of clean energy infrastructure projects are needed to meet the Government’s energy ambitions. Whilst the NESO report is not government policy or has the same status as the NPPF, it does provide supporting context for decision making.
- 8.18 The NPPF at paragraph 161 indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure. Given the context provided by The National Energy Statements and NESO, it is clear that the solar farm is much needed development. One of the constraints to the early development of renewable and low carbon energy and associated infrastructure was the ability to access the local grid. In some places, notwithstanding the appetite to develop

projects, grid connections are not available until the mid to late 2030s. This project has the potential of a grid connection offer within 2028. Thus, given the imperative of mitigating climate change and achieving net-zero, this project has the ability to make an early and material contribution to the clean power pathway required to achieve net zero.

- 8.19 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 operational traffic generation is considered to be immaterial, and it is considered that there would be no conflict with this condition.
- 8.20 The fourth condition only applies in residential cases.
- 8.21 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. Therefore, 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.
- 8.22 As indicated in paragraph 8.21 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 8.3 above amongst others.

### **c) Other harms**

#### **i) Landscape Impacts**

- 8.23 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”. Particular reference is made to the 2010 North Warwickshire Landscape Character Assessment.
- 8.24 A Landscape and Visual Impact Assessment describes the landscape setting of the site including the presence of residential settlements as well as the views into and around the site. The site is not in an area designated for its landscape quality. Its characteristics are best described by the North Warwickshire Landscape Character Assessment 2010 – the site being in the Wood End to Whitacre (Upper Tame Valley Uplands) Character Area. This identifies the main landscape features as being undulating farmland, small valleys and smaller irregular fields with good hedgerow structure and trees. These features are largely absent from the site which is indicative of the loss of landscape features and its diminished condition, resulting in a “featureless” site much affected through the removal of hedgerow field boundaries and agricultural intensification. It lies broadly on a west facing slope towards the River Tame with intervening topography and development limiting views from the Kingsbury Area, but there are open views westwards across the Tame Valley with an increase in the

number and nature of urban influences. There is a small ridge running east/west across the site limiting views of the bulk of the site from Hurley Common. The removal of the easternmost field adjacent to Brick Kiln Lane substantially limits views from residential property here.

- 8.25 Deciduous woodland at Kingsbury Wood screens views towards the site from Wood End located to the north, Visibility of the site from the north-west is broadly limited due to the boundary vegetation along Piccadilly Way. Views from the south-west (along the B4098 and from residential properties near Crow Hall) and south (Knowle Hill) are more open, with remanent woodland providing partial screening. Views from the east (from the residential area of Hurley Common, Brickkiln Lane and Heanley Lane) are shortened by the rising landform and scattered vegetation with the main visible part of the site being used for skylark mitigation. A section of the Heart of England Public Right of Way crosses the centre of the site from Camp Farm in the east to the southern boundary of the Rifle Range to the west.
- 8.26 The landscape visual assessment uses a 3km study area as a worst-case scenario informed by a Zone of Theoretical Visibility (ZTC) (Appendix R). The proposal has included a number of points of mitigation to reduce the impact of the proposal in the landscape, this includes the removal of solar panels and any infrastructure from the eastern field, this is also where the proposal skylark mitigation area would be provided. The location of the compound area containing the BESS substation and ancillary equipment at the lowest point of the site to reduce is prominence in the landscape. Hedging has been provided around this area to reduce its prominence. The proposal includes the diversion of the public right of way to the southern perimeter of the site to run alongside belts of new native woodlands and hedgerows.
- 8.27 In terms of the proposed landscape mitigation this includes the provision of 4km of new native hedgerow around the periphery of the site and within the site. This includes the restoration of the former small scale field pattern prior to its removal due to the intensification of the site for agricultural. A new native woodland belt around the southern edge of the Site, to run along the diverted PRow and offer additional, taller screening and reduce views from Knowle Hill and areas to the south. New native trees to be located at frequent intervals along the existing and proposed hedgerows, which will increase biodiversity value, enhance landscape condition and reflect valued characteristics of the more intact rural landscapes of the west and south. A new area of native scrub, which will improve the green infrastructure connections between the southern site boundary and the existing woodland (and SINC) at Kingsbury Range. Native species-rich meadows along field margins and within the eastern field, the latter as part of a skylark mitigation area. These will enhance landscape condition and provide a considerable increase in biodiversity relative to the existing intensive farmland.

- 8.28 The applicant has provided visualisations of the proposed development indicating the impact of the development within different timescales, these provide good evidence of the impact of the proposal on the landscape. These are provided at Appendix Q. From this it is shown that there will be times where the development will be visible, however these panels and infrastructure will usually be seen against the backdrop of open countryside and hedging which will help frame the development help ameliorate the landscape harm.
- 8.29 It cannot be argued that the development would not be visible within the general vicinity of the area. There will only be elements of the development that will be visible due to the limited height and scale of the scheme. The harm to the landscape is acknowledged it has moderate to limited harm with views of the solar farm being mostly obscured by the existing topography of the land and vegetation. The resultant cumulative effect on the landscape character is of moderate significance within the immediate setting due to the size of the scheme, this would be for a temporary period of time only too.
- 8.30 In terms of any cumulative harms from development close to the site, there is limited intervisibility from the site to HS2 or other approved larger schemes. The intervening railway line and roads limit the impact of cumulative harm. The applicant have provided plans indicating this relationship. It is acknowledged that there would be no cumulative landscape impact when considered alongside recent planning permissions for similar proposals given the lack of inter-visibility between them and the separation distances. This is indicated in Appendix R which shows significant development in the vicinity of the site.
- 8.31 In landscape terms, it is considered that there will be moderate landscape harm created by the development with the mitigation proposed. It is agreed that the extensive landscape mitigation proposed to be incorporated into the development will, lead to a significant improvement in landscape condition and quality. Their impact will particularly lead to mitigating any adverse effects and any landscape impact reduces rapidly with increased distance from the site.
- 8.32 In all of these circumstances, the proposal would not wholly satisfy Local Plan policies LP1, LP14 and LP30 as the landscape character would not be conserved or enhanced and the proposal would not integrate or harmonise well with its surroundings. This means that paragraph 187 of the NPPF is also neither satisfied. However, the degree of non-compliance is considered to be limited/moderate.

## **ii) Visual Impacts**

- 8.33 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.

- 8.34 In visual terms there will be adverse impacts for footpath users – even with the footpath diversion – from drivers using Knowle Hill and from properties on the more elevated ground to the south. However, these will all reduce as the landscape mitigation measures become established. Significantly, the removal of the eastern field at Brickkiln Lane is a major benefit.
- 8.35 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) Ecology**

- 8.36 In respect of ecology, Local Plan policy LP16 seeks to protect and enhance the natural environment and to provide net gains for biodiversity where possible, reflecting the wording of the NPPF at paragraph 187. The passing of the Environment Act 2021 brings a mandatory condition for most development to achieve a 10% biodiversity net gain, however this application was submitted prior to the introduction of the consequential Regulations and thus an overall net gain is required – not necessarily over 10%.
- 8.37 An Ecological Assessment of the site shows that there are no designated sites within it, but that the Rifle Range is of local wildlife interest. The overall habitat value is low being arable land with limited hedgerow and tree cover and no traces of protected species were found on site or nearby. The Assessment concludes that the landscape mitigation measures proposed here will result in a beneficial impact in terms of hedgerow and tree re-instatement and enhancement. Additionally, the new “wet meadow” will be of value and the mitigation being proposed at the eastern end of the site with the skylark meadow will be sufficient to compensate the loss of displaced nesting areas. Overall, the proposals would result in a 47% increase in habitat units, a 214% increase in hedgerow units and a 15% watercourse gain. As such there is no conflict with the relevant Local Plan policy.

### **iv) Skylarks**

- 8.38 Surveys have identified that the appeal site is used by skylarks. The skylark is listed as a species of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006. It is also included on the red list of Birds of Conservation Concern, which identifies those species considered to be of greatest conservation concern. The British Trust for Ornithology records that the number of these birds fell precipitously from the mid-1970s, although more recently there has been a small upturn in the species’ fortune.

- 8.39 The site supports an estimated eight skylark breeding territories within the site. A number of survey have been carried out, six survey visits were carried out in 2024, with the skylark breeding cycle being around 30 days a time, with several broods per breeding per season. The surveys cover the development site, the skylark mitigation area to the east, and a 50m buffer outside of the site. To ensure mitigation is provided an area of 10.8 hectares of land will be provided in the eastern field adjacent to Brickkiln Lane.
- 8.40 Whereas skylarks will continue to forage on land within solar farms, the applicant acknowledges that nesting would be displaced by the proposed development. By way of mitigation it is proposed to provide alternative habitat for breeding skylarks on land immediately to the east of the site. This mitigation would be secured by a condition to preclude development until a strategy has been approved. Warwickshire Ecology

#### **v) Heritage**

- 8.41 The site is around 500 metres from Drakenage Farm on the Tamworth Road which is a Grade II listed building and its curtilage is also a Scheduled Ancient Monument. The Local Planning Authority is statutorily required to have regard to the desirability of preserving a heritage building or its setting or any features of special architectural or historic interest it possesses. Additionally, Local Policy LP15 says that the quality, character, diversity and local distinctiveness of the historic environment is to be conserved or enhanced.
- 8.42 The application has submitted a Heritage Impact Assessment which identifies that there are no Internationally designated sites or Registered Parks or Gardens within the site, or within three kilometres of its boundary. The Kingsbury Conservation Area is about 1.2 m north-east of the site. Three Scheduled Ancient Monuments are within a three-kilometre boundary - the moated Drakenage Farm, the double moated site east of Baxterley Church and the medieval enclosure castle and post-medieval house at Kingsbury Hall. There are 50 Listed Buildings within three kilometres, of which three are Grade 2\*. An additional 25 non-designated assets are within a kilometre of the site, 17 of which are of archaeological interest.
- 8.43 The Assessment concludes that there would be no harm caused to the character of the Kingsbury Conservation Area or its setting, because of there being no intervisibility due to a combination of distance and screening from intervening development. The closest of the Monuments is Drakenage Farm. Its significance arises from its historic and archaeological interest being the retention of high status domestic medieval features within a wider medieval landscape. However, its setting has been much disturbed by later agricultural practices and new development – e.g. the Range and the railway embankment. The proposal is said to protect views of the remaining setting through the landscape mitigation measures at the western end of the site. However, there could well be an impact in the construction period on that wider setting. The other two monuments are much further away and as with the Conservation Area are not considered to be affected by the proposals.

- 8.44 In respect of the Listed Buildings then there is no direct impact on their fabric or built form and thus it is an assessment of the impact on their setting that is the issue here. The Assessment deals with the assets closest to the site – Tamehurst House (on Coventry Road on the other side of the rail overbridge); Flanders Hall to the south of Knowle Hill, Atherstone House within Hurley and the Hurley and Wood End War Memorial, again in Hurley. The Assessment concludes that the setting of these assets would not be affected. Similarly, the assessment concludes that there would be no impact on the non-designated assets outside of the site. However, there are two within the site – a potential park bank being part of the earthwork remnants of a possible estate boundary in the medieval landscape and a marl pit used as a quarry for the construction of Camp Farm. These features would be removed by the development.
- 8.45 In respect of underground assets, the Assessment indicates that the site has been under agricultural use since at least the later medieval period, and it has been much affected more recently by hedge removal and ploughing. In terms of potential, the Assessment concludes that there is a low potential for unrecorded archaeology of prehistoric date, from the Roman period and post-medieval and modern periods. However, there is moderate interest in the medieval period given the monuments at Drakenage Farm and that Hurley was an established medieval settlement.
- 8.46 The Assessment concludes that overall, there would be some impact on the heritage assets here and that further targeted evaluation is needed, particularly in the Drakenage Farm area in order to establish the significance of those assets here as well as to establish a mitigation strategy.
- 8.47 It is now necessary to assess the potential archaeological impact. The County Archaeologist considers that the site lies within an area of significant archaeological potential. It is acknowledged that the site is likely to have remained predominantly in agricultural use since the medieval period, but the lack of previous fieldwork undertaken means that the potential of the site for the pre-medieval periods is unknown. As a consequence, it has been agreed with the applicant that evaluative fieldwork will be undertaken in order to establish whether there would be below ground impacts. The County Archaeologist agrees that further evaluative fieldwork can be conditioned and there is sufficient flexibility within the construction method of the development such that it will avoid the need for sub surface impacts. This approach has been agreed and could be accommodated by planning condition. As such it is not considered that substantial harm is likely to be caused.
- 8.48 The proposals do not impact on the actual fabric of the Farm or its curtilage. In this case the issue is thus whether the proposals would be likely to harm their setting. The significance of these assets lies in the retention of an original medieval agricultural manor with associated ponds and drainage features. Given the separation distances, the intervening hedgerow cover along the roads, it is considered that the significance of these assets can still be appreciated as they would still stand in isolation surrounded by open land. As such the degree of harm would be less than substantial and at the lower end of the spectrum. Even so this harm has to be placed in the final planning balance against any public benefits of the proposal that are identified.

8.49 Bringing all of these matters together, it is concluded that heritage impacts taken together would cause less than substantial harm. This however does carry weight in the final planning balance as it has to be weighed against the public benefits of the proposal within that assessment

#### **vi) Highway Impacts**

8.50 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.

8.51 A Transport Statement identifies the existing access to the site as being through Camp Farm itself which would remain as a secondary access into the site. A new access off Knowle Hill is being proposed and it has been designed in line with the Highway Authority specifications for the speed limit on this road – 60mph. However, the greatest use will be over the limited construction period of up to 20 weeks with an average of 10 deliveries a day and a maximum of 45 a day. The operational period, post construction would see traffic generation fall to around one movement a day. The proposed route is via Brickkiln Lane, Hurley Common and Wood End and Trinity Road to Junction 10 of the M42. This is because of the height restriction of the rail overbridge on the Coventry Road south of Kingsbury and the length and nature of the route from there to Coleshill and its motorway connections. Overall, the assessment concludes that the proposal would satisfy both national and local highway planning policy.

8.52 The proposed main access to serve the site is along Knowle Hill and is 110 west of the Camp Farm House access road. The width of the main/HGV access to the site is 6 metres with 10m radii kerbs on both sides of the access. There is a second access to the site which is north of Knowle Hill Road and is served from Camp Farm House access road.

8.53 Warwickshire County Council have assessed the proposal and have requested that the applicant carry out a Road Safety Audit for the two accesses that looks to see whether the vehicular accesses to the site would be acceptable. Additional information has been submitted to the consultee, this details a number of points including a routing plan, further details in terms of construction traffic, swept paths and clarification on passing places however at the present time a formal response has not been received. As the highway authority has not formally responded to the details any recommendation will have to take into account their response.

## **vi) Drainage and Flooding Impacts**

- 8.54 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at paragraph 181 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.
- 8.55 A Flood Risk Assessment shows that the site is wholly in Flood Zone One, where there is the least risk of fluvial flooding. A small drainage channel is present at the edge of the northwestern boundary which flows away from the site through the Rifle Range towards the River Tame to the west. There are other overgrown small drainage ditches on the eastern, southern and western boundaries. Water naturally infiltrates and overland flow is towards the west where there is the lowest land in a small drainage ditch which drains into a channel within the Rifle Range. After heavy rainfall there is often standing water within this ditch. Apart from this, the Assessment concludes that there is little flood risk, but that mitigation is needed to address the surface water events at the location identified. The applicant's drainage strategy responds to this. All vulnerable plant (the Battery Storage and Substation compound) is located outside of the area most prone to this local flooding and there would be storage swales provided around its perimeter with restricted discharge rates into a pipe to the ditch. Additionally, the swales here are to be designed so as to accommodate and deal with any pollution associated with fire water run-off. Permeable surfaces are to be provided to all access tracks and other areas where the inverters are to be located. The areas under and around the panels would be put over to pasture thus reducing infiltration. A corridor of land within the site at its western end would become pasture that would be "wet meadowland" this would provide benefits in terms of both landscape as well as drainage mitigation. This is a direct consequence of the existing and surface water system and the proposed mitigation.
- 8.56 The comments received from Warwickshire County Council flood team are not fundamental to the overall project, it is agreed that the proposal would not increase flood risk through run-off. The mitigation proposed is likely to improve the access to the Public Right of Way which would be positively drained through the development. Currently, the flood team has received additional information required to overcome their objection and has not formally responded to the details, any recommendation will have to take into account their response.

## **vii) Agricultural Land**

- 8.57 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. The NPPF says that planning decisions should contribute to and enhance the natural and local environment, amongst other things by protecting and enhancing soils and recognising the economic and other benefits of the best and most versatile agricultural land – paragraph 187 (a and b). Where significant development of

agricultural land is demonstrated to be necessary, the NPPF also states that areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land for food production should be considered alongside other policies in the NPPF, when deciding what sites are most appropriate for development – footnote 65.

- 8.58 Natural England has published guidance in respect of solar farm development and agricultural land quality. It says that such developments would be unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is reversible with limited soil disturbance. However, it does draw attention to the reduction in agricultural production over the whole development area during the lifetime of the development. National Planning Guidance Practice says that Local Planning Authorities should consider encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.
- 8.59 The best and most versatile land (“BMV”) is defined as Grades 1, 2 and 3a in the Glossary to the NPPF. An Agricultural Land Assessment submitted by the applicant’s shows that 98% of the site is graded as 3b (moderate quality agricultural land) with the remainder being non-agricultural land. This would therefore not be BMV land, a number of residents have indicated that this should be assessed by the Council, as a DEFRA website indicates it is BMV land.
- 8.60 Officers have therefore sought guidance from an Agricultural Land Classification (ALC) expert to assess whether the submitted report is robust and correctly evidenced or not. Having reviewed the field data against the information available from other sources they have concluded that the survey information provides a true representation of the soils found on site. They have also confirmed that ultimately that the grading of the land by the applicant is correct and that the land is not BMV land. The reason for this conclusion is that the pre-88 mapping from DEFRA shows large proportions of the site to be Grade 2, this was done from a desk top overview of the land. These previous assessments are of strictly limited value, using an out-of-date methodology at a very small scale (low detail) level of survey. Therefore, the pre-88 ALC conclusion was carried at a time when it was not evidenced by the finer detail that is available now including on site soil assessments and topography for example. The applicant’s submitted survey takes into account knowledge and experience of field soil surveys, interpretation of soil, up to date flooding information, topography and climate data. It therefore provides a much more robust evidence based assessment of the quality of the land for agricultural purposes. The proposal leads to removal of grade 3b land and therefore it would remove an area of poorer quality agricultural land rather than BMV land. This therefore meets the guidance within the NPPF.

### **viii) Fire Safety**

- 8.61 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.
- 8.62 A Safety Management Plan has been submitted in order to address potential fire safety risks for the Solar and Battery Storage Area. This looks at the spacing and location of the individual units; the detection and suppression systems introduced and the availability on site of water supplies for fire-fighting. It recommends consultation with the Fire and Rescue Service.
- 8.63 The applicant has submitted a 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 developer appears to have appraised the proposal against the National Fire Safety regulations and WFRS are 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). Warwickshire Fire Service have no objection to the scheme subject to conditions and copy of their response is attached to the Appendix S.

### **ix) Residential Amenity**

- 8.64 A Noise Impact Assessment has looked at the potential noise impact on a number of perimeter residential properties as well as on the route of the proposed footpath diversion. This concludes that the only receptor that might experience increased noise levels is the residential property at Camp Farmhouse – the landowner’s property. Environmental Health have considered the impact on the proposal on residential amenity and agree that the proposal will not lead to a significant impact on adjacent residents. They recommend a condition be provided in terms of a Construction and Environmental Management Plan to protect the amenities of residents. The lack of objection from the Environmental Health Officer in respect of potential noise emission from the plant associated with the proposal is significant. This is due to the location of the main plant being in the south-west corner of the site close to the firing range and the separation distances from there to the nearest residential property.
- 8.65 Construction activities and traffic have the potential to cause problems of disturbance to local residents. The Construction Environment Management Plan would include measures to minimise any potential adverse effects, including a construction routing plan. Conditions are also proposed to control the times during which construction works would take place and the direction of close circuit television cameras.

## **x) Public Right of Way**

- 8.66 The proposal would lead to a requirement for the Public Right of Way to be diverted (as shown in Appendix B and O). The granting of planning permission does not give authority to divert or stop up a footpath or bridleway. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by the development. Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.
- 8.67 As part of the application both the Ramblers Association and Warwickshire Public rights of Way have been consulted. Neither have objections in principle to the potential diversion. The proposal indicates an alternative route and diversion for the footpath which has its benefits in terms of drawing pedestrians and users round the solar farm, this will lead to longer route. However, the diverted footpath will benefit from a segregated route that does not flood. Also, the redirected footpath must ensure that the users would not be compromised by the proposal, a number of comments have been raised by residents, however there are no fundamental objections as the footpath would be better used than it currently is.

## **xi) Other Matters**

- 8.68 A Glint and Glare Assessment looked at residential, road and rail receptors within a kilometre of the site's boundary. Once mitigation takes place in respect of the landscape mitigation strategy and provision of hedgerows, the Assessment found that that there would be no adverse solar reflections at any of these receptors. Additionally, there would be no impact in respect of aviation. The Assessment stresses that mitigation is very necessary for those residential receptors at Camp Farm, Drakenage Farm and at the Hurley Recreation Ground and for road receptors using Knowle Hill. The Assessment concludes that there would be no adverse impacts. There has been no response from Birmingham Airport to the proposal and no comments from Warwickshire Highways in respect of Glint and Glare from the solar farm. It is not considered that there would a harmful effect from lint or glare arising from the proposals.
- 8.69 An Arboricultural Assessment found there to be 91 trees across the site of which 52 were of high and medium quality including three Veteran Trees. There are no trees protected by Order and there are no Ancient Woodlands on or adjoining the site, although the woodland within the Rifle Range and bounding its south-eastern side is identified as a priority habitat woodland. None of the high and medium quality trees are proposed for removal and the only hedgerow to be removed is that needed to construct the new access. The Assessment concludes that these removals will be significantly mitigated by the range and scale of the new planting. Warwickshire Trees have no objection to the scheme subject to a condition in response to an arboricultural method statement.

