

**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**

**1 SEPTEMBER 2025**

The Planning and Development Board will meet on Monday, 1 September 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 4 August 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/2025/0342 - Abbey Green Court, Grendon Road, Polesworth, B78 1HD**

Works to trees in a Conservation Area;

- 5b     **Application No: PAP/2025/0361 - 46, Church Hill, Coleshill, B46 3AJ**
- Works to trees in a Conservation Area;
- 5c     **Application No: PAP/2025/0357 - 36, Church Hill, Coleshill, B46 3AJ**
- Works to tree(s) in Conservation Area;
- 5d     **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;
- 5e     **Application No: PAP/2024/054 - 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/2025/0379 - Cole End Park, Lichfield Road, Coleshill, Warwickshire**
- Works to trees in Conservation Area;
- 5g     **Application No: PAP/2025/0093 - Spring Cottage Farm, Watling Street, Grendon, Atherstone, CV9 2PF**
- Outline planning application (including primary means of access from the Watling Street, with all other matters reserved) for up to 200 new homes including associated landscaping, open space and ancillary infrastructure (with all existing buildings to be demolished);
- 5h     **Application No: PAP/2025/0320 - Land To Rear Of, Ralph Crescent, Kingsbury**
- Outline planning application with all matters reserved except for site access for the erection of up to 283 dwellings (including affordable housing), with public open space (including children's play areas), landscaping and sustainable drainage system (SuDS);
- 5i     **Application No: PAP/2025/0081 - Stables At Land South Of Flavel Farm, Warton Lane, Austrey**
- Part Retrospective application for change of use of land on an existing Gypsy site, to provide additional capacity. One existing static to be relocated, along with permission for two additional static caravans, two additional touring caravans, parking for four additional vehicles with associated hardstanding and infrastructure; and

5j     **Application No: PAP/2025/0327 - Heart Of England, Meriden Road, Fillongley, Coventry, CV7 8DX**

Change of use of land from a mixed use, comprising conferences, events and outdoor recreational use, agriculture and forestry, to use as a conference, events and outdoor recreational centre (baseline application supporting a suite of specific applications).

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

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

**Summary**

This report updates Members on a recent appeal decision.

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

7     **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.**

8     **Exempt Extract of the minutes of the Planning and Development Board held on 4 August 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**

**4 August 2025**

Present: Councillor Simpson in the Chair

Councillors Bell, Chapman, Fowler, Guilmant, Hayfield, Humphreys, Jenns, Melia, Osborne, Parsons, H Phillips, O Phillips, Ririe and M Watson

Apologies for absence were received from Councillors Dirveiks (Substitute O Phillips), Jarvis, Ridley (Substitute Councillor Melia) and Whapples (Substitute Councillor Osborne).

**25 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**26 Minutes of the meeting of the Board held on 7 July 2025**

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

**27 Planning Applications**

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

**Resolved**

- a That Application No CON/2025/0017 Land to the east of the A444/North of J11 off M42 Motorway be supported in principle by the Council, but that the North-West Leicestershire County Council be asked to be mindful of the traffic impacts on North Warwickshire;**
- b That in respect of Application No: CON/2025/0018 - Land off Fivefield Road, the Council has no comment to make other than that the Coventry City Council be asked to be mindfull of the traffic impacts on North Warwickshire;**

- c That Application No: PAP/2025/0161 - Meadow View Farm, Kinwalsey Lane, CV7 7HT be deferred to allow for officers to provide further clarification on matters to do with the fall back position and the Fillongley Neighbourhood Plan;

[Speaker Diana Wardley]

- d That in respect of Application No: PAP/2025/0185 - Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB the Council is minded to grant planning permission subject to referral to the Secretary of State under the 2024 Direction and subject to the conditions set out in the report of the Head of Development Control together with those recommended by the outstading consultees;

[Speakers Peter Norris and Shaun Darke]

- e That Application No: PAP/2024/0586 - Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire be granted subject to the conditions included within the July Board report as amended to include the latest layout plan, together with the additional conditions required by the WCC Highways and WCC Flooding teams and conditions relating to advance planting at the site. An Informative would be added so as to encourage engagement with the parish council; and

[Speaker Andrew Hyndman]

- f That Application No: PAP/2025/0221 - Land North West And South East Off, Blindpit Lane, Curdworth, Warwickshire be noted and that Members visit the site prior to determination of the application.

[Speakers Richard Habgood, Tom Fuller and Lewis Payne]

## 28 Changes to Written Appeals

The Head of Development Control reported that The Planning Inspectorate (PINS) had announced changes to its procedures for handling appeals dealt with by an exchange of written representations, in order to speed up determination rates.

### Resolved

- a That the report be noted; and
- b That a Working Party, consisting of representatives from all groups, be established to consider the report.

**29 Exclusion of the Public and Press**

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

**30 Tree Preservation Order**

The Head of Development Control informed Members that a request had been received to consider whether the trees could be afforded protection.

**Resolved**

- a That a Tree Preservation Order be made with immediate effect; and**
- b That contact be made with the landowner to discuss the management of trees on the site.**

M Simpson  
Chairman

## **Agenda Item No 5**

### **Planning and Development Board**

**1 September 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, 6 October 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/2025/0342	1	<b>Abbey Green Court, Grendon Road, Polesworth</b>  Works to trees in Conservation Area	General
5/b	PAP/2025/0361	5	<b>46 Church Hill, Coleshill</b>  Works to trees in Conservation Are	General
5/c	PAP/2025/0357	9	<b>36 Church Hill, Coleshill</b>  Works to tree in Conservation Area	General
5/d	PAP/2025/0161	13	<b>Meadow View Farm, Kinwalsey Lane, CV7 7HT</b>  Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property	General
5/e	PAP/2024/0549	29	<b>Cliff Meadows, Tamworth Road, Cliff, Kingsbury</b>  Application to vary conditions 1 and 12 of appeal decision APP/R3705/W/24/333827 5 dated 26/7/24 (PAP/2023/0191) to allow two additional caravans	General

5/f	PAP/2025/0379	57	<b>Cole End Park, Lichfield Road, Coleshill</b>  Works to trees in Conservation Area.	General
5/g	PAP/2025/0093	61	<b>Spring Cottage Farm, Watling Street, Grendon</b>  Outline planning application (including primary means of access from the A5 Watling Street, with all other matters reserved) for up to 200 new homes including associated landscaping, open space and ancillary infrastructure (with all existing buildings to be demolished)	General
5/h	PAP/2025/0320	71	<b>Land to rear of Ralph Crecent, Kingsbury</b>  Outline planning application with all matters reserved except for site access for the erection of up to 283 dwellings (including affordable housing), with public open space (including children's play areas), landscaping and sustainable drainage system (SuDS),	General
5/i	PAP2025/0081	82	<b>Stables at land south of Flavel Farm, Warton Lane, Austrey</b>  Part retrospective application for change of use of land on an existing gypsy site to provide additional capacity. One existing static to be relocated, along with permission for two additional static caravans, two additional touring caravans, parking for four additional vehicles with associated landscaping and infrastructure	General
5/j	PAP/2025/0327	96	<b>Heart Of England, Meriden Road, Fillongley, Coventry, CV7 8DX</b>  Change of use of land from a mixed use, comprising conferences, events and outdoor recreational use, agriculture and forestry, to use as a conference, events and outdoor recreational centre (baseline application supporting a suite of specific applications)	General

## **General Development Applications**

**(5/a) Application No: PAP/2025/0342**

**Abbey Green Court, Grendon Road, Polesworth, B78 1HD**

**Works to trees in a Conservation Area, for**

**Warwickshire County Council (Forestry)**

### **1. Introduction**

This item is referred to the Board as the land is owned by the Borough Council.

### **2. The Site**

This application relates to four trees and one group of trees located at Abbey Green Court, within the Polesworth Conservation Area. A plan showing the location of the trees is at Appendix A.

### **3. The Proposal**

This application seeks consent for the following works to trees within Polesworth Conservation Area:

- T1 Lime - Remove epicormic growth up to the break of crown.
- T2 Robinia - Remove epicormic growth up to the break of crown, prune/tip back from the property by 3.0m.
- T3 Norway Maple - Crown lift to 3.0m all-round from ground level.
- T4 Lime - Crown lift to 3.0m all-round from ground level.
- G1 Mixed species group within carpark - Various cutting and lifting to 3.0m from ground level, prune/tip back by 2.0m from carparking bays and clearance of 1m around street lighting columns

### **4. Consultations**

Warwickshire County Council Forestry – No objection.