8.70 Residents have raised the issue of the Grand Union Canal pipeline that may cross the site, which would be determined as a Nationally Significant Infrastructure Project, however the route of this is not yet finalised. No application has been submitted and applicant has already engaged with the project. It may be necessary to change the alignment of the solar array if necessary. There is neither an objection from Cadent as there is sufficient open land left either side of the pipeline that crosses the site to provide the necessary easement for maintenance purposes

### **c) The Harm Side of the Planning Balance**

8.71 From the above, it can be seen that the harm side of the planning balance here comprises the moderate landscape and visual harms as well as the less than substantial heritage harm.

### **d) The Applicant's Planning Considerations**

8.72 A Planning Statement is submitted which draws together the conclusions reached above and considers places them into a planning policy context referring to the Development Plan as well as to the NPPF and to National Energy Policy. It also addresses the potential impact on the Green Belt,

8.73 The applicant puts forward his considerations in support of the proposal. 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 UK has committed to meeting a legally binding target of net-zero carbon emissions by 2050. This requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level. The Applicant anticipates that the Proposed Development will supply the electricity needs of approximately 25,000 homes a year, covering an area over 40 times the size of Hurley. The clean energy generated will save on average 21,000 tonnes of carbon dioxide (CO<sub>2</sub>) per year, which adds up to over 800,000 tonnes of CO<sub>2</sub> over the next 40 years (the design life of the solar farm).

8.74 The applicant then indicates that the proposal includes the robust site selection process which identified this land was within 6.25km of an available grid connection. That is the availability of and proximity to a grid connection. Access to the local grid is the biggest constraint facing the alternative energy supply and associated infrastructure industries. Sites need to be located close to a point of connection (POC) to the grid, so as to minimise the loss of energy during transmission and the grid must have capacity to absorb the electricity discharged at times of peak demand. The intended point of connection to the grid is some 4km from the site and then by existing underground cable to the Hams Hall sub-station. The applicant discounted a number of other sites for environmental and planning reasons, including existing woodlands, HS2, designated sites for nature conservation, public open space, flooding, scheduled Monuments. A list of environmental "amber" constraints ruled out sites within 100 metres of developed areas, 150m from any listed buildings and within historic landfill areas. This site was identified was the least environmentally constrained and has the lowest visual impact on the existing surrounding area and has a viable grid connection. This assessment provides a robust "alternative site assessment" which provides

added weight to its consideration. The position of the Hams Hall grid connection does mean that the majority of solar sites in the area would have to be within Green Belt in the vicinity of Hams Hall.

- 8.75 The statement of circumstances acknowledges that the proposal is within Green Belt and initially concluded that there would be a limited spatial and visual impact on the openness of the Green Belt here adding that there would be negligible activity associated with the development after construction and that it would be de-commissioned and removed after forty years. Moreover, it concludes that, whilst the development would alter the appearance and character of the site, its limited life-span and additional landscape planting would mean that there would be no conflict with the third purpose of including land within the Green Belt, namely “safeguarding the countryside from encroachment”. The Statement thus concludes that there would at most, be limited harm to the openness of the Green Belt.
- 8.76 The Statement then identifies the planning considerations which are cumulatively said to clearly outweigh the total weight of any harms that have been identified. These are the recognised requirement for renewable energy generation; there is a confirmed point of connection to the National Grid at Hams Hall, the overall impact on openness and landscape character is minor, and significant. These are said to clearly outweigh the harm caused thus amounting to the very special circumstances necessary to support the proposal.
- 8.77 The applicant has submitted further details taking into account “grey belt” changes to the NPPF, and this echoes the conclusion at paragraphs 8.21 and 8.22 of this report in that the development would not be inappropriate development.
- 8.78 Saying this, the context of paragraph 160 of the NPPF should also be considered. This indicates that “when located in Green Belt, elements of many renewables energy projects will comprise inappropriate development”. However it continues by saying that “very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”. 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 considered that this is the case here. Even if the Board found the proposal to be inappropriate development, that does not lead to a refusal. The harms caused still need to be balanced against the benefits. Here the harms found are moderate at most whereas the benefits are significant. As such the benefits are considered to clearly outweigh the harms. As a consequence of all of these matters, it is considered that this overall consideration carries substantial weight.
- 8.79 Paragraph 8.49 requires an assessment of any harm to heritage assets to comply with paragraph 215 of the NPPF. In this instance it is considered that there is less than substantial heritage harm and that it is at the lower end of that spectrum. However it is considered that the public benefits of the solar and battery energy storage do outweigh this level of harm.

## e) Planning Balance

- 8.80 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 8.73-8 above, outweighs the cumulative weight of the harms identified in paragraph 8.71. Whilst there is conflict with certain provisions in terms of landscape and visual amenity, the proposal is consistent with important policies which support infrastructure development, and complies with policy provisions concerning nature conservation, economic growth and heritage asset. Officers consider that the proposed development would comply with the Development Plan when considered as a whole.
- 8.81 The harm to landscape character and visual amenity, are factors which carry limited to moderate weight. The other side of the balance carries substantial weight. As such it does appear that there is a difference here in support of the proposal.
- 8.82 However, it is necessary to "test" this conclusion over one matter – the overall content of Local Plan policy LP35 on Renewable Energy. This policy indicates that the proposal will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. Individually and cumulatively heritage, residential amenity, nature and landscape issues are all factors which have been taken into account through the consideration of the application and as such it is considered that the proposal does respect the landscape and communities to accommodate them. As such there is no conflict with the policy. Overall, in the planning balance falls on the side of supporting the application. This conclusion is based on the assumption that there are no adverse comments received from Warwickshire County Council highways, flooding and ecology.
- 8.83 In this instance the proposal is considered to be not inappropriate and therefore it is considered that if the Board resolves to approve this application.

## Recommendation

That planning permission be **GRANTED** subject to no adverse comments from outstanding consultees that cannot be dealt with by condition and the following condition:

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

## REASON

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered:

Figure 4.1 Site location plan

Figure 4.2 Proposed Development Cross Sections

Figure 4.3 Solar Panels Elevations

Figure 4.4 Solar Array Boundary Fence

Figure 4.5 Access Gate Elevations

Figure 4.6 CCTV Security Camera Elevation

Figure 4.7 Substation Fence

Figure 4.8 Proposed Control Building Elevations

Figure 4.9 MV Station Elevation

Figure 4.10 BESS Plan and Elevation

Figure 4.11 Internal Access/Peripheral Track Cross-Section

Figure 4.12 132KV Substation

Camp\_Farm\_Solar\_Layout revised\_17-06-2025

REASON

To define the permission

### **Defining Conditions**

3. The energy output of the solar site and storage capacity of the development hereby approved shall not exceed 49.9MW and 50MW respectively.

REASON

In order to define the scale of the development. To provide certainty, and in accordance with the scale of the development for which permission is sought.

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 solar panels and 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 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 approved plans defined in condition 2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures, and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.

#### REASON

In the interests of the appearance of the area.

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

#### REASON

In the interests of the appearance of the area and to ensure that there is no avoidable loss of landscaping and bio-diversity enhancement. Local Plan policy LP35 applies here as well as Local Plan policy LP16 (Natural Environment) on the need to retain the importance of the natural environment.

9. No external lighting shall be erected/used on site unless details of that lighting, along with ecological justification, 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 protect landscape character and ecology.

10. 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. The details shall include:

- i) Schedules of plants/seed mixes, including planting sizes and proposed numbers/densities.
- ii) The method of cultivation and planting.
- iii) Means of protection for plants.
- iv) Written specifications for establishment of planting and habitat creation.
- v) Details for stopping up existing gaps in hedgerows with planting.

Planting and seeding shall be undertaken within the first available planting season following the completion of construction works, and in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding has been completed.

#### REASON

To protect the character and appearance of the area, and to enhance biodiversity. In the interests of the visual amenities of the area.

11. No development shall take place until a landscape maintenance plan, requiring the maintenance and replacement of planting for a period of at least 10 years from completion of the development, has been submitted to, and approved in writing by, by the Local Planning Authority. The landscape maintenance plan shall be implemented as approved.

#### REASON

To protect the character and appearance of the area, and to enhance biodiversity.

12. No development shall take place until a scheme setting out the measures which shall be undertaken to facilitate sustainable agricultural use (including the potential of sheep or goat grazing) between the solar arrays, including grass sward specification and potential stocking type and density, and including timescales for monitoring and reporting for the duration of the operational life of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, and confirmation that the approved measures are being implemented shall be provided to the Local Planning Authority upon prior written request.

#### REASON

To ensure that the site continues to be used for agriculture. In the interests of maintaining the agricultural use of the land during the lifetime of the development and thus in accord with para 187 (a) of the NPPF 2024.

13. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

#### REASON

To ensure the recording of items of archaeological interest and their preservation in situ where appropriate.

14.No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The skylark mitigation strategy shall follow the principles set out in the LEMP and recommendations within the Breeding Bird Survey Report dated June 2024, and shall include:

- i) Identification of the areas for the implementation of mitigation.
- ii) Details of how the areas will be managed.
- iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery.
- iv) Monitoring for periods of not less than 5 years.
- v) The inclusion of a feedback mechanism to the Local Planning Authority before the end of the first 5 years period, allowing for the alteration of working methods and management prescriptions, in accordance with the results of the monitoring process.
- vi) Identification of persons responsible for implementing the strategy.

#### REASON

To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

15.The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation including any piling operations;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc; and
- x. Details of Construction hours which shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

#### REASON

In the interest of the amenity of the area.

16. No development shall commence on site until a detailed Fire Risk Management Plan (FRMP) to show how fire risk is to be minimised at the site during construction, operation and decommissioning of the battery storage system, has first been submitted to and approved in writing by the Local Planning Authority. The FRMP shall also include details of the measures and procedures that will be in place in the event of a fire. The approved FRMP shall remain in place 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.

#### **Pre-Operational Use Conditions**

17. 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 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.

18. 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 reducing the risk of noise pollution.

## General Development Applications

(6/e) Application No: PAP/2024/0586

Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works, for

- Ampyr Solar Europe

### 1. Introduction

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

### 2 The Site

- 2.1 This comprises 75 hectares of agricultural land to the west of Brick Kiln Lane at Hurley Common, north-east of the Coventry Road, north of Knowle Hill and east of the Kingsbury Rifle Range. Camp farm and its outbuildings about the south-west corner of the site. The closest residential properties are at Camp Farm, together with frontage on the north side of Knowle Hill to the south (60 metres distant). There are also residential properties to the north off Brick Kiln Lane (250 metres distant from the panels). Other properties are to the south - Drakenage Farm, Tib Hall Farm and a collection of property at Bodymoor Green (respectively 400, 300 and 500 metres away). The southern edge of Kingsbury is 600 metres to the west and the Hurley Recreation Ground is 100 metres to the east on the other side of Brick Kiln Lane.
- 2.2 The site is in open countryside with the Rifle Range to the west as well as the Birmingham-Derby Rail line set on an embankment. The site itself slopes northeast/southwest in line with the general topography of the land and has a fall of around 30 metres. It presently comprises two large arable fields with some hedgerow remnants and trees dotted throughout the site. There are more

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substantial hedgerows along the southern and south-eastern boundaries as well as along Brick Kiln Lane.

- 2.3 A public footpath – the T56 – crosses east/west over the site from Camp Farm to the southern edge of the Rifle Range and a second – the T55 - runs alongside the north-western boundary of the site adjoining the Rifle Range and running up to Old Rail Farm further to the north.
- 2.4 A general location map with the footpaths is at Appendix A.

### **3 The Proposals**

- 3.1 This is for a solar PV array with an installed capacity of 49.9 MW, together with a battery storage area with a capacity of 50 MW. It is said that the site would generate enough electricity to power around 25,000 homes. It is proposed to arrange the panels so as to re-instate the historic field pattern thus adding in new hedgerow and tree planting along those former field boundaries and their margins. The typical height of the panels would be 2.8 metres and these would be fixed into the ground by poles piled into the land. Other infrastructure includes inverters, transformers, a private substation and cabling. The fourteen inverters are to be located within the centre of the panel arrays – each some 6 metres by 3 metres and 3 metres high. The Substation compound housing the switching gear and transformers would be some 50 metres by 12 metres with the tallest elements at six metres tall. It would be bounded by a 2.5 metre tall palisade fence. A brick and tile control building would be 25 metres by 7.5 metres and 5 metres to its ridge. The Battery Storage System will comprise some fourteen steel containers, each being 15 metres by 3 metres and 3 metres high. The Battery Storage System, the substation and the control building would all be located together in a compound towards the far south-western edge of the site.
- 3.2 A post and wire deer fence – two metres tall would be erected around the perimeter of the site with CCTV cameras mounted on 3 metre wooden poles at 50 to 100 metre intervals. A new construction and operational access for the site will be provided off Knowle Hill around 110 metres west of its junction with the access track that leads to Camp Farm. This would be six metres wide with a bell-mouth design. A secondary access from Camp Farm would also be used.
- 3.3 The footpath that runs through the centre of the site would be diverted around the southern perimeter of the site and this would be widened to 10metres so as to enable cycle access.
- 3.4 Landscape mitigation measures proposed include 3.2 km of new native hedgerows running along the southern boundary of the site and sub-dividing the existing large field at the western end of the site together with a 1.2 km long belt of woodland to the southern boundary. Further tree planting would take place alongside existing hedgerows and additionally the field to the west of Brick Kiln Lane and the site would become a native-species meadow suitable as mitigation

for skylark displacement. A corridor of land within the site at its western end would become pasture that would be "wet meadowland".

- 3.5 It is estimated that construction would take 16 to 20 weeks - with 10 HGV movements a day averaging over that period – and working hours being 0800 to 1800 on weekdays and 0800 to 1300 hours on Saturdays.
- 3.6 The proposed development is designed to operate for forty years, with decommissioning and return to agricultural land.
- 3.7 A plan illustrating the general layout as well as plans showing the various buildings and structures are at Appendices B to H.
- 3.8 A number of supporting documents have been submitted.
- 3.9 An Arboricultural Assessment found there to be 91 trees across the site of which 52 were of high and medium quality including three Veteran Trees. There are no trees protected by Order and there are no Ancient Woodlands on or adjoining the site, although the woodland within the Rifle Range and bounding its south-eastern side is identified as a priority habitat woodland. None of the high and medium quality trees are proposed for removal and the only hedgerow to be removed is that needed to construct the new access. The Assessment concludes that these removals will be significantly mitigated by the range and scale of the new planting.
- 3.10 A Glint and Glare Assessment looked at residential, road and rail receptors within a kilometre of the site's boundary. Once mitigation takes place, the Assessment found that there would be no adverse solar reflections at any of these receptors. Additionally, there would be no impact in respect of aviation. The Assessment stresses that mitigation is very necessary for those residential receptors at Camp Farm, Drakenage Farm and at the Hurley Recreation Ground – (PS: this Assessment was undertaken prior to the removal of panels from the field opposite the Ground) and for road receptors using Knowle Hill. The Assessment concludes that there would be no adverse impacts.
- 3.11 A Flood Risk Assessment shows that the site is wholly in Flood Zone One, where there is the least risk of fluvial flooding. A small drainage channel is present at the edge of the northwestern boundary which flows away from the site through the Rifle Range towards the River Tame to the west. There are other overgrown small drainage ditches on the eastern, southern and western boundaries. Water naturally infiltrates and overland flow is towards the west where there is the lowest land in a small drainage ditch which drains into a channel within the Rifle Range. After heavy rainfall there is often standing water within this ditch. Apart from this, the Assessment concludes that there is little flood risk, but that mitigation is needed to address the surface water events at the location identified. The applicant's drainage strategy responds to this. All vulnerable plant (the Battery Storage and Substation compound) is located outside of the area most prone to this local flooding and there would be storage swales provided

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around its perimeter with restricted discharge rates into a pipe to the ditch. Additionally, the swales here are to be designed so as to accommodate and deal with any pollution associated with fire water run-off. Permeable surfaces are to be provided to all access tracks and other areas where the inverters are to be located. The areas under and around the panels would be put over to pasture thus reducing infiltration. It was noted in para 3.4 above that the drainage ditch referred to here would become "wet meadow". This is a direct consequence of the existing and surface water system and the proposed mitigation.

- 3.12 An Agricultural Land Assessment shows that the site 98% of the site is graded as 3b (moderate quality agricultural land) with the remainder being non-agricultural land.
- 3.13 An Ecological Assessment of the site shows that there are no designated sites within it, but that the Rifle Range is of local wildlife interest. The overall habitat value is low being arable land with limited hedgerow and tree cover and no traces of protected species were found on site or nearby. The Assessment concludes that the landscape mitigation measures proposed here will result in a beneficial impact in terms of hedgerow and tree re-instatement and enhancement. Additionally, the new "wet meadow" will be of value and the mitigation being proposed at the eastern end of the site with the skylark meadow will be sufficient to compensate the loss of displaced nesting areas. Overall, the proposals would result in a 47% increase in habitat units, a 214% increase in hedgerow units and a 15% watercourse gain.
- 3.14 A Noise Impact Assessment has looked at the potential noise impact on a number of perimeter residential properties as well as on the route of the proposed footpath diversion. This concludes that the only receptor that might experience increased noise levels is the residential property at Camp Farmhouse – the landowner's property.
- 3.15 A Transport Statement identifies the existing access to the site as being through Camp Farm itself which would remain as a secondary access into the site. A new access off Knowle Hill is being proposed and it has been designed in line with the Highway Authority specifications for the speed limit on this road – 60mph. However, the greatest use will be over the limited construction period of up to 20 weeks with an average of 10 deliveries a day and a maximum of 45 a day. The operational period, post construction would see traffic generation fall to around one movement a day. The proposed route is via Brick Kiln Lane, Hurley Common and Wood End and Trinity Road to Junction 10 of the M42. Thus is because of the height restriction of the rail overbridge on the Coventry Road south of Kingsbury and the length and nature of the route from there to Coleshill and its motorway connections. Overall, the assessment concludes that the proposal would satisfy both national and local highway planning policy.
- 3.16 A Heritage Impact Assessment identifies that there are no Internationally designated sites or Registered Parks or Gardens within the site, or within three kilometres of its boundary. The Kingsbury Conservation Area is about 1.2 m

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north-east of the site. Three Scheduled Ancient Monuments are within a three-kilometre boundary - the moated Drakenage Farm, the double moated site east of Baxterley Church and the medieval enclosure castle and post-medieval house at Kingsbury Hall. There are 50 Listed Buildings within three kilometres, of which three are Grade 2 star. An additional 25 non-designated assets are within a kilometre of the site, 17 of which are of archaeological interest.

- 3.17 The Assessment concludes that there would be no harm caused to the character of the Kingsbury Conservation Area or its setting, because of there being no intervisibility due to a combination of distance and screening from intervening development. The closest of the Monuments is Drakenage Farm. Its significance arises from its historic and archaeological interest being the retention of high status domestic medieval features within a wider medieval landscape. However, its setting has been much disturbed by later agricultural practices and new development – eg. the Range and the railway embankment. The proposal is said to protect views of the remaining setting through the landscape mitigation measures at the western end of the site. However, there could well be an impact in the construction period on that wider setting. The other two monuments are much further away and as with the Conservation Area are not considered to be affected by the proposals.
- 3.18 In respect of the Listed Buildings then there is no direct impact on their fabric or built form and thus it is an assessment of the impact on their setting that is the issue here. The Assessment deals with the assets closest to the site – Tamehurst House (on Coventry Road on the other side of the rail overbridge); Flanders Hall to the south of Knowle Hill, Atherstone House within Hurley and the Hurley and Wood End War Memorial, again in Hurley. The Assessment concludes that the setting of these assets would not be affected. Similarly, the assessment concludes that there would be no impact on the non-designated assets outside of the site. However, there are two within the site – a potential park bank being part of the earthwork remnants of a possible estate boundary in the medieval landscape and a marl pit used as a quarry for the construction of Camp Farm. These features would be removed by the development.
- 3.19 In respect of underground assets, the Assessment indicates that the site has been under agricultural use since at least the later medieval period, and it has been much affected more recently by hedge removal and ploughing. In terms of potential, the Assessment concludes that there is a low potential for unrecorded archaeology of prehistoric date, from the Roman period and post-medieval and modern periods. However, there is moderate interest in the medieval period given the monuments at Drakenage Farm and that Hurley was an established medieval settlement.
- 3.20 The Assessment concludes that overall, there would be some impact on the heritage assets here and that further targeted evaluation is needed, particularly in the Drakenage Farm area in order to establish the significance of those assets here as well as to establish a mitigation strategy.