### **5. Observations**

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice'). The Local Authority can deal with the notice in one of three ways:

- Make a Tree Preservation Order if this is justified in the interests of amenity.
- Decide not to make a Tree Preservation Order and allow the six-week period to expire, following which the works may proceed within two years of the date of the notice.
- Decide not to make a Tree Preservation Order and inform the applicant that work can proceed within two years of the date of the notice.



- Importantly, the Local Authority cannot refuse consent, nor can consent be granted subject to conditions.

The proposed works to trees T1, T2, T3, T4 and the group G1 represent general maintenance to ensure the trees remain safe and away from nearby buildings.

The Warwickshire County Council Tree Officer has no objection to the work and has not recommended a TPO is put in place.

## **6. Conclusion**

Overall, given the location of the trees and the health and safety benefits of reducing the crown and pruning the trees, it has been considered by officers that the trees in the notification do not warrant protection by way of a Tree Preservation Order and accordingly, the works can proceed.

## **7. Recommendation**

That the works may proceed subject to the following conditions:

1. For the avoidance of doubt, the permission only relates to the trees mentioned within the Notification (PAP/2025/0342), located at Abbey Green Court, Grendon Road, Polesworth, B78 1HD and detailed within the Application Form and tree location plan received 23/07/2025. The works shall be confined to the following:
  - T1 Lime (2GF0) Remove epicormic growth up to break of crown.
  - T2 Robinia (2GWK) Remove epicormic growth up to break of crown, prune/tip back from property by 3.0m.
  - T3 Norway Maple (2PHV) Crown lift to 3.0m all-round from ground level.
  - T4 Lime (2PHW) Crown lift to 3.0m all-round from ground level.
  - G1 Mixed spp. group (2PHU) within carpark, various c/lifting to 3.0m from ground level, prune/tip back by 2.0m from carparking bays, clearance of 1m around street lighting columns
2. No works to any other tree afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

## **Notes for the applicant**

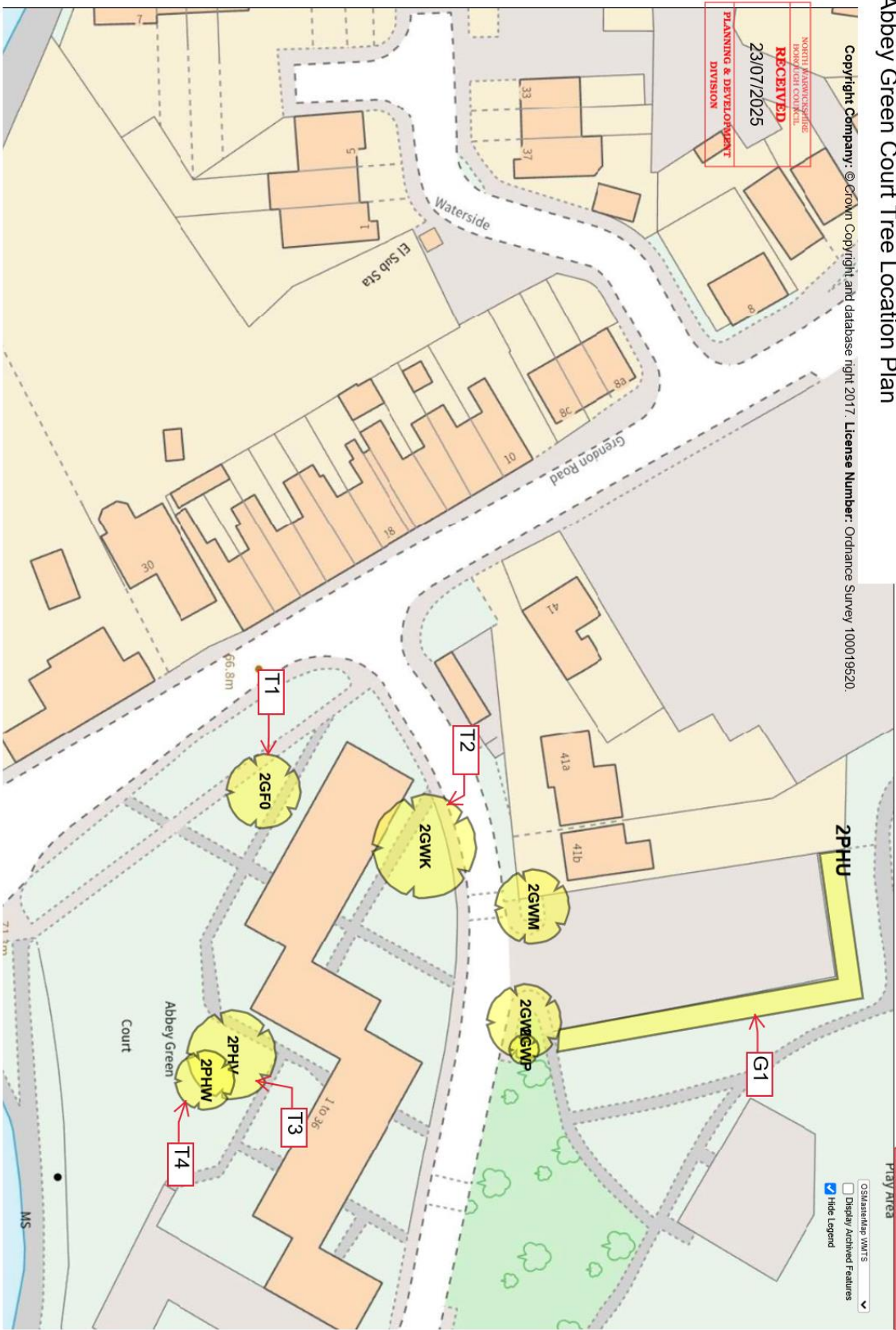
1. With the exception of the tree/s noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. No works relating to the tree/s hereby approved, should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

3. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.
4. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

Appendix A – Tree Location Plan

<https://web.arbortrack.com/index.asp?action=printmap>

1/1



Abbey Green Court Tree Location Plan

Arbortrack

PAP/2025/0342

## **General Development Applications**

**(5/b) Application No: PAP/2025/0361**

**46, Church Hill, Coleshill, B46 3AJ**

**Works to trees in a Conservation Area for**

**-Warwickshire County Council - Forestry**

### **Introduction**

#### **1. Introduction**

This item is referred to the Board as the land is owned by the Borough Council.

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

This application relates to four trees located at 46, Church Hill, within the Coleshill Conservation Area. A plan showing the location of these trees is included at Appendix A.

#### **3. The Proposal**

This application seeks consent for the following works to trees within the Coleshill Conservation Area:

- T1 Silver Birch - Prune/tip back from the property by 2.0m.
- T2 Pear - Prune/tip back from the property by 2.0m.
- T3 Silver Birch - Crown lift to 2.5m from ground level all-round.
- T4 Norway Maple - Re-pollard to previous points, crown lift to 4.5m all-round.

#### **4. Consultations**

Warwickshire County Council Forestry – No objection.

*“The proposal seeks to undertake remedial pruning works to provide adequate clearances from adjacent properties, footpath and internal access, I therefore have no Arboricultural objections to the proposed works.”*

#### **5. Observations**

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice'). The Local Authority can deal with the notice in one of three ways:

- Make a Tree Preservation Order if this is justified in the interests of amenity.

- Decide not to make a Tree Preservation Order and allow the six-week period to expire, following which the works may proceed within two years of the date of the notice.
- Decide not to make a Tree Preservation Order and inform the applicant that work can proceed within two years of the date of the notice.
- Importantly, the Local Authority cannot refuse consent, nor can consent be granted subject to conditions.

The proposed works to trees T1, T2, T3 and T4 are considered general maintenance and remedial pruning to ensure the trees remain safe and kept away from nearby buildings and footpaths.

The Warwickshire County Council Tree Officer has no objection to the work and has not recommended that a TPO be put in place.

## **6. Conditions**

Overall, given the location of the trees and the health and safety benefits of keeping them away from footpaths and buildings, it has been considered by officers that the trees in the notification do not warrant protection by way of a Tree Preservation Order, and accordingly, the works can proceed.

## **7. Recommendation**

That the works may proceed subject to the following conditions:

1. For the avoidance of doubt, the permission only relates to the trees mentioned within the notification (PAP/2025/0361), located at 46, Church Hill, Coleshill, B46 3AJ and detailed within the Application Form and tree location plan received 04/08/2025. The works shall be confined to the following:
  - T1 (1FA2) Silver Birch - Prune/tip back from property by 2.0m
  - T2 (1FA9) Pear - Prune/tip back from property by 2.0m
  - T3 (1FAA) Silver Birch - Crown lift to 2.5m from ground level all round
  - T4 (1FAE) Norway Maple- re-pollard to previous points, crown lift to 4.5m all round.
2. No works to any other tree afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

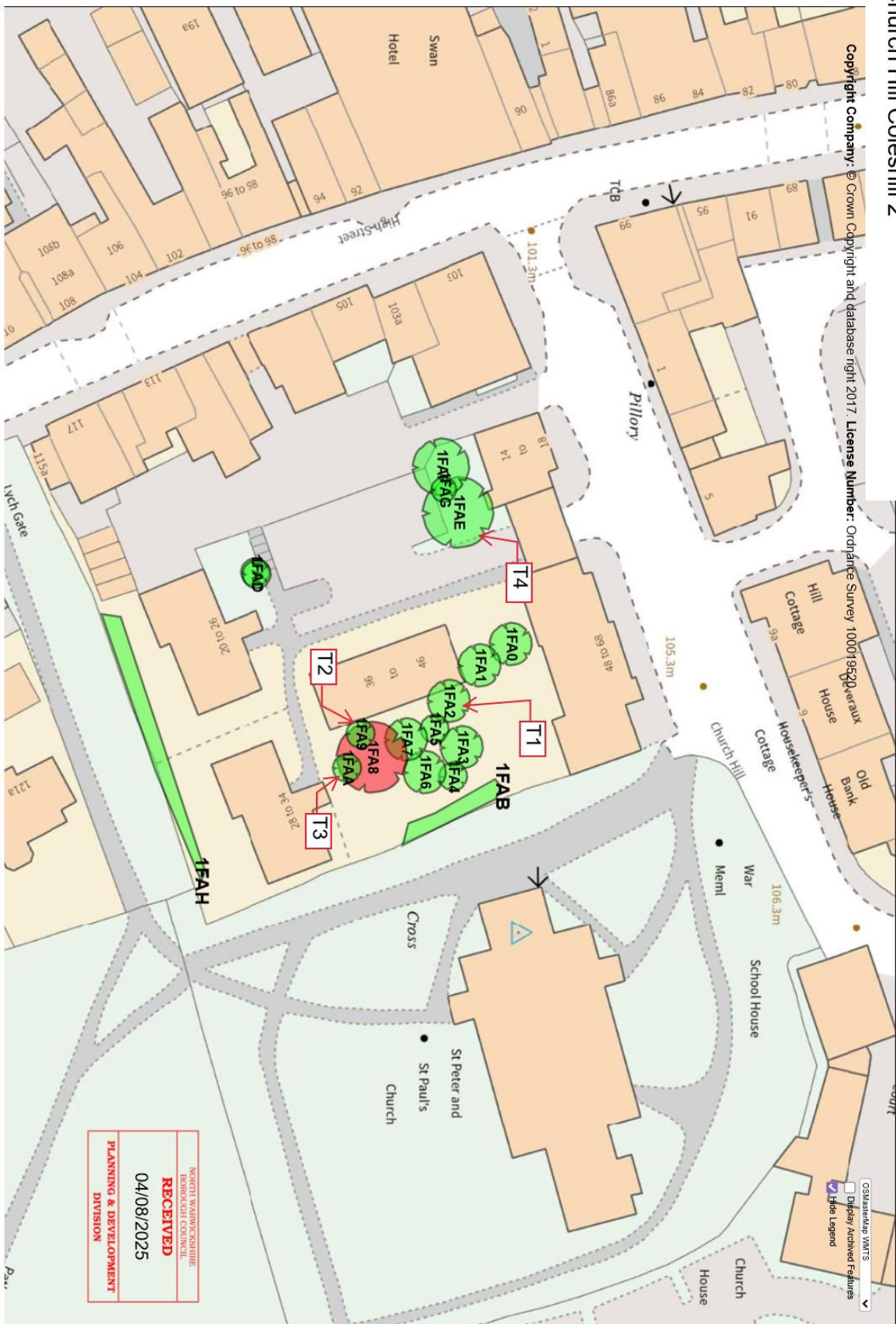
## **Notes for the applicant**

1. With the exception of the trees noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. No works relating to the trees hereby approved, should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

3. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.
4. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

## Appendix A – Tree Location Plan

Church Hill Coleshill 2



<https://web.arbortrack.com/index.asp?action=printmap>

1/1



## **General Development Applications**

**(5/c) Application No: PAP/2025/0357**

**36, Church Hill, Coleshill, B46 3AJ**

**Works to tree(s) in Conservation Area for**

**Warwickshire County Council (Forestry)**

### **1. Introduction**

This item is referred to the Board as the land is owned by the Borough Council.