- 3.21 A Landscape and Visual Impact Assessment describes the landscape setting of the site including the presence of residential settlements as well as the views into and around the site. The site is not in an area designated for its landscape quality. Its characteristics are best described by the North Warwickshire Landscape Character Assessment 2010 – the site being in the Wood End to Whitacre (Upper Tame Valley Uplands) Character Area. This identifies the main landscape features as being undulating farmland, small valleys and smaller irregular fields with good hedgerow structure and trees. These features are largely absent from the site which is indicative of the loss of landscape features and its diminished condition, resulting in a “featureless” site much affected through the removal of hedgerow field boundaries and agricultural intensification. It lies broadly on a west facing slope towards the River Tame with intervening topography and development limiting views from the Kingsbury Area, but there are open views westwards across the Tame Valley with an increase in the number and nature of urban influences. There is a small ridge running east/west across the site limiting views of the bulk of the site from Hurley Common. The removal of the easternmost field adjacent to Brick Kiln Lane substantially limits views from residential property here.
- 3.22 In landscape terms, there will be major to moderate landscape impacts within the site itself. However, the extensive landscape mitigation proposed for incorporation into the development will, the Assessment concludes, lead to a significant improvement in landscape condition and quality. Their impact will particularly lead to these adverse effects reducing rapidly with distance from the site, such that the overall residual impact on the landscape character is evaluated as being minor.
- 3.23 In visual terms the assessment concludes that there will be adverse impacts for footpath users – even with the diversion – from drivers using Knowle Hill and from properties on the more elevated ground to the south. However, these will all reduce as the landscape mitigation measures become established. Significantly, the removal of the eastern field at Brick Kiln Lane is a major benefit.
- 3.24 Overall, the Assessment concludes that the landscape and visual impacts will not be significant.
- 3.25 A Safety Management Plan has been submitted in order to address potential fire safety risks for the Battery Storage Area. This looks at the spacing and location of the individual units; the detection and suppression systems introduced and the availability on site of water supplies for fire-fighting. It recommends consultation with the HSE and the Fire and Rescue Service.
- 3.26 A Statement of Community Involvement describes the applicants' pre-application consultation with the local community. This included a number of pre-consultation briefings including with the Kingsbury Parish Council and the Hurley Community Association. Over 2200 notifications were posted to individual properties and 70 to local businesses. A consultation/exhibition took place in Hurley Village Hall on 12 June 2024 at which 70 people attended; press releases were organised and a

dedicated website set up. Over the whole of the consultation, 64 responses were received, the great majority from local residents in Hurley. There was a high level of no support for the proposals referring in the main to landscape and visual impacts, concerns about wildlife and to its scale. The applicant says that as a consequence of the responses, he has directly removed solar panels from the north-eastern field that adjoins Brick Kiln Lane opposite the Recreation Ground and added more hedgerows and trees within the site.

- 3.27 A Planning Statement is submitted which draws together the conclusions reached above and places them into a planning policy context referring to the Development Plan as well as to the NPPF and to National Energy Policy. It also addresses the potential impact on the Green Belt.
- 3.28 The Statement acknowledges that the proposal should be treated as inappropriate development in the Green Belt. It concludes that there would be a limited spatial and visual impact on the openness of the Green Belt here adding that there would be negligible activity associated with the development after construction and that it would be de-commissioned and removed after forty years. Moreover, it concludes that, whilst the development would alter the appearance and character of the site, its limited life-span and additional landscape planting would mean that there would be no conflict with the third purpose of including land within the Green Belt, namely "safeguarding the countryside from encroachment". The Statement thus concludes that there would at most, be limited harm to the openness of the Green Belt.
- 3.29 The Statement then identifies the planning considerations which are cumulatively said to clearly outweigh the total weight of any harms that have been identified. These are the recognised requirement for renewable energy generation; there is a confirmed point of connection to the National Grid at Lea Marston, the overall impact on openness and landscape character is minor, farm diversification and significant bio-diversity gain. These are said to outweigh the harm caused thus amounting to the very special circumstances necessary to support the proposal.

#### **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 "NPPF")

National Planning Practice Guidance – (the "NPPG")

Climate Change Act 2008 and the 2019 Addendum

UK Solar PV Strategy 2014

Clean Growth Strategy 2017

Energy Security Strategy 2022

UK 25 Year Environment Plan 2018

National Planning Statement for Energy – EN1

National Planning Statement for Renewable Energy Infrastructure – EN3

North Warwickshire Landscape Character Assessment 2010

The Kingsbury Conservation Area Designation Report.

## **6 Observations**

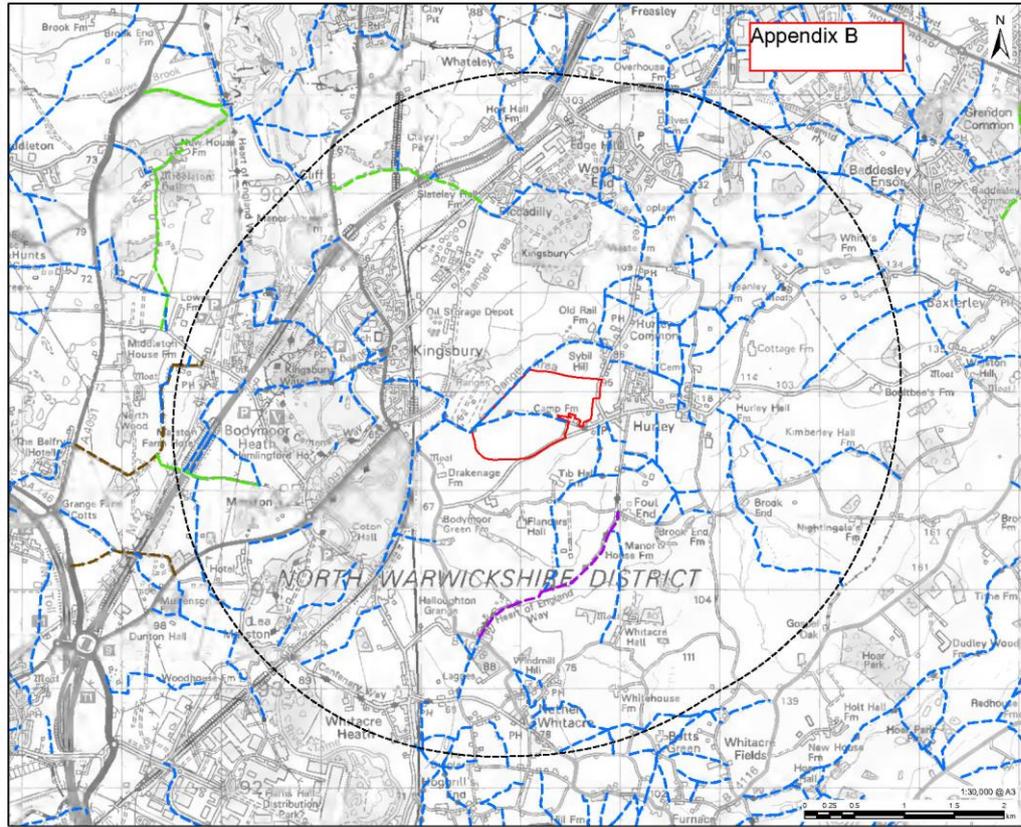
6.1 Members will be familiar with the planning issues involved with this type of application - it is the eighth application that has had to be determined. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the Green Belt and whether it conflicts with the purposes of including land within it. As in previous cases the use of agricultural land will need to be assessed as well as whether there are likely to be any flooding, traffic or heritage consequences.

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

## **7 Recommendation**

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

Revision: 0 Drawn: LP Checked: LC Approved: LM Date: 2024-02-08  
 Revision: 0 Drawn: LP Checked: LC Approved: LM Date: 2024-02-08



**AECOM**  
 PROJECT  
 Camp Farm Solar Farm

CLIENT  
 Ampyr Solar Europe

CONSULTANT  
 AECOM Limited  
 Survey House  
 4 Bedford Park  
 Crayke, LE12 2DP  
 www.aecom.com

LEGEND  
 Site Boundary  
 5km LVN Study Area  
 Public Right of Way (PROW)  
 Byway Open to All Traffic (BOAT)  
 Bridleway  
 Footpath  
 Restricted Byway

NOTES  
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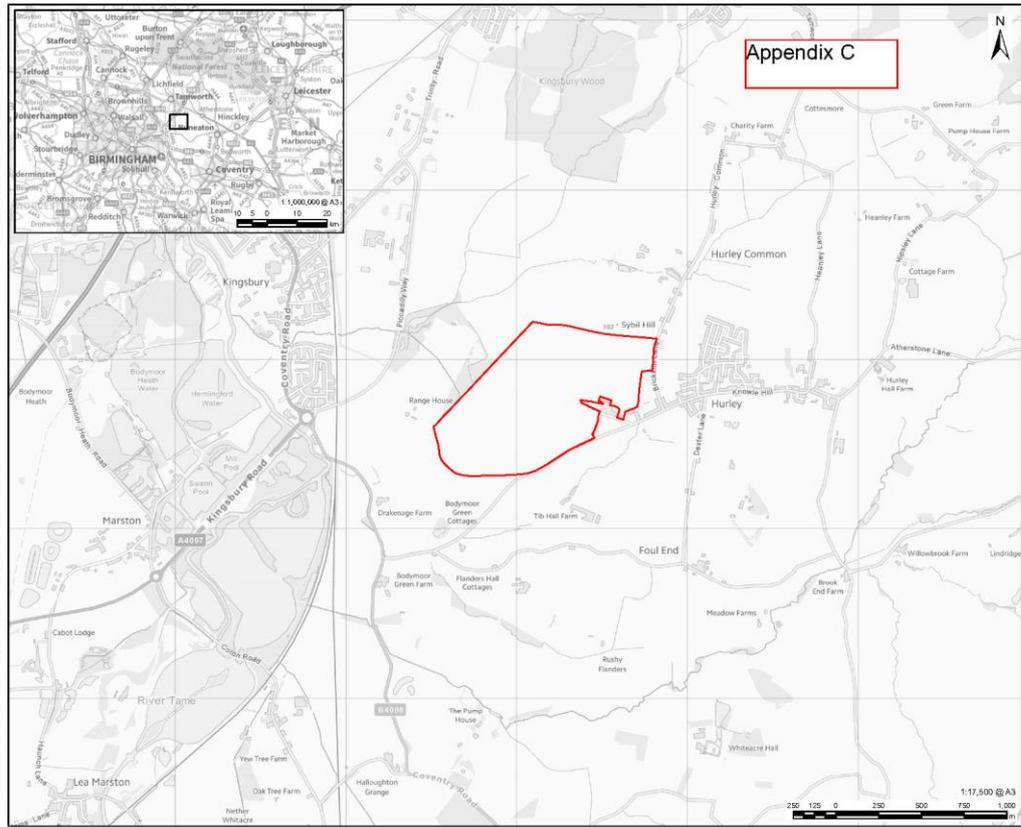
ISSUE PURPOSE  
 Landscape and Visual Appraisal

PROJECT NUMBER  
 107/20589

FIGURE TITLE  
 Public Rights of Way

FIGURE NUMBER  
 Figure 0

Revision: 0 Drawn: LP Checked: LC Approved: LM Date: 2024-02-08  
 Revision: 0 Drawn: LP Checked: LC Approved: LM Date: 2024-02-08



**AECOM**  
 PROJECT  
 Camp Farm Solar Farm

CLIENT  
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LEGEND  
 Site Boundary

**NORTH WARWICKSHIRE BOROUGH COUNCIL**  
**RECEIVED**  
**23-Dec-24**  
**PLANNING & DEVELOPMENT DIVISION**

**PAP/2024/0586**

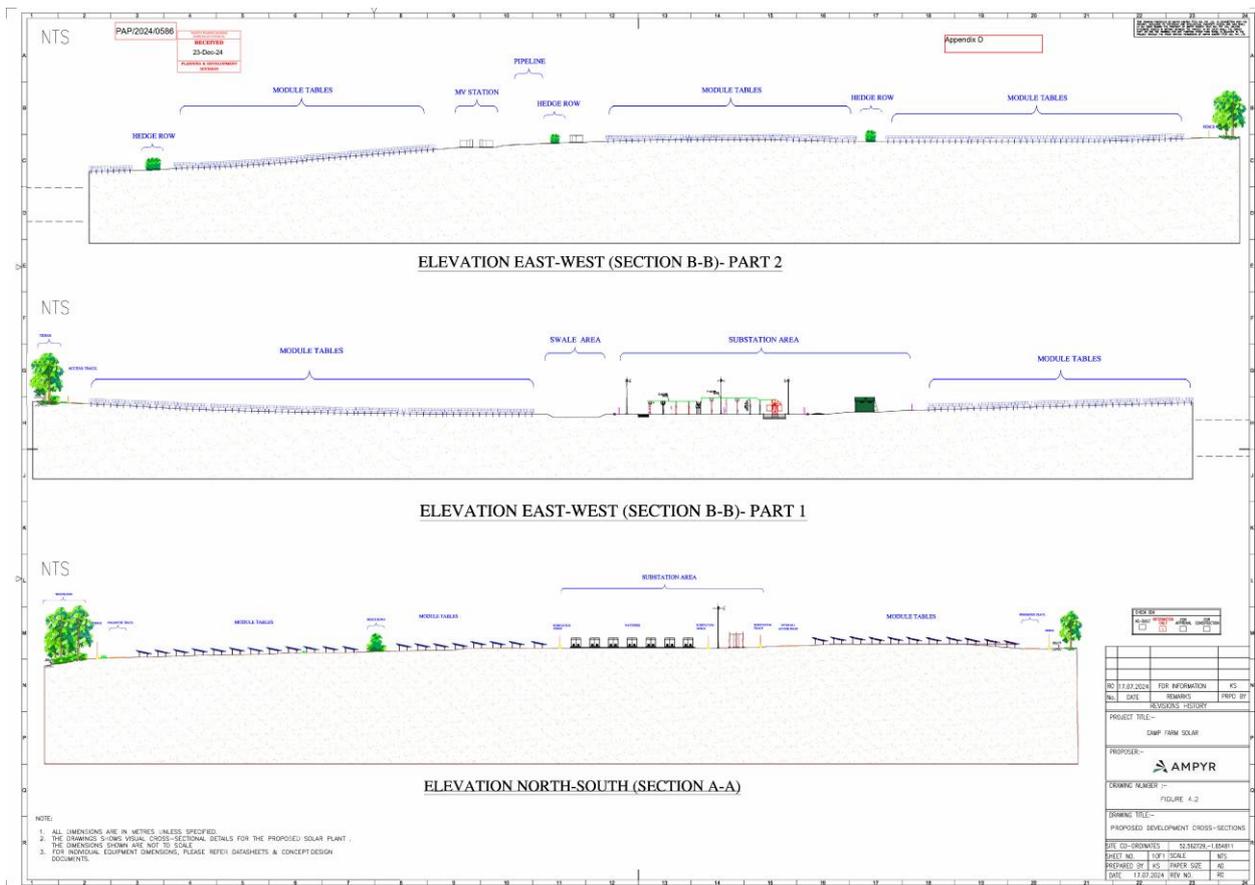
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ISSUE PURPOSE  
 Planning Application

PROJECT NUMBER  
 107/20589

FIGURE TITLE  
 Site Location

FIGURE NUMBER  
 Figure 1.1



NO	DATE	REVISIONS	PREP BY
01	17.07.2024	FOR INFORMATION	KS
02	23-DEC-24	RECEIVED	KS

PROJECT TITLE:  
CMP FARM SOLAR

PROPOSER:  
AMPYR

DRAWING NUMBER:  
FIGURE 4.2

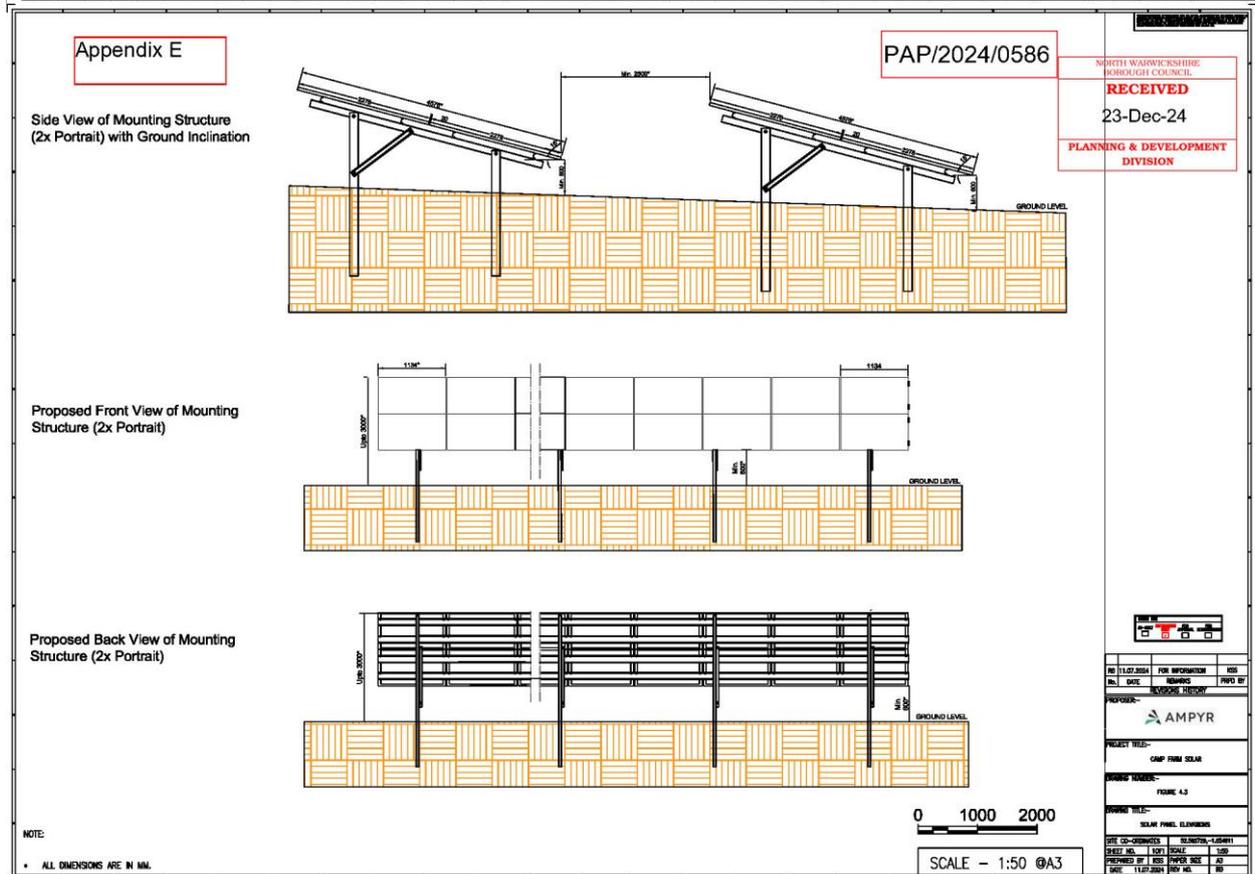
DRAWING TITLE:  
PROPOSED DEVELOPMENT CROSS-SECTIONS

SITE CO-ORDINATES: 52.54709, -1.04811

SHEET NO.: 001 | SCALE: NTS

PREPARED BY: KS | PAPER SIZE: A3

DATE: 17.07.2024 | REV NO: 01



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23-Dec-24  
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NO	DATE	REVISIONS	PREP BY
01	11.07.2024	FOR INFORMATION	KS
02	23-DEC-24	RECEIVED	KS

PROJECT TITLE:  
CMP FARM SOLAR

DRAWING NUMBER:  
FIGURE 4.2

DRAWING TITLE:  
SOLAR PANEL ELEVATIONS

SITE CO-ORDINATES: 52.54709, -1.04811

SHEET NO.: 002 | SCALE: NTS

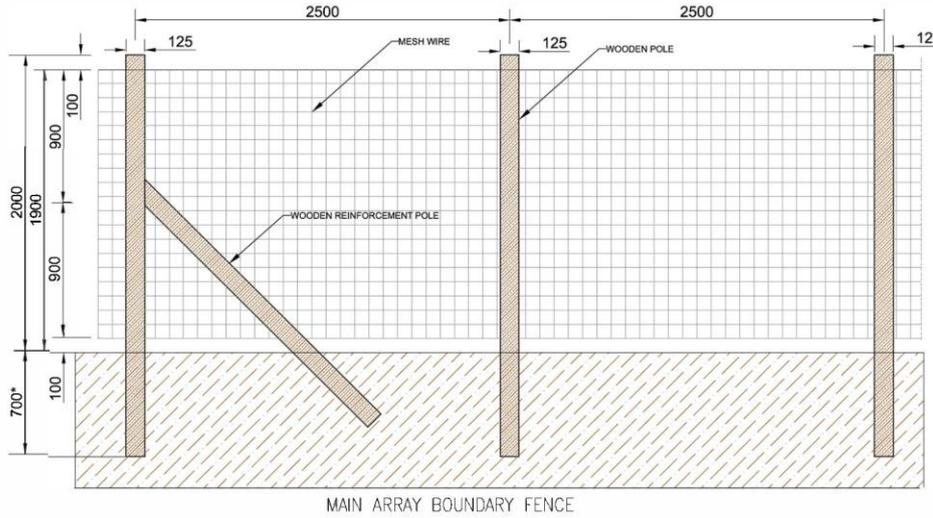
PREPARED BY: KS | PAPER SIZE: A3

DATE: 11.07.2024 | REV NO: 01

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23-Dec-24  
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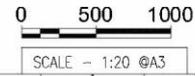
Appendix F



MAIN ARRAY BOUNDARY FENCE

\*NOTE:

- THE DEPTH OF FOUNDATION SHALL BE AS PER GEOTECH REPORT.
- ALL DIMENSIONS ARE IN MM.

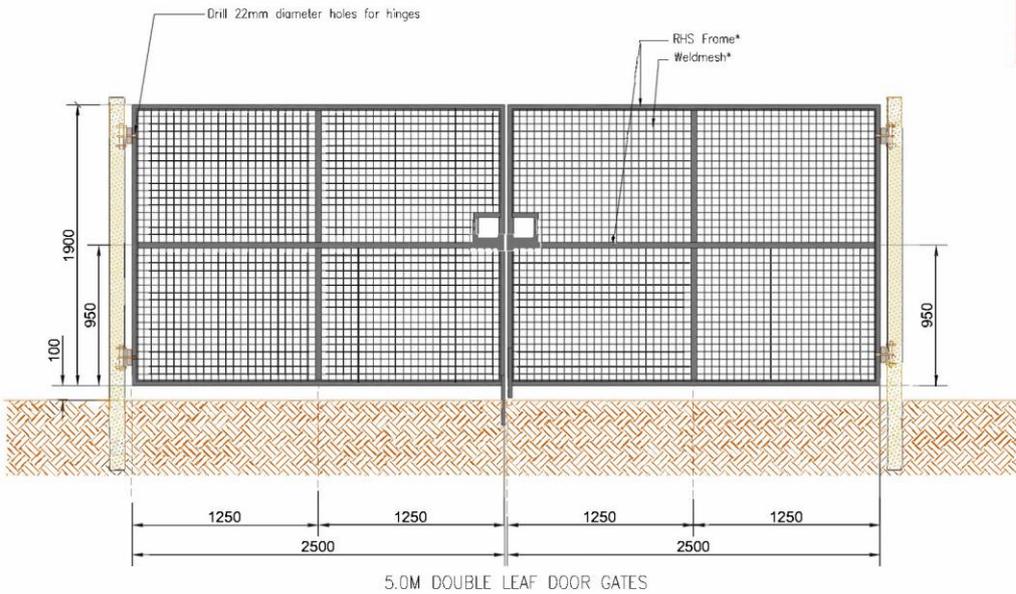


PROJECT INFORMATION	
NO. 11.07.2024	FOR INFORMATION
NO. 1	DATE
REVISIONS	PREP BY
PROPOSER -	
AMPYR	
PROJECT TITLE -	
CAMP FARM SOLAR	
DRAWING NUMBER -	
FIGURE 4.4	
DRAWING TITLE -	
SOLAR ARRAY BOUNDARY FENCE	
DATE	CO-ORDINATE
SCALE	NO.
PREPARED BY	PROJ. MANAGER
CHECKED BY	DATE

Appendix G

PAP/2024/0586

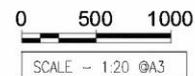
NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
23-Dec-24  
PLANNING & DEVELOPMENT  
DIVISION



5.0M DOUBLE LEAF DOOR GATES

\*NOTE:

- THE DEPTH OF FOUNDATION SHALL BE AS PER GEOTECH REPORT.
- ALL DIMENSIONS ARE IN MM.

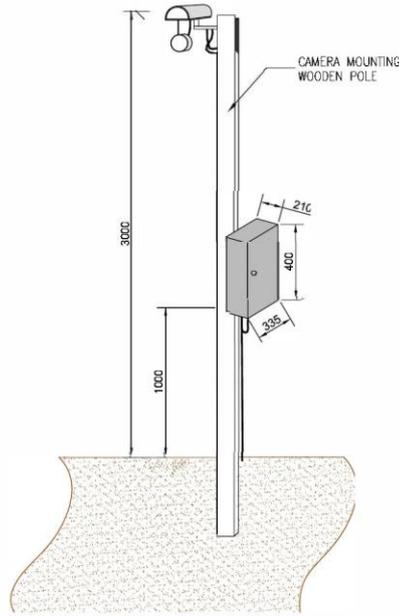


PROJECT INFORMATION	
NO. 11.07.2024	FOR INFORMATION
NO. 1	DATE
REVISIONS	PREP BY
PROPOSER -	
AMPYR	
PROJECT TITLE -	
CAMP FARM SOLAR	
DRAWING NUMBER -	
FIGURE 4.5	
DRAWING TITLE -	
ACCESS GATE ELEVATION	
DATE	CO-ORDINATE
SCALE	NO.
PREPARED BY	PROJ. MANAGER
CHECKED BY	DATE

Appendix H

PAP/2024/0586

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
23-Dec-24  
PLANNING & DEVELOPMENT  
DIVISION



CCTV SECURITY CAMERA ELEVATION

NOTE:

- ALL DIMENSIONS ARE IN MM.



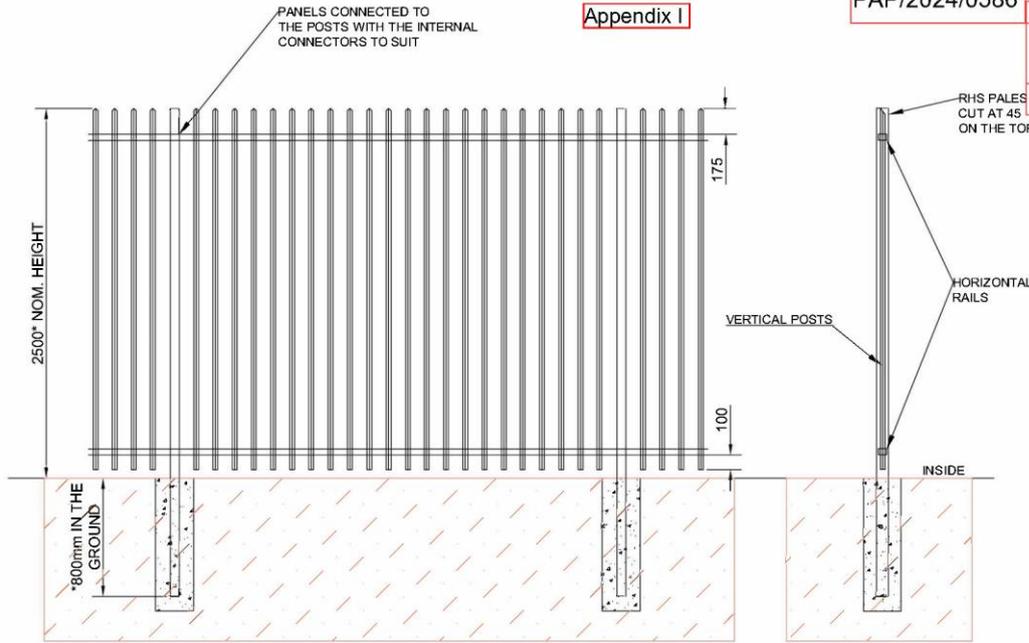
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NO	11.02.2024	FOR INFORMATION	REV
NO	DATE	REMARKS	PREP BY
PROPOSER:- <b>AMPYR</b>			
PROJECT TITLE:- CAMP NEW SOLAR			
DRAWING NUMBER:- FIGURE 4.6			
DRAWING TITLE:- CCTV SECURITY CAMERA ELEVATION			
SITE CO-ORDINATE	SCALE	DATE	BY
11.02.2024	1:20	11.02.2024	REV

Appendix I

PAP/2024/0586

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
23-Dec-24  
PLANNING & DEVELOPMENT  
DIVISION



SUBSTATION FENCE

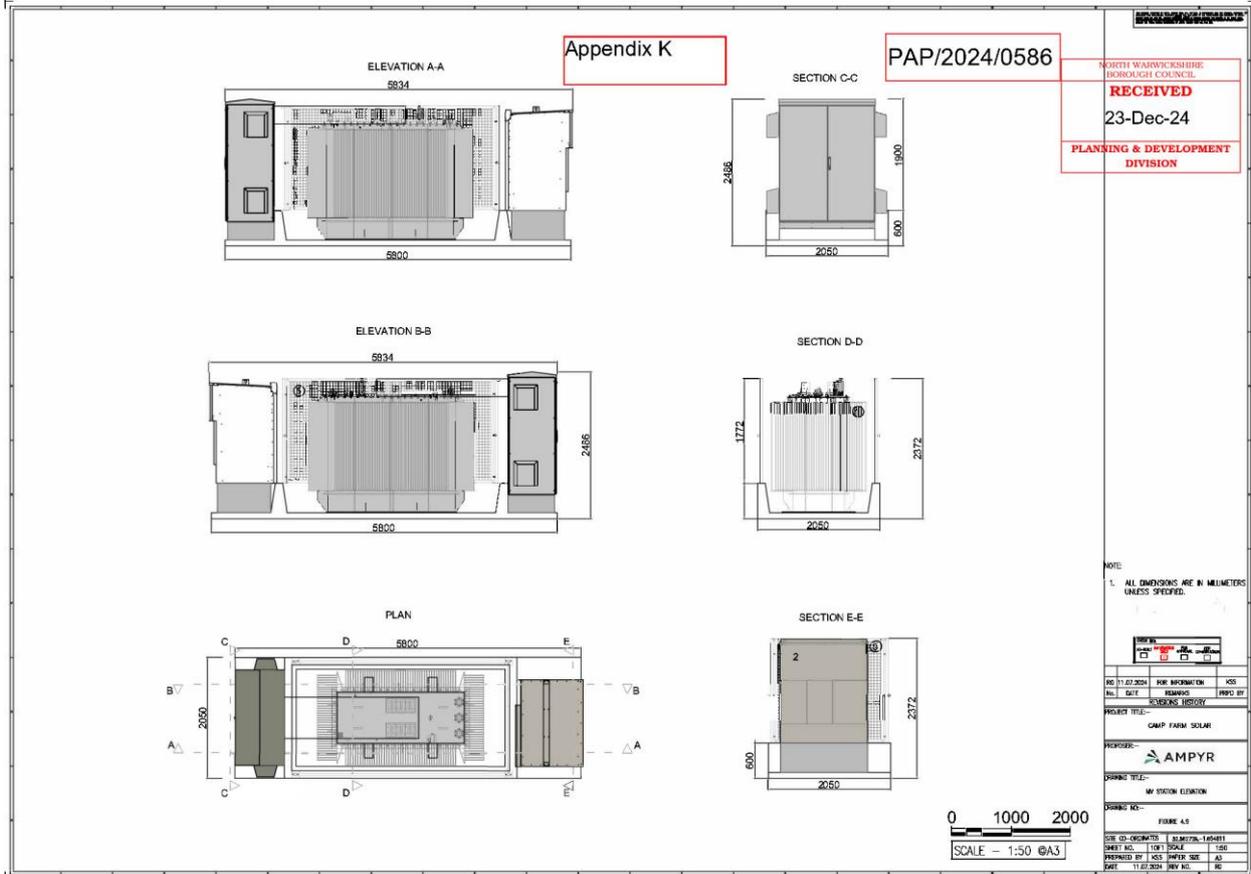
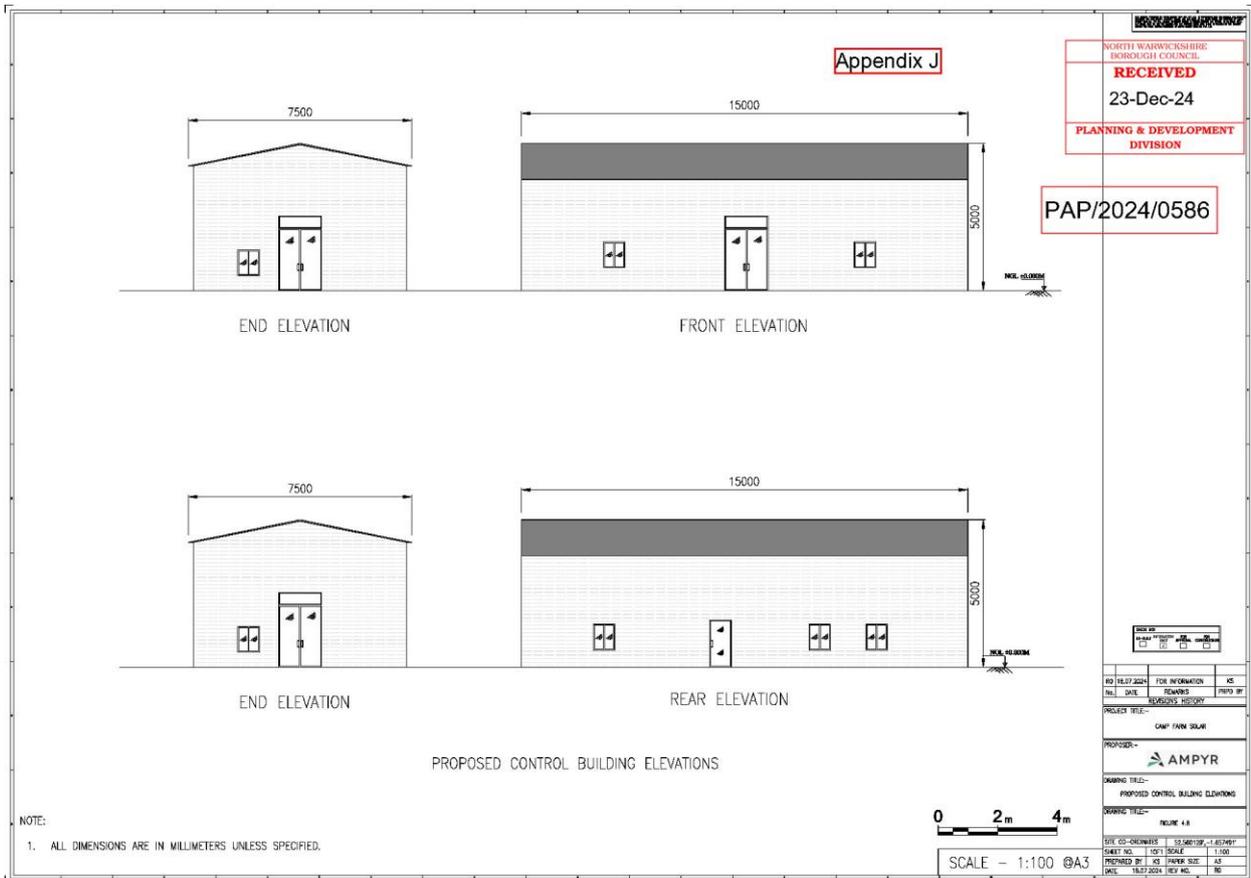
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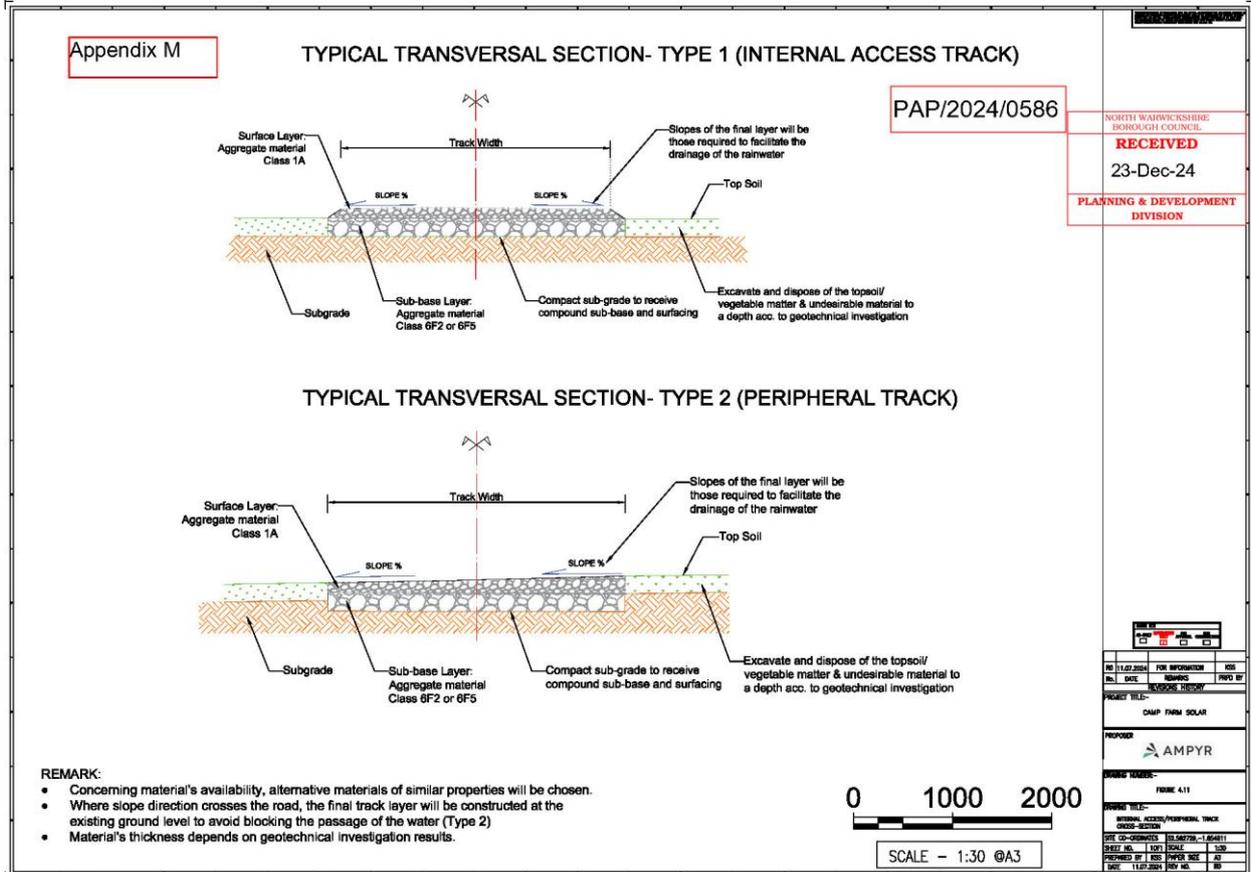
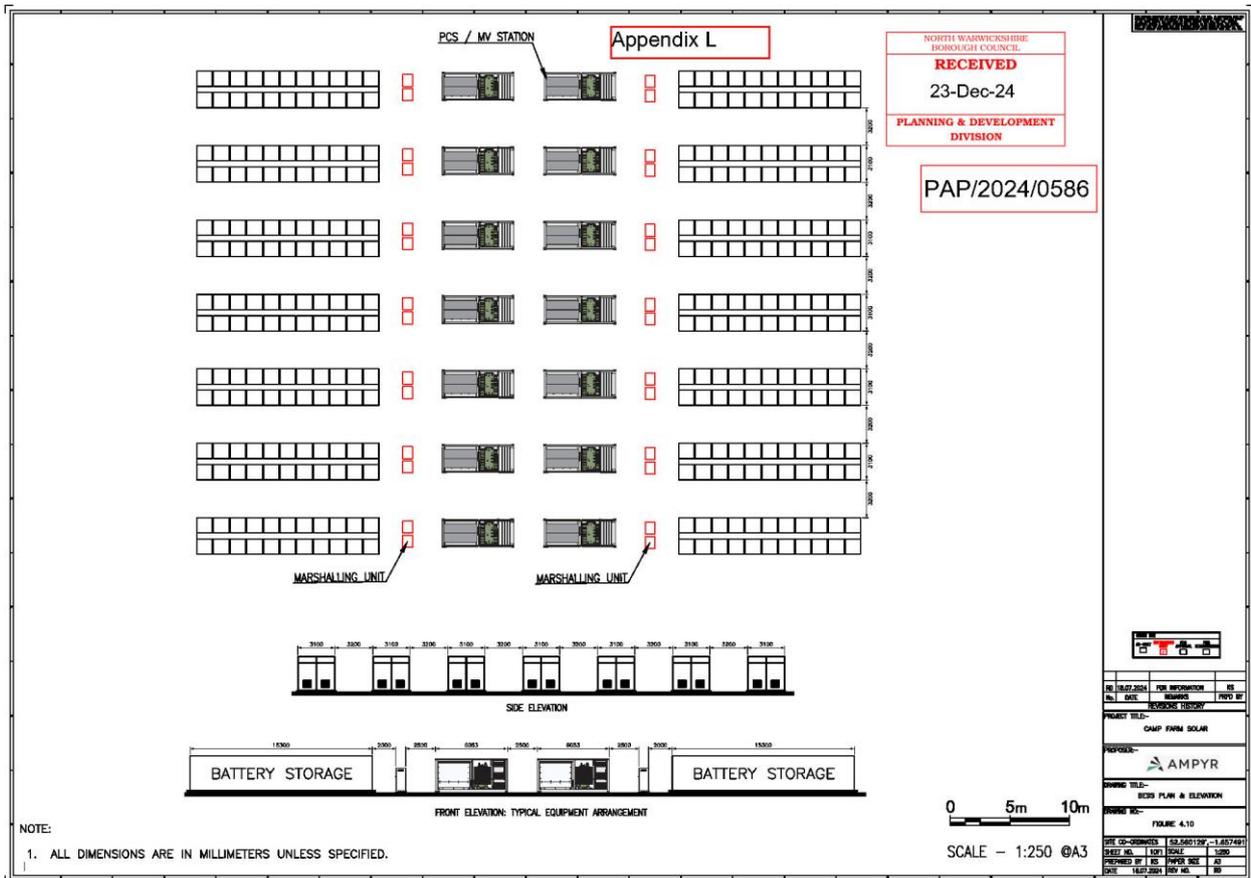
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- ALL DIMENSIONS ARE IN MM.