### **2. The Site**

This application relates to one tree located at 36, Church Hill, within the Coleshill Conservation Area. A plan showing the location of these trees is included at Appendix A.

### **3. The Proposal**

This application seeks consent to fell one cherry tree (dead) to ground level within the Coleshill Conservation Area. A replacement tree of the same species (Prunus 'Accolade') will be planted within the immediate vicinity.

### **4. Consultations**

Warwickshire County Council Forestry – No objection.

*"The proposal seeks to remove 1x dead Cherry within the communal gardens, I have No Arboricultural objections to the proposed works."*

### **5. Observations**

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice'). The Local Authority can deal with the notice in one of three ways:

- Make a Tree Preservation Order if this is justified in the interests of amenity.
- Decide not to make a Tree Preservation Order and allow the six-week period to expire, following which the works may proceed within two years of the date of the notice.
- Decide not to make a Tree Preservation Order and inform the applicant that work can proceed within two years of the date of the notice.
- Importantly, the Local Authority cannot refuse consent, nor can consent be granted subject to conditions.



The tree is located near the Grade 1 Listed Church of St Peter and St Paul and is important to its setting. However, when visiting the site, it was clear that the tree is dead with no signs of life and therefore represented a risk to public safety due to falling branches.

The proposed works are considered necessary to ensure the safety of the public. To mitigate against the loss of the tree, the applicant has committed to planting a replacement of the same variety (Prunus ‘Accolade’) within the immediate vicinity.

This is shown in the image below (Ref: 2PQD).



The Warwickshire County Council Tree Officer has no objection to the work and has not recommended that a TPO be put in place.

## 6. Conditions

Overall, given the health and safety benefits of removing the dead tree and that a replacement will be planted, it has been considered by officers that the tree in the notification does not warrant protection by way of a Tree Preservation Order, and accordingly, the works can proceed.

## 7. Recommendation

That the works may proceed subject to the following conditions:

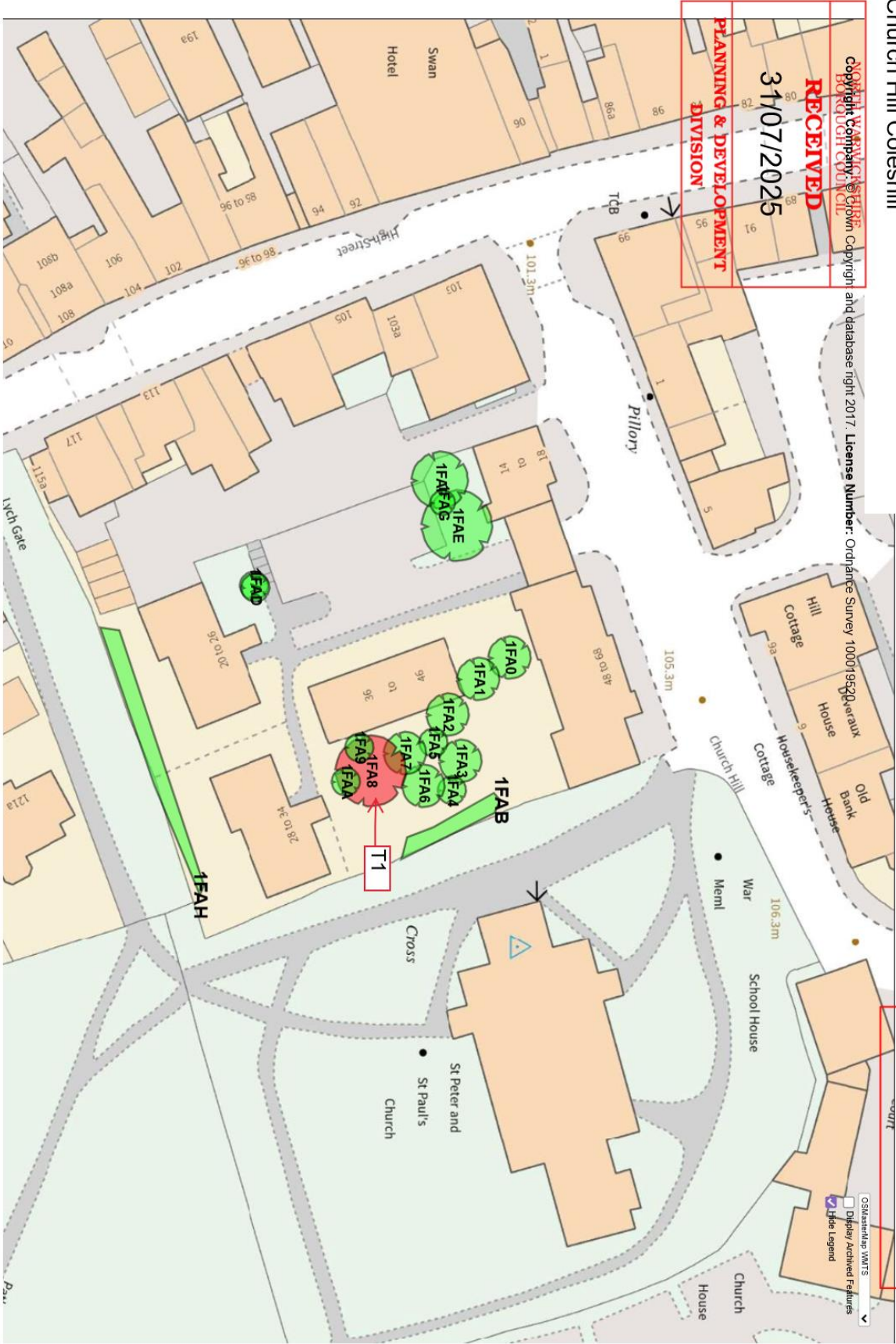
1. For the avoidance of doubt, the permission only relates to the trees mentioned within the notification (PAP/2025/0361), located at 36, Church Hill, Coleshill, B46 3AJ and detailed within the Application Form and tree location plan received 31/07/2025. The works shall be confined to the following:
  - T1 Prunus sp. (1FA8) – Fell 1x dead Cherry to ground level.
2. No works to any other tree afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

## Notes for the applicant

1. With the exception of the tree noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. The replacement tree shall be planted in the next available planting season (November-March) following felling. The replacement tree must be a Prunus 'Accolade'. Should the tree die, become damaged or diseased, it must be replaced.
3. No works relating to the tree hereby approved should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
4. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.
5. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law, and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage, or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

Appendix A – Tree Location Plan

<https://web.arbortrack.com/index.asp?action=printmap>



## **General Development Applications**

**(5/d) 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 was referred to the Board's August meeting following a deferral in July, but the Board again deferred determination. The reason for this second deferral was to re-assess the proposal against the policies in the Fillongley Neighbourhood Plan, and against the "fall-back" positions set out in earlier reports.
- 1.2 For the benefit of Members, the previous August report is attached at Appendix A, and this includes the original July Board report.

### **2. The Fillongley Neighbourhood Plan**

- 2.1 The previous reports looked at this matter – paragraphs 2.9 to 2.11 of the August report and paragraph 8.10 of the July Report.
- 2.2 The second deferral has not led to a different outcome of the assessment of the case against this Plans' policies. In order to make this explicit, each relevant policy will be dealt with in turn.

- 2.3 Policy FNP01 says that:

"Development proposals, where possible, should ensure the designs of new buildings (including extensions) do not cause a detrimental change to the overall character of the village, the rural landscape of the parish and the setting of the church".

- 2.4 It is not considered that the proposal conflicts with this policy because:

- The building is small and timber clad, placed at the rear of the garden behind a range of other buildings.
- It could be seen from nearby public footpaths, but most new development can be seen from footpaths; that visibility in any event will be transitory and here the building would be seen in the setting of several other buildings grouped together – i.e. it is in a residential curtilage.
- There is also a "fall-back" position here in that half of the rear garden could be developed with outbuildings and incidental buildings under Class E of Part One of the General Permitted Development Order.

2.5 Policy FNP04 says that:

“All new developments should encourage a broad mix of housing types including smaller starter homes and retirement dwellings together with the provision of “affordable housing” for local people as per NWBC requirements”.

2.6 It is not considered that the proposal conflicts with this policy because:

- The proposal provides accommodation for a local family.
- It is not a new dwelling, but ancillary accommodation for a host dwelling.
- It is proposed for a temporary period only.
- These matters can be conditioned.