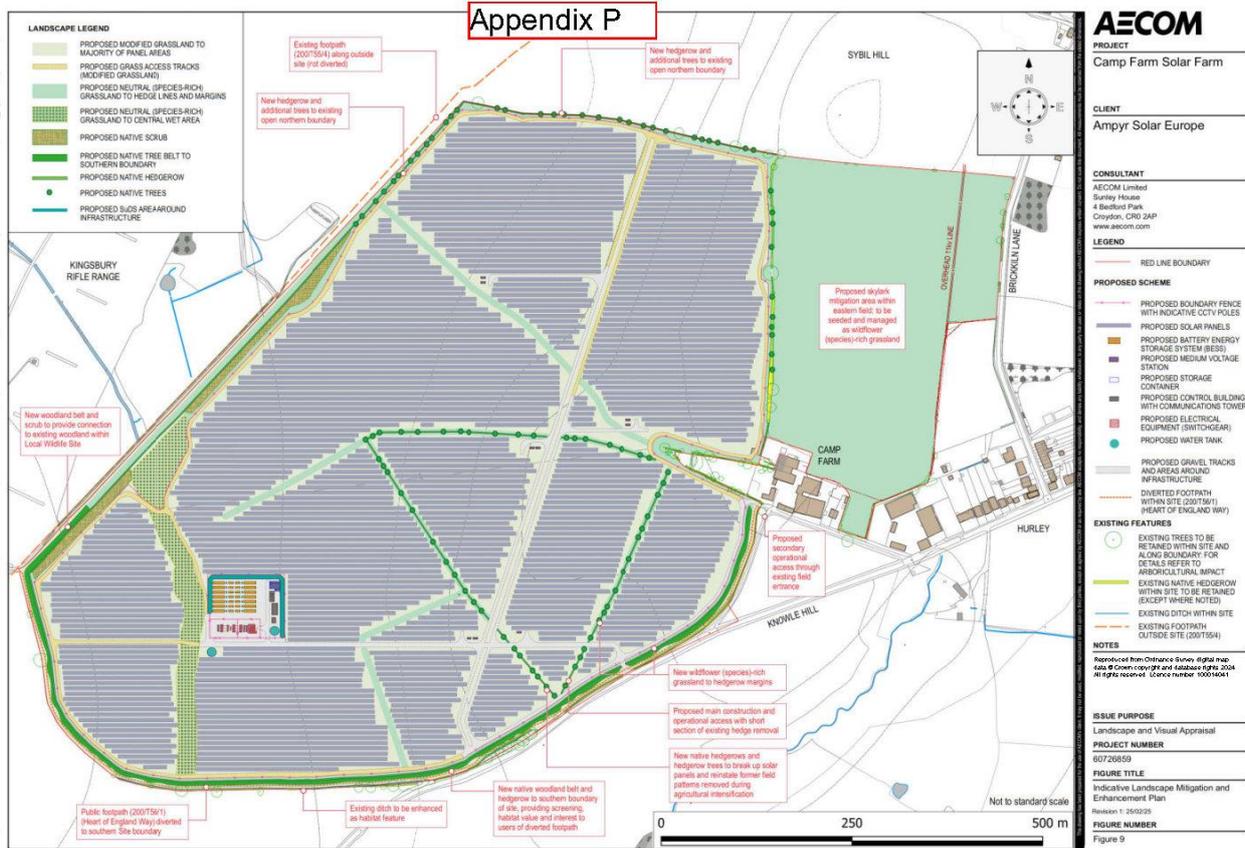
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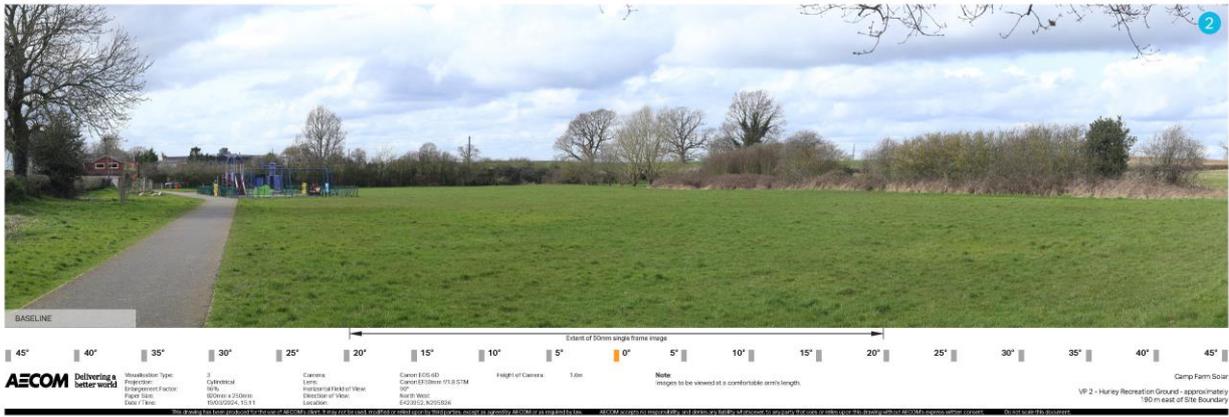
NO	11.02.2024	FOR INFORMATION	REV
NO	DATE	REMARKS	PREP BY
PROPOSER:- <b>AMPYR</b>			
PROJECT TITLE:- CAMP NEW SOLAR			
DRAWING NUMBER:- FIGURE 4.7			
DRAWING TITLE:- SUBSTATION FENCE			
SITE CO-ORDINATE	SCALE	DATE	BY
11.02.2024	1:20	11.02.2024	REV

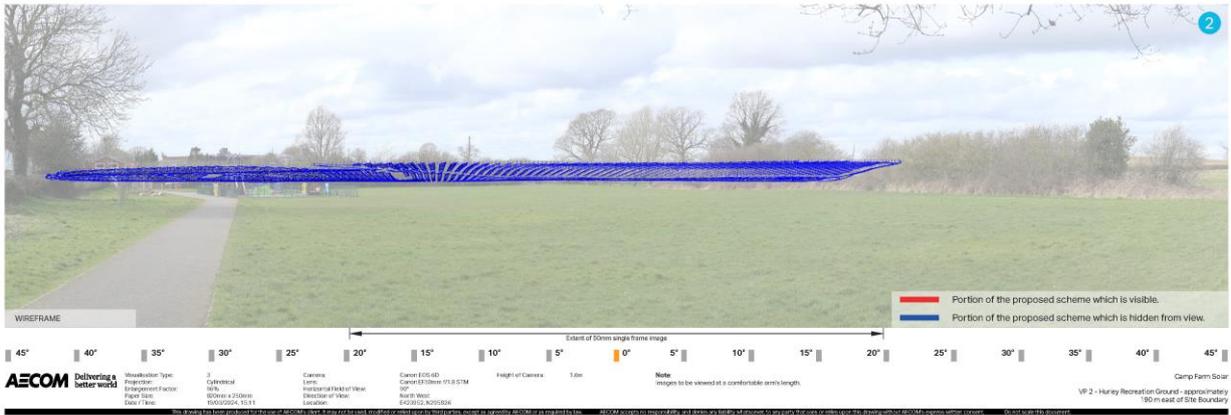


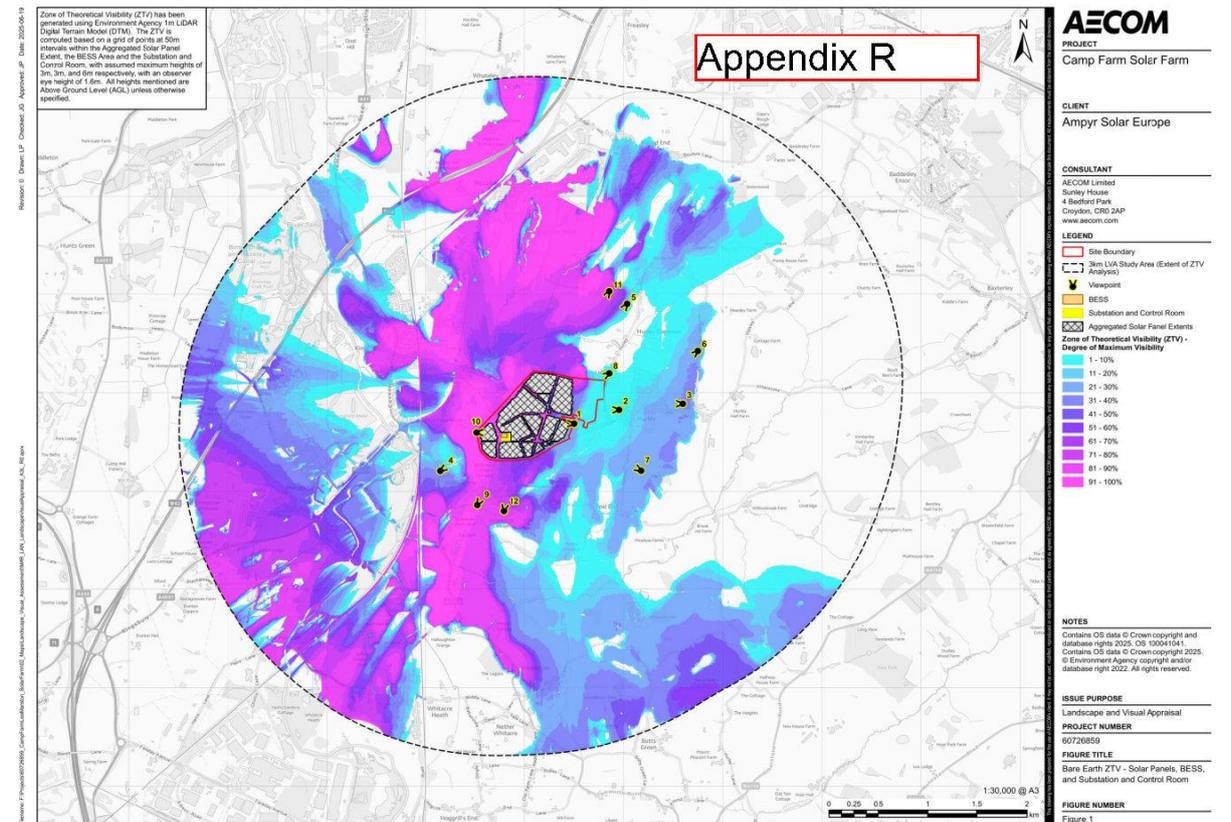


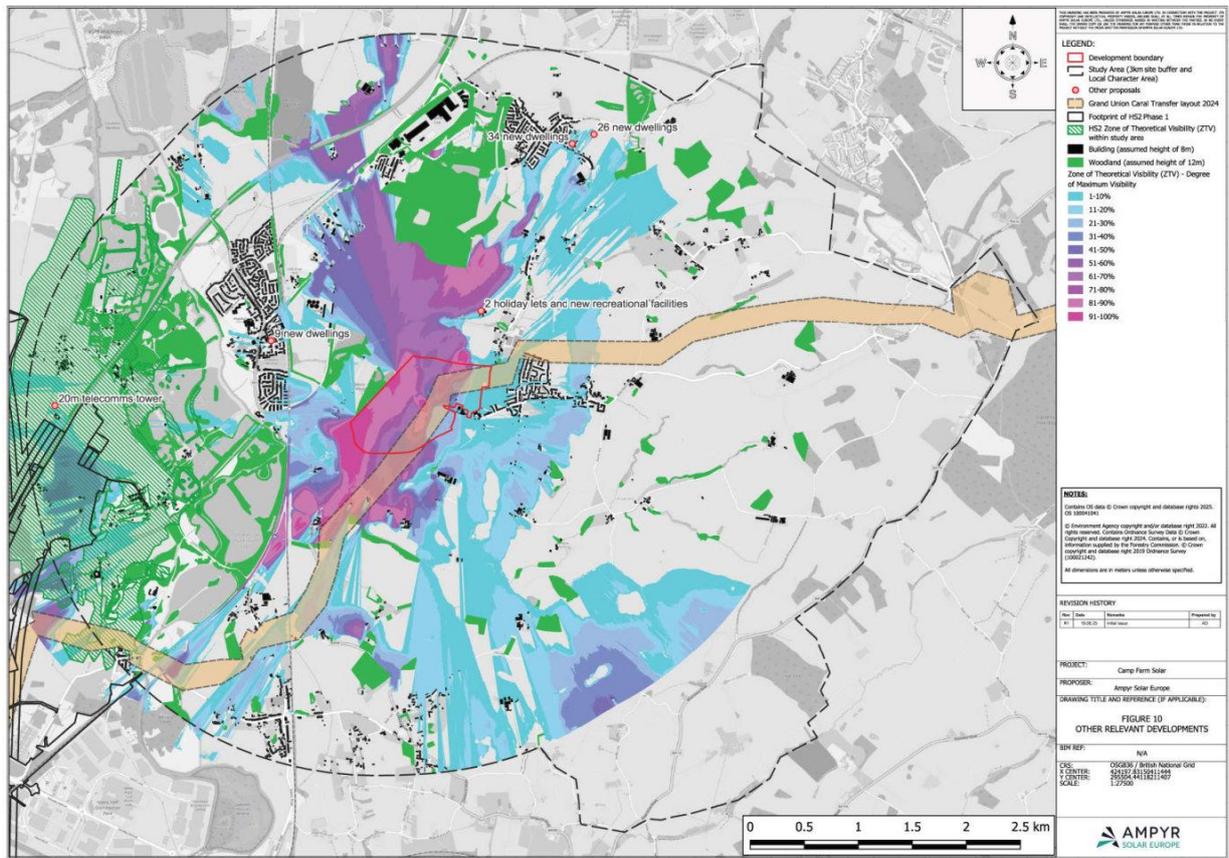
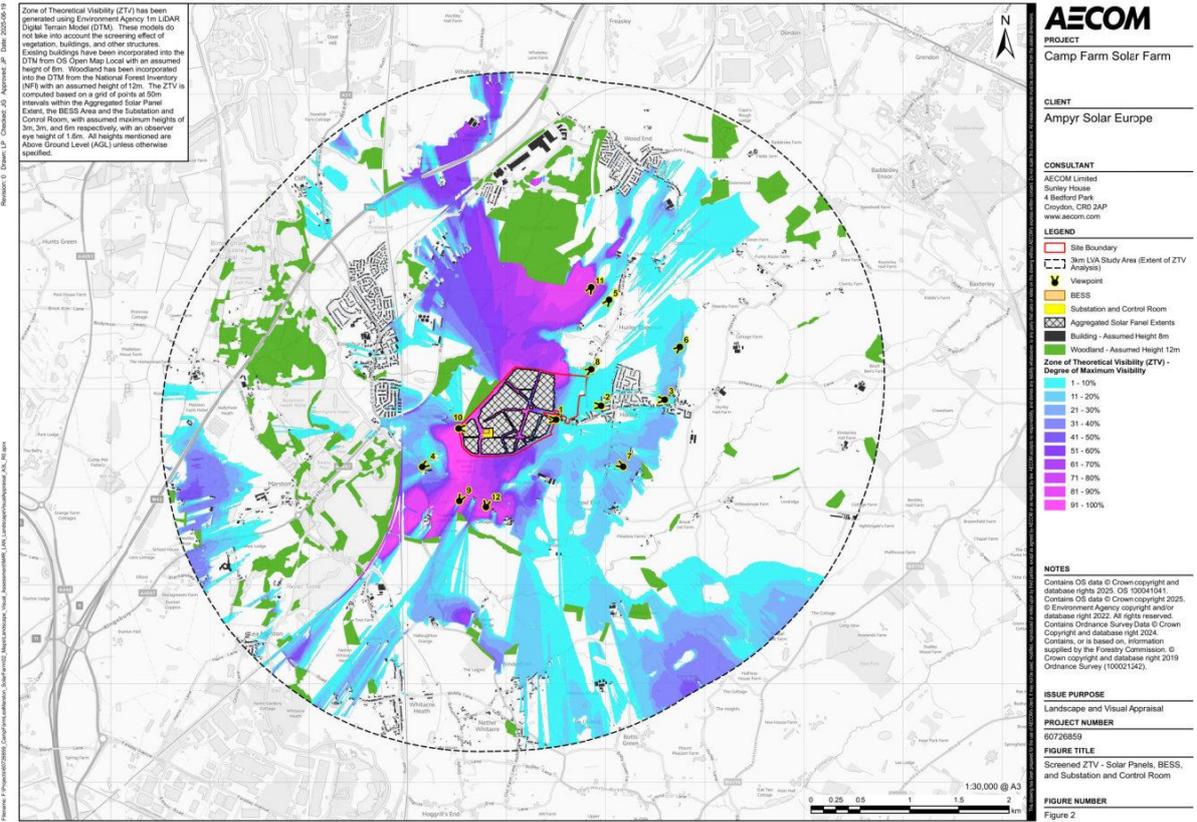












# Appendix S

Your ref:  
Our ref: 02/039698/GA0096/SEK



For the attention of Andy Collinson  
Development Control  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire CV9 1DE

Warwickshire Fire & Rescue Service

**Gabriella Ahnger**  
Fire Protection Department  
Service HQ, Warwick Street  
Leamington Spa  
CV32 5LH  
Tel: 01926 466 263  
[firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk)  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

planningcontrol@northwarks.gov.uk

12 March 2025

**FPP2**  
**Rev. Oct 2018**

Dear

## THE BUILDING REGULATIONS 2010

**Planning Application Number: PAP/2024/0586**

**Development: LAND WEST OF CAMP FARM, KNOWLE HILL, HURLEY, CV9 2JF**

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.

- 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.

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

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

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

## **General Development Applications**

**(5/e) Application No: PAP/2024/0549**

**Cliff Meadows, Tamworth Road, Cliff, Kingsbury, B78 2DS**

**Application to vary conditions 1 and 12 of appeal decision APP/R3705/W/24/3338275 dated 26/7/2024 (PAP/2023/0191) to allow two additional caravans, for**

**Mr J Doherty**

### **1. Introduction**

1.1 This application is referred to the Board given the site's past history.

### **2. The Site**

2.1 This is a rectangular area of former grass land which is on the west side of the A51 about 600 metres north of the built-up area of Kingsbury, just beyond the M42 overbridge and about 400 metres south of the hamlet of Cliff. The River Tame river bluff is further to the west with a mature tree belt and there are open fields to the east on the other side of the road. Immediately to the south is the residential curtilage known as The Lodge.

2.2 There is an existing caravan storage site extending from Cliff Lane along the western edge of the river bluff, which is to the north of the application site.

2.3. There are presently two access points onto the road. The first is just north of the boundary with The Lodge, but this is presently closed off. The second is just further to the north. There are newly formed bunds within the site together with new tree planting. The applicant has formed a new central access providing vehicular access to the location of an approved caravan pitch at the rear of the site.

2.4. Kingsbury has a primary and secondary school, a leisure centre, library, church, public houses a surgery and a selection of shops. It also has frequent bus services running into Dosthill and Tamworth to the north. There is a pavement running along the A51 such that there is pedestrian access into Kingsbury and Dosthill.

2.5 A general location plan is at Appendix A.

### **3. Background**

3.1 The site has recently been approved for use by the Doherty family and their resident dependents for permanent occupation. This was allowed by the appeal decision APP/R3705/W/24/3338275 which is attached at Appendix B. It enabled the "change of use of land for a single pitch gypsy site, installation of septic tank and relocation of the access" as illustrated at Appendix C.

## **4. The Proposals**

4.1 This is an application to vary conditions 1 and 12 of the above appeal decision in order to allow two additional caravans for occupation by the applicant's older children (one 18 years of age and the other 20). The appeal allowed a maximum number of two caravans on the site - one static van and one touring van. The proposal is thus to provide space for two additional static vans for the two of the applicants children who are over the age of 18. The approved layout is shown on Appendix C and the proposed layout is at Appendix D. It is said that the amendment would allow for the occupants to have some independent living arrangements, but that they would be close enough to their parents, as one has particular health concerns and the other has learning disabilities. The Doherty's remaining two children are of primary school age (aged 7 and 10 years old).

4.2 As can be seen in Appendix D, the new vans would be located at the far western end of the site close to the approved pitch and beyond the bunding on the site which is now approved. The existing approved access would be retained and the proposed landscaping would not be affected.

## **5. Development Plan**

The 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)

## **6. Other Relevant Material Considerations**

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

National Planning Practice Guidance - (the "PPG")

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

National Described Space Standards ("NDSS")The 2019 Appeal Decision - APP/R3705/W/19/3220135

The 2020 Appeal Decision – APP/R3705/W/19/3242521The 2021 Appeal Decision – APP/R3705/W/20/3260829

The 2024 Appeal Decision – APP/R3705/W/24/3338275

The North Warwickshire Landscape Character Assessment 2010

The Public Sector Equality Duty

The North Warwickshire Local Development Scheme

## 7. Consultations

Environmental Health Officer – No objection subject to conditions

Warwickshire County Council as Highway Authority – No comments

## 8 Representations

8.1 Kingsbury Parish Council maintains that permission should not be given for further development on this site for the same reason as previously. Granting permission will result in a further loss of Green Belt land and will change the visual aspect and character of this rural landscape.

8.2 There have been eighteen letters of objection received from residents and including a letter of objection from Dosthill and Two Gates Residents Association. The matters raised refer to:

- Too many caravans already.
- Shock that the appeal was allowed.
- Loss of Green Belt land – it is inappropriate and affects its openness.
- Preservation of Green Belt between Dosthill and Kingsbury.
- Bunding not a natural feature.
- The fence that was erected is ugly.
- Need to protect Green Belt
- Site is away from existing settlements.
- The application is a tactical one following the appeal, the additional caravans should have been considered at the appeal.
- Applicant cannot be trusted.
- Anti-social behaviour to neighbouring properties in Cliff
- There will be pressure for more development if allowed.
- Site would hinder evacuation from Kingsbury if necessary.
- Will encourage larger groups of gypsy and travellers to visit the area.
- Access by footpath to Dosthill is not easy.
- Will lead to access and highway problems.
- Local facilities such as doctors are already stretched.
- These are additional pitches.
- Would lead to additional paraphernalia per additional caravan.
- Concern how the site would be monitored and how it would add pressure to increase again and again.

8.3 One letter of support has been received, indicating they have no objection to the proposal.

## **9. Observations**

### **a) Introduction**

- 9.1 Members are reminded that this is an application solely to vary conditions and not one that requires a review of the extant planning permission. The lawful use of the application site is as a “single pitch gypsy site”. The proposal is to vary this permission through the addition of two new static vans for occupation by the resident traveller’s family. The remit of the Board is thus limited to an assessment of the planning merits arising from that addition.

### **b) Green Belt**

- 9.2 The site is in the Green Belt where inappropriate development is defined as being harmful by the NPPF. It continues by saying that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. This report will assess whether the proposal is inappropriate or not, as well as identifying any other harms. If the proposal is found to be inappropriate development, it will be necessary to look at the considerations put forward by the applicant in support of the proposal. It will then make a judgement on this planning balance to see whether those considerations clearly outweigh the cumulative harms caused. If it is not inappropriate development, then harms other Green Belt will need to be identified and assessed against the applicant’s considerations in the planning balance.

### **c) Grey Belt Land in the Green Belt**

- 9.3 As Members are aware there has been a material change within the NPPF after this appeal decision. Namely in December 2024, the concept of “grey belt” land within the Green Belt was introduced. The first issue to deal with in this application, is thus to establish whether the application site meets the definition of grey belt land as set out in the Glossary to the NPPF and whether that outcome has implications on the likely recommendation to be made on this application.
- 9.4 The NPPF “grey belt” definition says that to be “grey belt land”, the site could either be previously developed land (PDL) or not; it should also not strongly contribute to any of the purposes (a), (b) or (d) set out in paragraph 143 of the NPPF as repeated in paragraph 9. 2 above and that Footnote 7 of the NPPF does not apply.
- 9.5 This land is PDL by virtue of it meeting the NPPF definition, as a consequence of the implementation of the recent appeal decision. However, as indicated above, this is not the sole requirement as to whether the site is “grey belt land”. It is necessary to look at the three identified purposes.

- 9.6 Overall, there are five purposes of including land within the Green Belt as set out in NPPF paragraph 143. They are:
- (a) To check the unrestricted sprawl of large built-up areas;
  - (b) To prevent neighbouring towns from 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.
- 9.7 Looking first therefore 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. Tamworth and Birmingham - separated by open countryside such that it is discrete from any large built-up area. Kingsbury is not considered to be a “large built-up area”. In respect of purpose (b) then the site would not in itself lead to the merging of neighbouring towns for the same reasons as above and as significant open land would remain between the site and neighbouring towns. Purpose (d) does not apply in this case as there are no nearby historic towns. It is considered therefore that the three purposes are not conflicted.
- 9.8 In respect of Footnote 7 - whether there are 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 particularly as they have never been given any weight in the appeal decisions relating to this site.
- 9.9 As a consequence of all of these matters, it is considered that the application site is “grey belt land” within the Green Belt.

**d) Green Belt – Inappropriate Development or not**

- 9.10 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 paragraph 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.

- 9.11 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 existing planning permission for the site, would mean it would be difficult to argue that the proposal would lead to any fundamental undermining of the encroachment purpose of Green Belt. The additional development area is limited in terms of the whole area of Green Belt. 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 has permission for a gypsy and traveller site. In these circumstances it is considered that the proposal would satisfy this condition.
- 9.12 In terms of the second condition of 155, it is acknowledged that the Planning Inspector found that the Borough does not have a five-year supply of gypsy and traveller sites (paragraph 34 of Appendix B). This position has not altered and thus it is acknowledged that there is a demonstrable unmet need for the type of development being proposed. This condition would thus be satisfied
- 9.13 The third condition refers to the site being in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The site is within a rural area and the nearest significant settlements are Kingsbury and Tamworth. However, there are footpaths towards Kingsbury and bus stops in the vicinity of the site. The Inspector makes it clear that it is considered to be a sustainable location (paragraph 26 Appendix B). The third limb of paragraph 155 is fulfilled.
- 9.14 Fourthly, in terms of the meeting the final condition in respect of the “Golden Rules”, these only apply to “major development involving the provision of housing... on sites in the Green Belt subject to a planning application”. It is made clear in paragraph 18 of the PPTS that the “Golden Rules” do not apply to traveller sites.
- 9.15 Given the proposal meets all of the four conditions in paragraph 155, this proposal would not be inappropriate development in the Green Belt.
- 9.16 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. This was a matter that was considered at the most recent appeal, however this should not be considered now, if the conclusion on the development not being inappropriate is agreed.

**e) Other harms**

- 9.17 Given the above it is now necessary to consider whether any other harms are likely to be caused by the addition of two pitches.

- 9.18 It is considered that the proposal would not give rise to unacceptable impacts on ecological and heritage assets; to any drainage issue or give rise to unacceptable air quality or noise impacts, nor indeed to unacceptable highway impacts. This was found to be the case in the recent appeal decision and indeed by previous Inspectors in earlier decisions.
- 9.19 The proposal does introduce additional development here and thus the cumulative landscape and visual impacts should still be assessed.
- 9.20 The Inspector at paragraph 20 of the appeal, concluded that 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.” The additional two vans are to be located at the far western end of the site with the approved bunding and landscaping to remain in place and unaltered. There are no public footpaths crossing the site or nearby. In these circumstances, the additional two static caravans would not materially alter the Inspector’s overall conclusion.
- 9.21 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.
- 9.22 On the harm side of the balance, it is considered that there is limited, if any harm, here arising from the additional static vans on the site.

**f) The Applicants Planning Considerations**

- 9.23 It is now necessary to assess the other side of the balance. The applicant considers that because of the recent appeal decision and that the impact visually is limited, there is overall very limited harm caused.
- 9.24 Additionally, he refers 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 B) 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. 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.” There has been no change here and thus this consideration put forward by the applicant is considered to carry significant weight.

- 9.25 The applicant has also put forward that the allowed appeal would not now be sufficient to accommodate the family which includes two parents and four children (two of which are adult aged). They indicate the one static caravan would not meet the National Described Space Standards for a five-bedroomed property which would be 103 square metres. Along with the medical issues of the family and learning disabilities, the approved accommodation is said not to be adequate for the applicant’s current family. The proposed position of the caravans would also ensure that the young adults will have a level of independence as well as supervision too without creating a separate plot.
- 9.26 In all of these circumstances, the applicant’s considerations on the other side of the final planning balance here are considered cumulatively to carry significant weight.

#### **g) The Planning Balance**

- 9.27 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 above, against the considerations summarised in above.
- 9.28 Overall, the recommendation is that the application be approved, subject to conditions as set out below.

#### **Recommendation**

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

1. The development hereby permitted shall be carried out in accordance with drawing nos SA47316-BRY-ST-PL-A-0001 and (0005\_Proposed site plan) SA52227-BRY-ST-PL-A-0005.
2. In the event of the Gypsy residential site use hereby permitted commencing but then ceasing the land restoration approved under DOC/2024/0069 shall be carried out in its entirety.
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 approved landscaping scheme DOC/2024/0069 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. Within 3 months of the occupation of the Gypsy residential site use hereby permitted 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. Within 3 months of the occupation of 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 be carried out in accordance with the approved bin collection point submitted under DOC/2024/0069 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 four 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 three caravans shall be a static caravan.
13. In accordance with the condition 12 which limits the number of static caravans to three details of any static caravans proposed or replacements van to be sited on this site shall be submitted and approved in writing to the local planning authority.
14. 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.
15. The external lighting shall be installed in accordance with the approved details under DOC/2024/0069.
16. 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.





# Appendix B



The Planning Inspectorate

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## 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

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**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".
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### 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

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<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

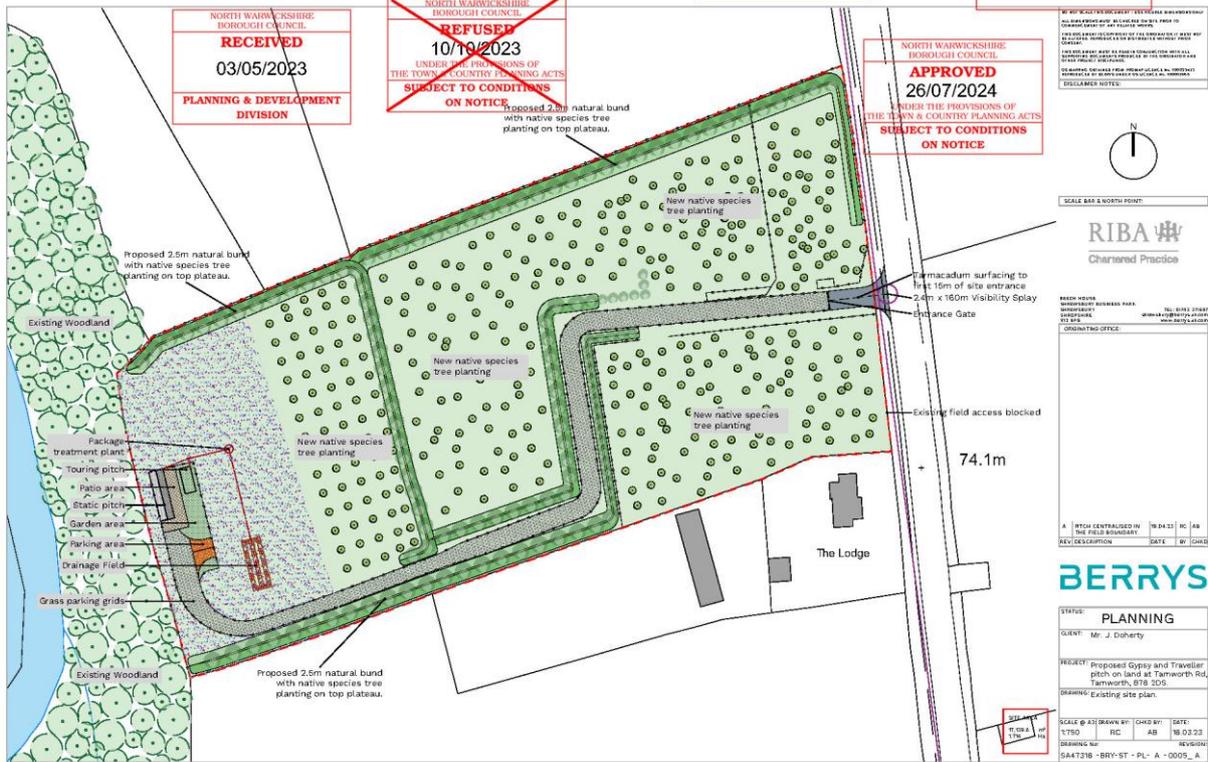
landscaping scheme shall be maintained and any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or becomes seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted.

- 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.

APPENDIX C

PAP/2023/0191



APPENDIX D

PAP/2024/0549



## **General Development Applications**

**(5/f) Application No: PAP/2025/0161**

**Meadow View Farm, Kinwalsey Lane, CV7 7HT**

**Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property, for**

**Mr & Mrs Skalka**

### **1. Introduction**

1.1 This application is reported to the Planning and Development Board at the request of local Members concerned about potential adverse impacts.

### **2. The Site**

2.1. Meadow View Farm is a detached residential property situated to the northern side of Kinwalsey Lane. Kinwalsey House falls to the north, accessed via a narrow track which demarcates the western boundary of the agricultural land associated with Meadow View Farm. The site falls within the Green Belt.

2.2. An annotated Site Plan is provided at Appendix A.

### **3. The Proposal**

3.1. Planning permission is sought for the temporary retention of a single storey building for use as ancillary accommodation, for a period of 5 years. The building is a timber structure supported on pad foundations, located towards the north-eastern extent of the site, standing 3.35m above ground with a length and width of 8.9m and 5.2m respectively.

3.2. Elevations, Block and Floor Plans are provided at Appendix B.

### **4. Background**

4.1. A lawful development certificate was submitted in 2024 (PAP/2024/0383) pertaining to the structure subject of this application, with the applicant asserting that it was lawful as it constituted a caravan. Officers concluded that the structure did not meet the definition of a caravan and required planning permission. The application was withdrawn and followed by this application for its retention on-site.

### **5. Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Fillongley Neighbourhood Plan 2019 - FNP01 (Built Environment); FNP02 (Natural Environment) and FNP06 (Heritage)

## 6. Other Relevant Material Considerations

National Planning Policy Framework 2024 - ("NPPF")

Planning Practice Guidance - ("PPG")

MHCLG National Design Guide

North Warwickshire Landscape Character Assessment (2010)

Fillongley's Neighbourhood Plan is currently under review and is at 'Regulation 14' stage. The revised plan has not been subject to independent examination and is thus attributed limited weight at this time.

## 7. Representations

- 7.1. Two letters of support have been received, one raising 'absolutely no objection' with the second response detailed in full below:

*Regarding planning application PAP/2025/0161 for the temporary retention of an existing mobile home as ancillary accommodation for five years within the residential curtilage of Meadow View Farm, Kinwalsey Lane, CV7 7HT, the National Annexe Planning Consultancy (NAPC) extends its support for this proposal.*

*The NAPC recognises the value of ancillary accommodation in making efficient use of existing residential plots. This proposal aligns with our national position that such developments support flexible living arrangements, including multigenerational living, and offer a sustainable response to housing and care pressures without necessitating large-scale new development. The temporary nature of the mobile home as ancillary accommodation ensures it remains an integral part of the main dwelling, maintaining the residential character of the area.*

*We note the importance of ensuring that the mobile home remains ancillary to the main dwelling, with careful consideration given to its scale, layout, and access to prevent any risk of separation. These factors are crucial in maintaining the harmony and coherence of the residential environment.*

*We encourage the applicant to reach out to NAPC for expert advice on ensuring compliance with planning policies and achieving long-term peace of mind. Our expertise in ancillary and modular developments can provide valuable insights into maintaining the integrity and purpose of such accommodations.*

*Furthermore, we urge the local planning authority to consider incorporating supportive annexe policies in future iterations of their local plan. The positive impact of ancillary accommodation in regions such as Ireland and California demonstrates its effectiveness in alleviating housing pressures and enhancing community resilience.*

7.2. Fillongley Parish Council object to the application with its response set out below:

*This application was discussed at length by Councillors at their last meeting.*

*Councillors were concerned that the application letter was referring to the “mobile home” when it has already been determined that this is not the case, hence the application. Councillors understand that had an application been sought in the proper manner, it would be unlikely to be approved, as it would be for a new dwelling in the green belt. FPC do not consider that the application should be viewed differently as it is retrospective. The application makes mention of the residents’ assistance within the smallholding but does not attempt to justify a new dwelling, such as this, within the green belt.*

*Councillors understand from the application that the building has already been in use for 5 years without planning permission being sought. FPC consider that 5 years of unauthorised dwelling is enough, and further condoning should not occur, and permission for a further 5 years should not be granted.*

*The application appears to be a blatant case of “playing the system” trying to gain a new dwelling in the green belt retrospectively.*

*The application does not comply with FNP01 and FNP04 or national Green Belt policies and FPC would urge you to refuse the application.*

## **8. Observations**

### **i) Assessment**

- 8.1. The site lies within the Green Belt. As espoused within Local Plan Policy LP3, inappropriate development is, by its definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.2. The development would not fall within any of the exceptions set out under policy LP3 or within paragraphs 154 and 155 of the National Planning Policy Framework (NPPF). By definition, the development is inappropriate. Consideration thus extends to the Green Belt, and any other, harms caused.
- 8.3. In respect of the Green Belt, the actual harm to openness is negligible owing to the single storey nature and modest scale of the building and its siting within residential garden land.
- 8.4. Loss of openness is also tempered by the development’s temporary nature with consent being sought for a period of 5 years, after which the building would be removed and the land restored to its former condition.
- 8.5. Furthermore, there is a fall-back position here, as a mobile home for ancillary use (meeting the statutory definition of a caravan) could be located here at a much greater scale – potentially 20m by 6.8m

- 8.6. Essentially, the fall-back position of a caravan (potentially permanently sited within the grounds of Meadow View Farm) would be more harmful than the development sought here.
- 8.7. No further harms have been identified – the design is not objectionable with no unacceptable impacts deemed to occur to the amenity of neighbouring property, nor any impact on the setting of Kinwalsey House. Public footpath M284 runs through and alongside the site. The development is not considered to prejudice use of the footpath. Any disturbance or alteration to the surface of public footpath's requires the prior authorisation of Warwickshire County Council's Rights of Way team. An advisory will be attached to the permission.
- 8.8. It is considered that the fall-back position provides a material planning consideration of significant weight which would clearly outweigh the negligible harm caused. The building's use is to be restricted to ancillary to the main dwelling through a planning condition given that a separate residential unit would be contrary to the provisions of the development plan.

## **ii) Response to parish's comments**

- 8.9. Contrary to the parish's assertions, this isn't a new dwelling and nor should it be construed as such. The building is occupied by the son of the owners of Meadow View Farm and is clearly subservient in scale to the main dwelling. There is no sub-division of garden spaces, or separate access and garden areas. Any permission would be conditioned (use for ancillary purposes only). If the building was used as a separate dwelling it would be a breach of planning control which the authority could enforce. The retrospective nature of the application has no bearing on its determination, and the comments on 'playing the system' are conjecture and, again, are not material.
- 8.10. The parish also cite conflict with neighbourhood plan policies FNP01 (Built Environment) and FNP04 (Housing). FNP01 seeks to ensure that development does not cause a detrimental change to the rural landscape of the parish. Officers consider that the buildings limited scale and use of timber cladding (contextually appropriate) would ensure no 'detrimental' changes to the rural landscape. FNP04 pertains to new housing and thus is not relevant to this application. Green Belt matters are discussed above.

## **iii) Human Rights Act, Equality and Diversity**

- 8.11. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

- 8.12. Section 149(1) of Equality act, known as the Public Sector Equality Duty (PSED), requires local authorities to, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share protected characteristics and those who do not. The case officer has had due regard to the aims of the Equality Duty in the determination of this application.

## Recommendation

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

1. The development hereby permitted shall be for a limited period of **5** years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before **7 July 2030** in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

### REASON

In recognition of planning permission being sought on a temporary basis, and to limit green belt harm.

2. The development hereby approved shall not be carried out otherwise than in strict accordance with the Site Plan (23-1384\_DE\_101) and the Floor Plans, Block Plans and Elevations (4972/01) both received by the Local Planning Authority on 25<sup>th</sup> April 2025.

### REASON

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

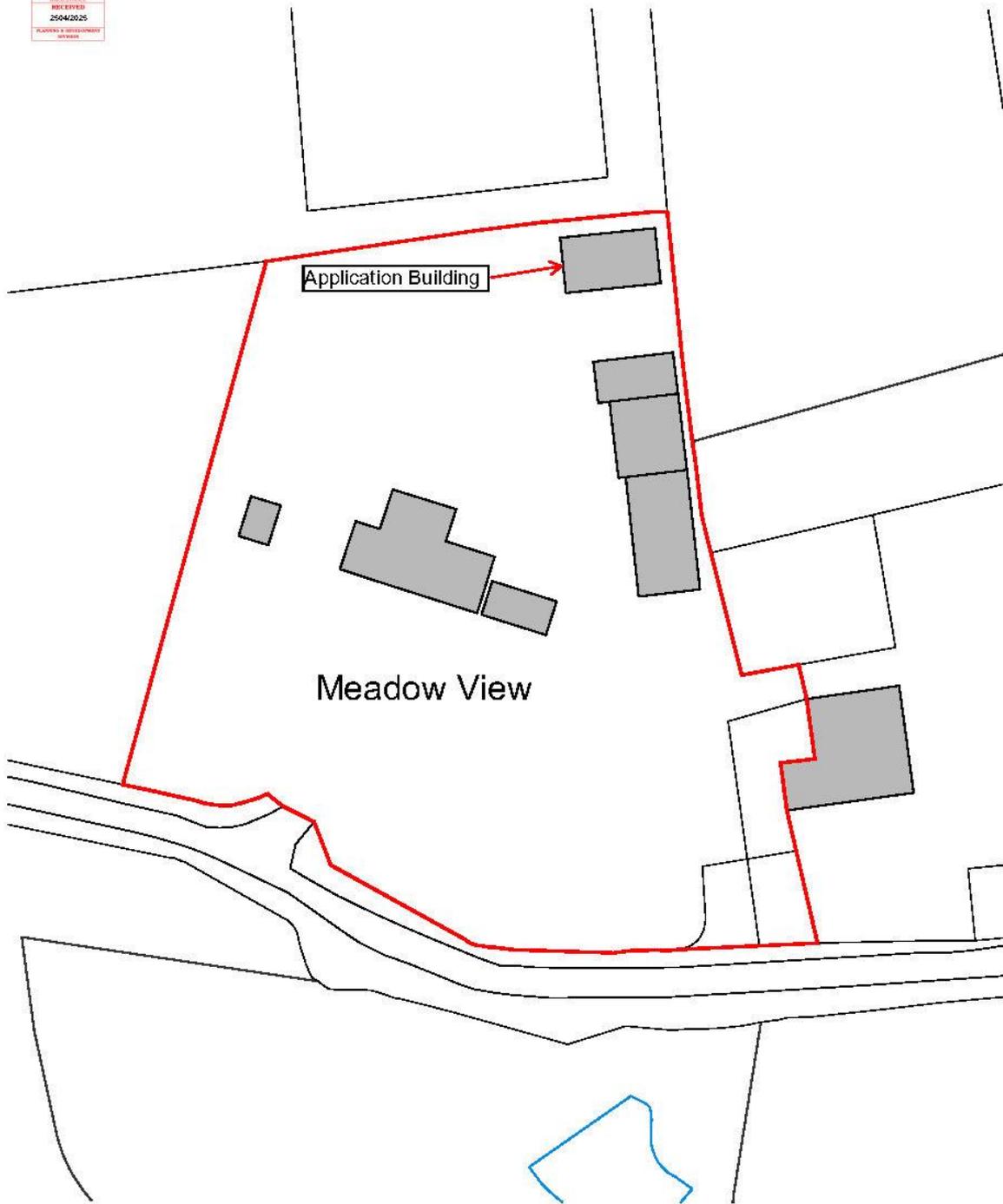
3. The residential annex hereby approved shall be occupied solely in connection with, and ancillary to the main dwellinghouse at Meadow View Farm, Kinwalsey Lane, CV7 7HT, and shall not be sold off, sub-let, or occupied as an independent unit of residential accommodation.

### REASON

The creation of an independent unit of residential accommodation in this location is contrary to the provisions of the Development Plan.

## Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land-owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts ([centralbc.org.uk](http://centralbc.org.uk)), and [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/38/building\\_regulations](https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations) ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
4. Public footpath M284 must remain open and available for public use at all times unless closed by legal order. The Highway Authority are required to maintain public footpath M284 to a standard required for its public use by pedestrians only and not to a standard required for private vehicular use. Any disturbance or alteration to the surface of public footpath M284 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



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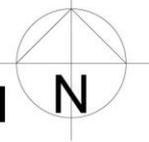
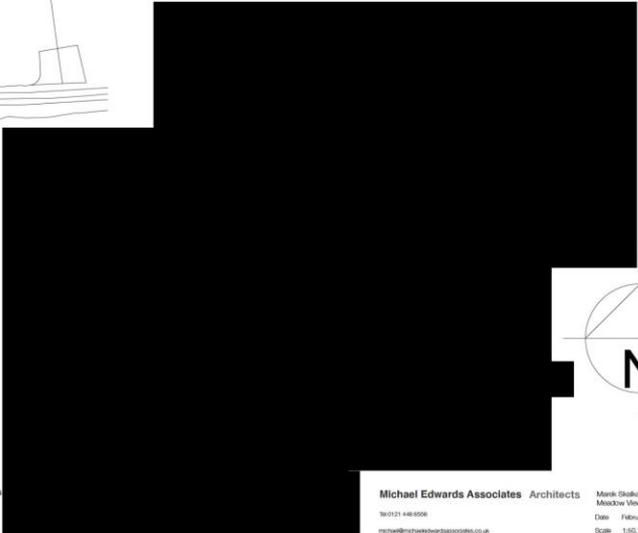
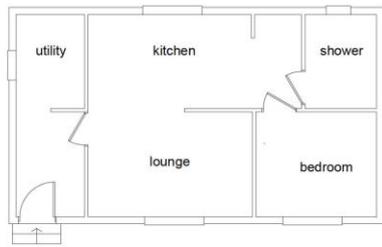
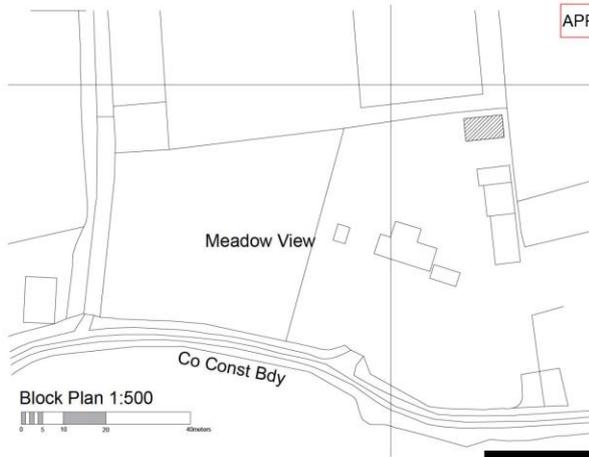


MEADOW VIEW FARM, KINWALSEY LANE, COVENTRY CV7 7HT - SITE PLAN



| PEGASUSGROUP.CO.UK | TEAM/DRAWN BY: JR | APPROVED BY: SK | DATE: MARCH 2023 | SCALE: 1:500@A4 | DRWG: P23-1384\_DE\_101 | CLIENT: SARA SKALKKA |

APPENDIX B



Michael Edwards Associates Architects  
180121 448 6506  
michael@michael-edwards-associates.co.uk

Merek Shukla 0193  
Meadow View Farm, Kirtwaby Lane CV7 7HT  
Date February 2025  
Scale 1:50, 1:100, 1:500 & 1:1250 4972/01

## **General Development Applications**

**(5/g) Application No: PAP/2025/0021**

**Haunchwood Sports Junior Football Club, Ansley Hall Recreation Ground, Coleshill Road, Ansley Common, CV10 OQG**

**Proposed extension and internal refurbishment of existing changing rooms and club house, installation of modular building and extension to car parking., for**

**Mr Adam Cartwright - Haunchwood Sports Junior Football Club**

### **1. Introduction**

- 1.1. The case is referred to the Planning and Development Board as the application is made on land owned by North Warwickshire Borough Council. Under the Council's Scheme of Delegation, all such applications are to be determined by the Board.

### **2. The Site**

- 2.1. The application site is the site of both the Haunchwood Sports Junior Football Club and the Ansley Cricket Club, which is located via a private access track, to the south of Coleshill Road and close to its junction with Pipers Lane. It is outside of a defined settlement boundary being 600m to the southwest of the Ansley Common development boundary. The surrounding area is predominantly open countryside. To the immediate northwest of the site – around 150 metres - is Ansley Hall which is a Grade II listed residential redevelopment with significant tree planting between the two sites.
- 2.2. The Site Location Plan is at Appendix A.

### **3. The Proposal**

#### **a) Background**

- 3.1 The facility here has been present for around fifty years and has been the subject of a series of earlier permissions for the clubhouse and associated facilities. The present clubhouse dates from the early 1980's. There no conditions restricting playing hours or opening hours.

### **4. The Proposal**

- 4.1. The proposals are submitted primarily to provide enhanced facilities for the junior football club as well as for the Ansley Cricket Club, in order to meet current legislation and standards as well as the requirements of the respective Sports Governing Bodies. Football Association grant funding is in place
- 4.2. There are several elements to this planning application. Firstly, there will be an extension to the existing club house and changing rooms. This will be a single storey extension with a flat roof and overhang. It will have a footprint area of

145m<sup>2</sup> which effectively doubles the existing footprint, and this will be located on the northern and eastern edges of the building. As part of the works, there will be an internal re-configuration of the building. It would be rendered and have some timber cladding. The extensions do include a new “club room” which is intended to be used by participants and visitors in association with the sports events, but also to provide the opportunity for indoor non-sports community events.

- 4.3. Secondly, there will be the installation of a modular storage building located along the southwestern edge of the site where there are existing similar containers. This will have an overall width of 5.5m and a length of 8.4m. It will have an overall ridge height of 3.6m.
- 4.4. Thirdly, the original application showed a car park extension, but this has now been withdrawn leaving the proposal to re-arrange the space to make it more efficient. There are 55 spaces plus three for disabled visitors, a new drop-off point and an area for secure cycle storage.
- 4.5. The existing elevations of the clubhouse are at Appendix B. The proposed layout is at Appendix C with the proposed floor plan at D and the proposed elevations at Appendices E and F.

## **5 Development Plan**

North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP22 (Open Space and Recreational Provision), LP24 (Community and Leisure Facilities), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

## **6 Other Relevant Material Considerations**

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

## **7 Consultations**

Highways Authority - No objection subject to conditions.

Environmental Health Officer – Has no comments to make.

## **8 Representations**

Ansley Parish Council – It is “generally supportive” of the application, but raises the following matters:

- There could be an increase in the number of vehicles entering and leaving the site onto the Coleshill Road with vehicles travelling at 50mph.
- The use of the recreation ground by Haunchwood Football Junior Club should only be for the playing of football or training and restrictions on the times when the club use the recreation ground, so as to avoid any disturbance to the local residents.

10 objections have been received referring to:

- Factual errors with land ownership and omissions within the Design and Access Statement.
- Road access and dangers from the increase in the number of cars.
- Excessive increase in the number of car parking spaces.
- Poor visibility of the junction with Coleshill Road.
- Noise and disturbance from the use.
- Nature conservation and biodiversity corridor including loss of trees.
- Impact on heritage status of Ansley Hall.
- Flooding issues from surface water runoff.
- Devaluation of properties.
- Power supply for EV charging points.
- Rubbish being left behind.
- Air pollution.
- Damage to property from visiting parents.
- The building being used for longer hours.
- No benefit to the local community.
- Proposed alterations go beyond what is reasonable.

## **9 Observations**

### **a) Introduction**

- 9.1 The site has a lawful use for a Sports Facility under Use Class F2, and thus there is no objection in principle here to the enhancement and improvement of the existing facilities in order for them to meet up to date regulatory and legislative requirements. Such measures would fully accord with Local Plan Policy LP24 which seeks to retain, protect and enhance recreational areas ensuring that they are accessible for all users. It would also accord with Section 8 of the NPPF which seeks to promote healthy and safe communities. – particularly paragraph 96(c) which states that planning decisions should enable and support healthy lives, amongst other things through sports facilities. Paragraph 98 goes on to say that planning policy and decisions should plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services.
- 9.2 The expansion of the sports club in order to provide better changing room facilities, will enable the club to meet growing demand, allow the facilities to modernise and in doing so, will allow the club to become more inclusive. The expansion of the sports club will allow the facility to continue to serve the wider community. The proposals will not result in any changes to the established pattern of activity – the weekends.
- 9.3 As a consequence, the issues here relate to whether there would be any unacceptable or harmful impacts arising.

## **b) Character and Appearance**

- 9.4 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'*.
- 9.5 The first point to consider is that the site is within the open countryside. It is currently a single storey building. The extension will be a single storey meaning that the existing built form is to be maintained. Given this, is not considered that the proposal, by reason of its scale, height and siting would be visually intrusive. The design of the extension will be of a scale and form which is appropriate for the location and thus is not harmful to the character of the surrounding area. There would be no conflict with this policy.

## **c) Heritage**

- 9.6 The site is within close proximity to Ansley Hall which is a Grade II listed building. The Local Planning Authority is statutorily required to have regard to the desirability of preserving a heritage building or its setting or any features of special architectural or historic interest it possesses. Additionally, Local Policy LP15 says that the quality, character, diversity and local distinctiveness of the historic environment is to be conserved or enhanced. The sports club is not within the curtilage of the listed building and the proposed works do not impact on the actual fabric of the Hall or its curtilage. In this case the issue is thus whether the proposals would be likely to harm the setting of the Hall. It is considered that this is very unlikely given the extent of the lawful use, the length of time the sports facility has been here, the intervening tree planting and the separation distances. Moreover, the proposed extension is to the rear/eastern side of the building, away from Ansley Hall. As already expressed, the extension is of suitable scale and form. As a consequence, it is considered that there would be less than substantial harm to the setting of the Hall and that this would be at the lower end of the spectrum. As such there is limited conflict with the Local Plan policy.

## **d) Neighbour Amenity**

- 9.7. Local Plan Policy LP29 states that development should *'avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'*. Paragraph 198 of the NPPF says that decisions should ensure that development reduces to a minimum, potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on the quality of life.
- 9.8 The majority of the objections received from the public consultation are concerned with the potential increase in noise levels arising from any increase in the use of the facilities. Members will be aware that there is a lawful F2 use here and that there are no restrictions on the playing times, and that there is no pitch lighting at the site. The proposals do not increase the number or nature of the pitches, and no pitch lighting is proposed so as to extend playing times.

- 9.9 The main issue here is not necessarily the refurbishment in order to enhance outdoor sports activity, but the potential to expand the use of the new “club room” for other indoor non-sports community activity in order to provide a further source of income. Members will be aware that this issue is not new, as it arises with practically all sports clubs’ applications for refurbishment. Moreover, many of those cases are closer to residential property than here. The “cub-room” here is modest in size and is some distance from the nearest residential properties at Ansley Hall. Members will have noted too that there are no existing “opening” hours. It is considered that this particular issue is best resolved through planning conditions – one defining the use of the room; a second to deal with hours and a third to require a Noise Management Plan. In all of these circumstances, it is considered that there would be limited conflict with this Local Plan policy.

#### **e) Highways**

- 9.10 Local Plan policy LP29 (6) says that all development should provide “safe and suitable access for all users”. Paragraph 116 of the NPPF says that “development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe”. In this case it is of substantial weight that the Highway Authority has not objected and thus without demonstrable evidence to show a “severe” impact, there is no conflict with this policy.

#### **f) Ecology**

- 9.11 In this case, the proposals only involve building works at the clubhouse itself, extending over existing hard-standing and/or grassed areas containing no or very minimal habitat, and the new building would be of such a small scale as to not meet the “trigger” for providing bio-diversity gain. The original proposal looked at extending the car park over a former bowling green which has started to naturally re-generate and that might have resulted in a bio-diversity loss. This however has now been omitted from the application and the retained car parking re-arrangement does not involve the use of additional land. In all of these circumstances, there are no ecological impacts.
- 9.12 Additionally, the introduction of bat and bird boxes into the new extension is welcomed.

#### **g) Other Matters**

- 9.13 Some of the original objections received did relate to land ownership matters. This has been addressed through the submission of a revised red-line application plan. However, as Members are aware, land ownership is not a material planning consideration as planning applications are determined on their planning merits. Disputes about ownership issues, are wholly matters for private resolution between the parties involved.
- 9.14 Representations concerned with the deposit of litter, or the behaviour of visitors are management and operational matters for the Club itself to address.

## **h) Conclusion**

- 9.15 Members will see that the principle of this proposal is acceptable, but that there is limited conflict with policies dealing with residential amenity and heritage matters such that subject to appropriate conditions, a positive recommendation can be made. It is also considered that the public benefits arising from the enhanced facility, outweigh the less than substantial heritage harm caused.

## **Recommendation**

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

### **Standard Conditions**

1. Standard three-year condition
2. Standard plan numbers condition – P.01C, 05C, 06B, 07B, 08B and 09A all received on 4/6/25.

### **Defining Conditions**

3. The use of the club-room as shown on the approved plans shall be used by visitors and players attending the site in association with the coaching, training and playing of organised outdoor sports activities at the site, together with its indoor use for community sports and well-being activities. There shall be no use of the club-room for such indoor activities until a Schedule of events and activities that may be included, is first submitted to and approved in writing by the Local Planning Authority. The approved Schedule shall be adhered to at all times.

#### **REASON**

In the interests of reducing the risk of adverse impacts on the residential amenity of neighbouring occupiers.

4. The use of the club-room as shown on the approved plans for any of the uses defined by Condition (iii) shall not continue after 2300 hours on Fridays and Saturdays or after 2200 hours on Sundays to Thursdays inclusive.

#### **REASON**

In the interests of reducing the risk of adverse impact on the residential amenity of neighbouring occupiers.

## **Pre-Commencement Conditions**

5. No development shall commence on site until a full schedule of the facing and roofing materials to be used has first been submitted to and approved in writing by the Local Planning Authority. Only the materials so approved shall then be implemented on site.

### **REASON**

In the interests of the visual amenities of the area.

6. No development shall commence on site until a full landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented in full within the first planting season following written approval.

### **REASON**

In the interests of the visual amenities of the area and to enhance bio-diversity.

## **Pre-Occupation Conditions**

7. There shall be no use of the club-room as hereby approved, for any indoor community sports use or well-being activity, as defined by condition 3, until such time as a Noise Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to at all times.

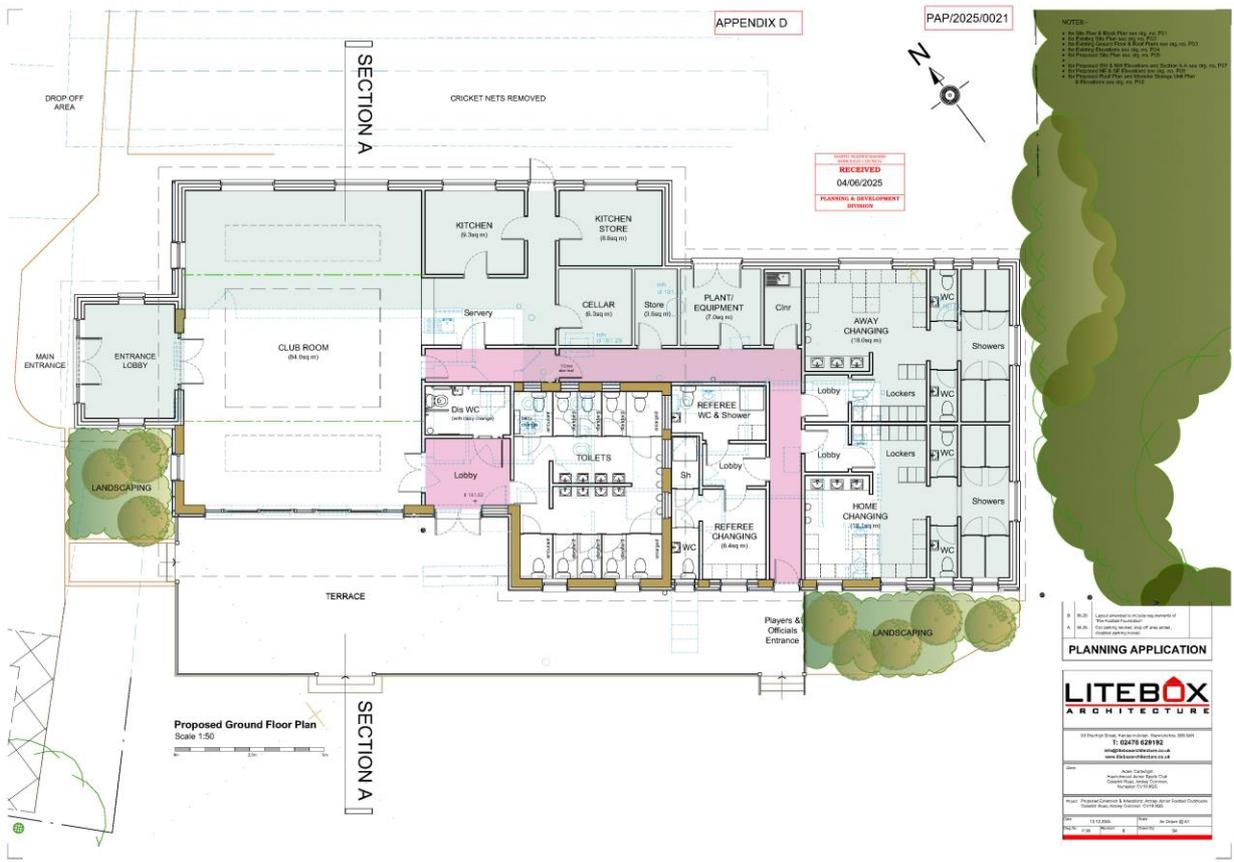
### **REASON**

In the interests of reducing the risk of adverse impacts on the residential amenity of neighbouring occupiers.

## **Informatives:**

- a) The Local Planning Authority has met the requirements of the NPPF in this case by reaching a positive outcome following resolution of a number of planning and technical considerations.





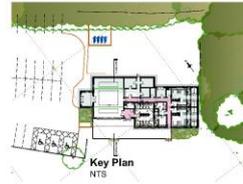
- NOTES:-
- For Site Plan & Block Plan see also app. P01
  - For Existing Site Plan see also app. P02
  - For Existing Ground Plan & Roof Plan see also app. P03
  - For Existing Floor Plan see also app. P04
  - For Proposed Site Plan see also app. P05
  - For Proposed ICF Wall Foundation see also app. P06
  - For Proposed Roof Plan see also app. P07
  - For Proposed Site Plan see also app. P08



Proposed North East Elevation  
Scale 1:50



Proposed South East Elevation  
Scale 1:50



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04/06/2025  
PLANNING & DEVELOPMENT  
DIVISION

PLANNING APPLICATION

**LITEBOX**  
ARCHITECTURE

11, 02476 629192  
info@literatebox.co.uk  
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Drawn: ANNE CUNNINGHAM  
Project: Proposed Extension & Replacement of the Club Room at the Clubhouse  
Client: The Clubhouse

Date: 13.03.2025  
Scale: 1:50

- NOTES:-
- For Site Plan & Block Plan see also app. P01
  - For Existing Site Plan see also app. P02
  - For Existing Ground Plan & Roof Plan see also app. P03
  - For Existing Floor Plan see also app. P04
  - For Proposed Site Plan see also app. P05
  - For Proposed ICF Wall Foundation see also app. P06
  - For Proposed Roof Plan see also app. P07
  - For Proposed Site Plan see also app. P08



Proposed South West Elevation  
Scale 1:50



Proposed North West Elevation  
Scale 1:50



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04/06/2025  
PLANNING & DEVELOPMENT  
DIVISION

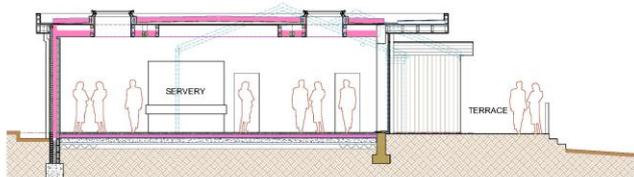
PLANNING APPLICATION

**LITEBOX**  
ARCHITECTURE

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Drawn: ANNE CUNNINGHAM  
Project: Proposed Extension & Replacement of the Club Room at the Clubhouse  
Client: The Clubhouse

Date: 13.03.2025  
Scale: 1:50



Section A - A thro' CLUB ROOM  
Scale 1:50

**Agenda Item No 6**

**Planning and Development Board**

**7 July 2025**

**Report of the Head of Development Control**

**Appeal Update**

**1 Summary**

1.1 This report updates Members on recent appeal decisions.

**Recommendation:**

**That the report be noted.**

**2 Appeal Decisions**

**a) Wishaw Hall Farm, Gove Lane, Wishaw**

2.1 This appeal dealt with a new equipment store in the Green Belt. The main issue revolved around whether it should be classed as a “forestry” use or not and therefore be able to fall under the exception in the NPPF, such that it was not inappropriate development in the Green Belt. The Inspector concluded that it would not – para 6 of Appendix A. As inappropriate development, the Inspector found that there was a moderate impact on the openness of the Green Belt and that it would also adversely affect the safe and efficient operation of the local highway network. He could not identify any planning considerations which would outweigh even this level of harm and thus dismissed the appeal.

2.2 The letter is at **Appendix A**.

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

## Appeal Decision

Site visit made on 20 May 2025

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

**Appeal Ref: APP/R3705/W/24/3353194**

**Wishaw Hall Farm, Grove Lane, Wishaw, Warwickshire B76 9PJ**

- 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 Middleton Tree Services Ltd against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2024/0054.
- The development proposed is described as equipment store associated with arboricultural and forestry works.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt having regard to relevant development policies and the National Planning Policy Framework (the Framework);
  - The effect of the proposal upon openness and the purposes of the Green Belt; and
  - The effect of the proposed development upon the safe and efficient operation of the local highway network.

### Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The provision of new buildings is considered inappropriate save for a number of specified exceptions.
4. The appellant contends that the development proposed falls within the provisions of two such exceptions. One being buildings for agriculture and forestry and the second being the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. Policy LP3 of the North Warwickshire Local Plan (2021) (LP) echoes paragraphs 153 and 154 of the Framework.
5. The Framework does not set out a definition of the term 'forestry', therefore, it is a matter of planning judgement for the decision maker based on the merits of the

case. The dictionary definition of forestry is ‘the science or practice of planting, managing and caring for forests’.

6. As the Council point out the appellant operates a tree surgery business relating to the general felling, removal and maintenance of trees and hedges rather than undertaking ‘the science or practice of planting, managing and caring for forests’. Reference has been made to the appellant undertaking tree planting schemes previously and the intention to do so in the future, but no further information has been provided. Whilst the appellant contends that the proposal would be a ‘forestry related use’ this claim is not substantiated with any evidence. Consequently, based on the limited evidence before me I am not satisfied that the proposal constitutes a building for agriculture and forestry.
7. Now turning to the second exception, the Glossary of the Framework sets out the definition of ‘previously developed land’. I acknowledge that the site is laid out to hard surfacing. However, the Council contend that the appeal site is agricultural land and have drawn my attention to a number of planning applications which refer to the site as being within an agricultural use. I am also not aware that planning permission has been granted for an alternative use on the site, despite its appearance. As such, I am not satisfied that the site is previously developed land.
8. The appellant states that the site is only just inside the West Midlands Green Belt. Even so, as it is I must assess the proposal against relevant local and national Green Belt planning policies. It would be amiss of me to do otherwise.
9. I conclude that the development constitutes inappropriate development as set out in paragraphs 153 and 154 of the Framework and LP Policy LP3.

*The effect upon openness and the purposes of the Green Belt*

10. The appeal site comprises an irregular parcel of land predominantly laid out to hard surfacing and neighbours an arable field extending to the northwest and two commercial units, separated by a vegetation belt, to the south. During my site visit I observed a large tent containing wood work and miscellaneous items located at one end of the site and logs, metal containers and machinery scattered across a large area of the site. The site is set lower down than Grove Lane with trees and thick vegetation screening the site from the road and neighbouring commercial units.
11. Whilst the site is laid out to hardstanding the proposed development would lead to the encroachment of built form into open countryside contrary to one of the purposes of the Green Belt.
12. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
13. The proposed development would be screened from Grove Lane on account of its elevated position above the site and the thick vegetation belt present along the roadside. Whilst a public footpath extends across the surrounding agrarian landscape it is not well tread and the building would only reveal itself in localised views, filtered by intervening vegetation. In these views the proposal would appear as an agricultural building typically found locally and conditions relating to

landscaping would also further serve to mitigate the impact. That said, the building would be sizable extending over a considerable area of the site, and the introduction of built form and storage bays into an otherwise undeveloped and open area would impact upon openness in spatial terms.

14. On this basis, I find that the proposed development would lead to a moderate reduction to the openness of the Green Belt contrary to one of the aims of the Framework.

*Safe and efficient operation of the local highway network*

15. Access into the site would be via the existing ramped access leading off Grove Lane and that currently serves the existing commercial units. Grove Lane is a single carriage road subject to a 60mph speed limit. At the time of my site visit I observed damage to the existing kerb indicating an overrunning of the verges by vehicles.
16. I acknowledge that commercial uses are operating from the site. However, the development would result in the intensification of the access due to increased vehicle movements associated with the individual businesses. The increased number of vehicles using the access and its limited width would likely lead to conflict between vehicles entering and leaving the site and those travelling along the road.
17. Based on the limited evidence before me and my observations during the site visit given the ramped nature of the route in and out of the site, I cannot be satisfied that the package of works, suggested by the appellant, would aid vehicle movements so as to prevent conflict with vehicles entering and exiting the site. In addition, there is nothing before me to indicate that satisfactory visibility splays could be achieved in both directions along Grove Lane, even if the access is to be widened.
18. The issues regarding the public right of way are not a matter for me in consideration of this appeal.
19. As such, the proposed development would adversely affect the safe and efficient operation of the local highway network. It would be contrary to LP Policy LP29 (6) which requires new development to provide safe and suitable access to the site for all users.

**Other Matters**

20. I acknowledge that the proposed development would provide a convenient location for the appellant and his employees and would consolidate operations to one site. Notwithstanding the appellant's comments there is no suggestion that the proposal is required to safeguard existing jobs.
21. Reference has been made to the lack of availability of suitable premises locally. I have not been provided with any information including in respect of size requirements, locations or search parameters. There is nothing to suggest that the proposal would diversify operations at Wishaw Hall Farm or assist with its viability. As such, I give these aspects of the appellant's argument limited weight in coming to my decision.
22. I note that the proposal would not unduly affect the living conditions of nearby occupiers in respect of noise. The backing of Wishaw Parish Council counts neither

for nor against the proposal. As such, these matters are of neutral consequence in coming to my decision.

23. I acknowledge that the Framework encourages economic growth, productivity and expansion. However, it also attaches great importance to Green Belts and the fundamental aim to keep land permanently open. These factors individually or cumulatively do not lead me to reach a different conclusion that the appeal should be dismissed.
24. The appellant has commented that significant amounts of development are planned nearby. However, based on the information provided this is clearly of a materially different scale and not comparable to the appeal scheme before me. In any event every application and appeal must be considered on its own merits, as I have done. This factor does not lead me to reach a different conclusion in respect of the appeal.

### **Balancing Exercise**

25. In line with the Framework the proposal would be inappropriate development within the Green Belt. It would lead to moderate effects upon the openness of the Green Belt and would cause harm because of the conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. In accordance with the Framework, I give substantial weight to this harm.
26. 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.
27. I have given the arguments advanced by the appellant careful consideration, however, these factors in this case would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

### **Conclusion**

28. For the reasons set out above the appeal does not succeed.

*B Thandi*

INSPECTOR

## Agenda Item No 7

### Planning and Development Board

7 July 2025

#### Report of the Head of Development Control

#### Speeding up Build Out Consultation

### 1 Summary

Members will recall the Government's proposals to reform planning policy and procedures and that it has published the current Planning and Infrastructure Bill. This report outlines the Governments proposals and seek responses to a consultation process on how the "build-out" of planning permissions might be speeded up

#### **Recommendation:**

**That Members are invited to comment on the response that should be made on the consultation.**

### 2 Background

- 2.1 One of the issues that has been raised on many occasions has been that of how to ensure that once a planning permission has been granted, it is then implemented quickly. Delays lead to frustration because the "build-out" rates affect a Local Planning Authority's five-year housing supply, as well as the Housing Delivery Test. There has been criticism that builders "land- bank" these permissions, securing a "technical" start, so that they can then implement a permission over time when land and house prices may offer a greater return.
- 2.2 As part of the objective of meeting the current Government's housing targets, it has been looking at this issue again and a consultation paper has been published.

### 3 Consultation Paper

- 3.1 There are four main proposals being put forward.
- i) Transparency and Accountability Measures.**
- 3.2 The measures being suggested are already outlined in the new Bill, but they include:
- a) developers/builders having to submit a "build-out" statement with each planning application. It is assumed that this could be conditioned.

b) The developer/builder having to submit a Commencement Notice before work commences on site and

c) The developer/ builder to report annually on housing delivery through a development progress report so as to provide an actual picture of build-out rates.

d) Reforming Completion Notices which require developers to complete their development within a certain period of time, otherwise the planning permission would be lost.

e) There would be a new power for a Local Planning Authority to decline to determine a planning application made by persons who either applied for, or who are connected to, an earlier planning permission in that Authority's area which has not been built out at a reasonable rate. Any such Notification would be reliant on the content of the Statements submitted under (a), (b) and (c) above.

#### **ii) Delayed Homes Penalty**

- 3.3 The paper queries the possibility of introducing a new penalty to be used by Local Planning Authorities. As a last resort, this would be available where development falls materially behind pre-agreed build out schedules - (a) above as evidenced by (b) above. It would only apply to larger sites. It is being suggested that this would be a financial penalty charged against each house, not completed – either as a percentage of the house price, or via Council Tax rates.

#### **iii) Mixed Tenure Thresholds**

- 3.4 The NPPF supports mixed tenure developments, and the paper is suggesting a minimum site area over which housing must be delivered on a mixed tenure basis - sites delivering over 500 or over 1500 units for instance.

#### **iv) Compulsory Purchase Orders**

- 3.5 At present such Orders can only be confirmed, rejected or withdrawn. The paper suggests a new category – conditional confirmation - for sites where development has stalled. Such an Order could thus be made much earlier in the land assembly process.

### **4 Observations**

- 4.1 These proposals are not new having been aired in earlier papers and announcements. Given the Government's very quick progress on introducing its planning reforms, these measures are likely to be brought into practice once the Bill is enacted probably later this year.

## 5 **Report Implications**

### 5.1 **Financial and Value for Money**

- 5.1.1 The proposals may well result in increased income through the Penalty Notices but there is likely to be far greater monitoring activity by officers once Build Out Statements and Progress Reports are submitted. Additional legal resource may be required if the Notices and Orders become involved in order to ensure compliance with the appropriate legislative background.

### 5.2 **Environmental and Sustainability Implications**

- 5.2.1 These measures are important in order to ensure a robust approach and outcome in respect of monitoring house building in the Borough against existing and future Development Plan policies.

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

## **Agenda Item No 8**

### **Planning and Development Board**

**7 July 2025**

#### **Report of the Head of Development Control**

#### **Reform of Site Thresholds - Consultation Paper**

### **1 Summary**

Members will recall the Government's proposals to review planning policy and procedures with many measures included in the revised National Planning Policy Framework as well as now being included in the current Planning and Infrastructure Bill. This report outlines the Governments' proposals in respect of redefining the site thresholds for certain types of planning application.

#### **Recommendation:**

**That the report be noted and that in general terms the approach of the consultation paper be agreed.**

### **2 Background**

- 2.1 The Government's growth agenda and particularly the new housing targets have been reported before – the changes to the NPPF, the Planning and Infrastructure Bill and announcing a review of how statutory consultees operate. Further changes are proposed – speeding up the plan-making process and publishing a national set of Development Management Policies.
- 2.2 There is recognition too that small and medium sized house builders play a role in maintaining housebuilding rates. However, this paper says that they have faced challenging circumstances such that around a third of such enterprises have ceased operating in the last twenty years, with the national volume housebuilders now accounting for almost 90% of growth. Additionally, the proportion of planning permissions granted on sites of up to 9 units has fallen from 21% in 2010/11 to 9% in 23/24.
- 2.3 The consultation paper says that the planning process itself has become “disproportionate” for small house builders in bringing forward development sites. This is because the same set of requirements apply to all house builders and that there is little differentiation between how planning applications for 10 homes are treated in the system, compared for those of 100 or 1000 homes.
- 2.4 The paper thus seeks to introduce are more proportionate and a more graduated approach depending on the scale of the site.

### 3 The Proposals

- 3.1 At present the only differentiation in “size” is between minor and major residential applications – that is fewer than 10 homes and above.
- 3.2 The proposals are to have three categories – minor (fewer than 10); medium (10 to 49) and major (over 50).
- 3.3 The planning application process would also be amended dependent on where the proposal would sit. Rather than go through all of the detail, in summary, minor residential applications would be “exempt” from several requirements that are presently applicable to all residential applications. These exemptions would include:
- Potentially being exempt from Bio-Diversity Net Gain requirements.
  - Retaining the current position of not contributing to affordable housing provision
  - Retaining the current position that they are exempt from the proposed Building Safety Levy
  - A determination period of 8 weeks
  - Reducing validation requirements
  - All such proposals would be determined under delegated powers
  - Potentially not consulting some statutory consultees
- 3.4 These exemptions would be re-instated the larger the size of the planning application. None would be available for major schemes.
- 3.5 There is also a section in the paper on how Section 106 Agreements can better be used to provide on-site affordable housing provision on the medium and major residential sites, as there is evidence that this is not happening at a meaningful speed.

### 4 Observations

- 4.1 These proposals are largely procedural and appear to be reasonable and proportionate and thus there would potentially just be internal administrative implications.

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

## Agenda Item No 9

### Planning and Development Board

7 July 2025

#### Report of the Head of Development Control

#### Reform of Planning Committees Consultation

### 1 Summary

Members will recall the Government's proposals to reform Planning Committees as set out as part of its overall review of planning policy and procedures and as now included in the current Planning and Infrastructure Bill. This report outlines the Governments proposals and seek responses to the consultation process.

#### **Recommendation:**

**That Members are invited to comment on the response that should be made on the consultation.**

### 2 Background

2.1 Members will be aware of the current proposals to reform Planning Committees which were discussed by all Members recently. The Board's response was forwarded earlier this year and is at **Appendix A**. The intention to reform is now within the current Bill and the Government has published a Consultation Paper on its proposals.

2.2 Members will recall that the key components of the reforms were to:

- i) Introduce a National Scheme of Delegation thus reducing the number of cases to be determined by Planning Committees,
- ii) Reducing the size of the Committee and
- iii) To Introduce mandatory and certified training for any Member who sits on the Committee.

### 3 The Consultation Paper

3.1 The Paper describes the response received from the initial consultation. This in summary was that:

- i) There was a case for a national scheme of delegation, but with different views as to what cases should be included
- ii) There was little support for a separate strategic development committee
- iii) There was support for smaller committee memberships, and
- iv) There was strong support for mandatory training.

a) **Delegation – Two Tiers**

3.2 The Government is proposing to introduce a national scheme of delegation which would categorise planning applications into two tiers. Tier A would include types of applications that **MUST** be delegated to officers in **ALL** cases. Tier B would include types of application which **MUST** be delegated to officers **UNLESS** the Chief Planner and the Committee Chair agree it should go to Committee based on a “gateway” test.

b) **Tier “A” delegation**

3.3 These cases **MUST** be delegated to officers.

- i) All householder developments
- ii) Minor residential developments – less than 10 dwellings.
- iii) Minor commercial developments – under 1000 square metres
- iv) Applications for Reserved Matters Approvals.
- v) Applications for Section 96A non-material amendments
- vi) Applications to discharge conditions
- vii) Applications to approve a Bio-Diversity Net Gain Plan
- viii) Applications for Prior Approvals (for permitted development rights)
- ix) Applications for Lawful Development Certificates
- x) Applications for Certificates of Appropriate Alternative Development.
- xi) Applications under Section 73 to vary or remove conditions

c) **Tier “B” delegation**

3.4 The “de-fault” position here is that all applications **SHOULD** be delegated to officers subject to a “gateway” test through which the Chief Planning Officer and the Planning Chairman must agree that they should go to Committee, if they are to depart from the assumed delegation. The tests are:

- > where the application raises an economic, social or environmental issue of significance to the local area, or
- > where the application raises a significant planning matter having regard to the Development Plan.

3.5 In many cases, it is said that this referral to a Committee would be “obvious”. As examples, the paper suggests that the following might be referred to Committee:

- i) Where the principle of a development is at stake, so all significant new housing and commercial developments. Additionally, it would include “controversial or complex” applications”.

ii) Notwithstanding Tier A, any application where the applicant is the Local Authority or one of its Members, or officers.

iii) The review of Mineral Planning conditions.

#### **d) Other Applications**

3.6 The consultation presumes that all applications for Listed Building Consent, Advertisement Consent and for Tree Preservation Consents will be delegated too, unless they are “sensitive”, or “linked to a more substantive application” which is to be considered by the Committee in any event.

#### **e) Section 106**

3.7 It is proposed that Section 106 decisions should follow the course set out with its associated planning application.

#### **f) Planning Enforcement**

3.8 The consultation says that enforcement functions are very largely delegated presently, and suggests that only large scale, high profile and locally contentious cases may warrant referral to the Committee.

#### **g) The Size and Composition of Committees**

3.9 As indicated above, the suggestion of there being a Strategic Development Committee has been set aside, but the consultation also indicates that a recommended maximum of 11 members should sit on a Planning Committee.

#### **h) Mandatory Training**

3.10 As indicated above, there was strong support for this. The Consultation paper supports mandatory training for all Planning Committee members and that this is certified nationally through an online “test” which would be procured by the Government.

### **4 Observations**

4.1 Members are invited to comment on the Consultation paper. Notwithstanding whether Members agree with the “tiered” approach, the outline is very clear and this is undoubtedly due to the need for consistency across all Local Planning Authorities. In respect of potential implications, then there are likely to be fewer actual Committee meetings with some perhaps just dealing with a single application. There will be an impact on officers too, as they will come under increased pressure from both applicants and objectors, and thus support from senior officers will be essential. Additionally, as previously indicated, the effectiveness of the system is going to depend on the officer/member relationship.

4.2 The proposals will ideally work if there is an up-to-date adopted Local Plan which has clear design and master-planning guidance for its allocated sites, together with a clear spatial approach to dealing with new development. Local Design Codes would become increasingly significant as would the introduction of National Development Management Policies. These matters will then provide the framework in which “Tier B” applications can be clearly identified and agreed.

## **5 Report Implications**

### **5.1 Finance and Value for Money Implications**

5.1.1 If these proposals result in smaller Committees and that Committee meets less regularly, there would be saving in respective budgets.

### **5.2 Legal and Human Right Implications**

5.2.1 The future Regulations will make it clear which cases would be legally required to be delegated to the appropriate officer. There will need to be scrutiny of all delegated decisions in order to ensure that all representations are recognised and appropriately addressed including any relevant Human Rights Implications. This is particularly the case, as the ability to speak at a Planning Committee would be curtailed.

### **5.3 Risk Management Implications**

5.3.1 Given that cases that are to be determined by the Committee need first to go through a “gateway test”, it will be important to record the outcome of that test and the reasons for referral or not.

### **5.4 Environmental and Sustainability Implications**

5.4.1 These will still be outlined within officer reports whether a case is delegated or not.

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



North Warwickshire  
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**Head of Development Control Service**

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E Mail :  
Website : [www.northwarks.gov.uk](http://www.northwarks.gov.uk)  
This matter is being dealt with by  
:  
Direct Dial : (01827)  
Your ref :  
Our ref :

Date : 11 March 2025

Dear Sirs

### **Modernising Planning Committees**

I refer to the recent Paper that has been circulated in respect of the above, which has now been considered by the Borough Council.

By way of background, we are a small rural Borough whose Planning Board meets monthly with an average of five or six planning applications on each Agenda. Our level of delegation is well over 90% of cases and there have been very few appeal decisions overturning Council resolutions. In short, we consider that we are acting efficiently, responding to local issues without frustrating or delaying planning decision making. As an aside, we find that the majority of delays are caused through the Statutory Consultees requiring significant amounts of additional detail and information often resulting in a series of holding objections.

The main issue we have with a National Scheme of Delegation is that each Authority is different and thus national definitions or thresholds will not be appropriate. The Government acknowledges that planning is a "local" activity and thus it follows that decision-making should also be "local". In other words, it is the ability of local communities to participate in that process through their local Members, that is the cornerstone in providing that local context. This access to decision making is perceived as being a right to be heard, and thus its' loss would exacerbate the public's perception of dis-enfranchisement and lead to further dis-engagement with the process. Additionally, in our case, Members often comment on applications and proposals which then results in amendments to submissions, which then are often supported by the applicant, and determinations can then be made under delegated powers. Members therefore have a role in the process.

We also have misgivings over how a National Scheme of Delegation might define "departures" from a Development Plan. We all know that there can be both minor "departures" as well there being material changes. These latter ones can arise after an application has been submitted – eg. viability issues can affect the parameters of a proposal after they may have been set out in a Development Plan Document, and the delay in Infrastructure Delivery could also necessitate changes to those parameters. A legally defined system that relates to a judgement on whether an application is a "departure" or not, would almost certainly open up an Authority to be legally challenged.

The third option of there being a national prescriptive list of exceptions is worthy of merit as it would appear more flexible, but as indicated at the beginning, each Authority is very different, and some degree of local interpretation might be needed. Additionally, how does one define what a “contentious” application is? To base that on the number or written objections received is open to abuse and too often, such objections are not based on the merits of the case. Objectors should be able to “lobby” their Ward Members such that they can put forward their case within a planning context.

That is where the mandatory training for Members is important and that can be supported.

Overall, therefore whilst some standardisation might not be a bad thing, removing or distancing Members from local decision-making is not considered to democratically sensible or beneficial.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Brown'.

Jeff Brown  
Head of Development Control

**Agenda Item No 10**

**Planning & Development Board**

**7 July 2025**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 11**

**Exempt Extract of the minutes of the Planning and Development Board held on 9 June 2025**

Paragraph 3 – By reason of the report containing information relating to the financial or business affairs of any particular person (including the authority holding that information).

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Marina Wallace (719226)