2.7 The Plan is undergoing review and the consultation period for the Draft Plan (a Regulation 16 Plan) ended on 15 August. This Regulation 16 Plan will carry some weight, but not yet full weight. However, in order to be complete, the proposals will now be assessed against the proposed wording changes to the above two policies.

2.8 The Regulation 16 wording of FNP01 says amongst other things, that:

“The Parish’s historic and rural character is well recognised, with the Church’s setting and the broader rural landscape being particularly important. To preserve the balance of the entire landscape, no development should be allowed which adversely affects this harmony.

Development proposals, as appropriate to their scale, nature and location, should ensure the designs of new buildings (including extensions) do not cause a detrimental change to the overall character of the neighbourhood plan area, the rural landscape of the parish and the setting of the church.

Development proposals should be designed to take account of the landscape, the landscape character and topographical setting of the local area which contributes to the distinctive character of the Parish”.

2.9 It is not considered that the proposal causes “detrimental change to the overall character of the neighbourhood plan area” for the reasons set out in paragraph 2.4.

2.10 The Regulation 16 wording of FNP04 says amongst other things, that:

“Proposals for residential development will be expected to contribute to the objective of creating mixed and balanced community.

These should provide for a range of needs including homes for those with mobility issues, homes for older people and homes for young people. This should include a mixture of ownership tenures to enable younger residents to stay in the Parish and purchase their own homes”.

- 2.11 It is not considered that the proposal conflicts with this policy for the reasons set out in paragraph 2.6.
- 2.12 The conclusion from this re-assessment is that the proposals do not conflict with the Fillongley Neighbourhood Plan.

### **3. The Fall-Back Positions**

- 3.1 There has been reference to these positions and it is proposed to deal with them as two items.
- 3.2 Firstly, there is the “physical” fall-back of the actual construction of buildings. The site is within a lawful residential curtilage as established by the 2024 Certificate (PAP/2023/0484). This curtilage therefore benefits from permitted development rights under Class E of Part One of the General Permitted Development Order. That means that half of the rear garden could contain buildings and structures without the need for the submission of a planning application. The plan within Appendix A shows the size of the rear garden here and thus the potential scope of this “fall-back” position. Given this, a building of the size now proposed could physically be located at the site as proposed without reference to the Council.
- 3.3 This therefore moves to the second matter - the proposed use. The buildings referred to above under Class E only benefit from that right if they are “incidental” buildings to the main residential use of the host dwelling. Putting aside glasshouses, garden sheds and the like, the “incidental” right can also include residential use - a “garden day room”, a “hobby room/workshop” and a “studio or office”. The key matter is that the residential use is to be “parasitic” to the host dwelling to benefit from Class E. Here there is residential accommodation, as a mobile home, and this is not “incidental”. It is thus “ancillary” residential accommodation – as indeed described by the applicant. It is in effect for a residential annex to the main house.
- 3.4 However, there is a fall-back position here too. This is that a caravan, as defined by the relevant legislation, could be placed or parked on this land and lived in as ancillary accommodation, without the need for planning permission if that caravan is not fixed to the land. Under the Caravan Acts, the maximum permissible dimensions are 20 metres in length and a width not exceeding 6.8 metres, considerably larger than the application building – 8.9 metres in length and 5.2 metres wide. Moreover, the caravan could be sited on the land permanently, not for just for five years as is proposed here. The “fall-back” position of a caravan of a greater size and permanently sited would, in the officer’s view, be more harmful than the proposals before the Board.

### **4. Conclusion**

- 4.1 The report should assist Members following the second deferral. As always, the Board should consider whether planning conditions would enable a planning permission to be granted in lieu of a refusal. This is the case here with the conditions as recommended in previous reports.

## **5. Recommendation**

- 5.1 That planning permission be granted subject to the conditions outlined in Appendix A.



## General Development Applications

(5/c) 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 was referred to the last Board meeting, but determination was deferred in order that further clarification could be sought from the applicant.
- 1.2 This current report provides that update. The July Board report is at Appendix A.

### 2. Update

#### a) The Certificates

- 2.1 There are two applications for Certificates of Lawful Development which relate to this property - one was granted, but the second was withdrawn.
- 2.2 A Certificate of Lawfulness for existing development was granted in April 2024 under reference PAP/2023/0484. This confirms that buildings A to D as shown on the Certificate Plan are all lawful and that they are located inside the lawful residential curtilage of the host dwelling. That Plan is at Appendix B. A and B long standing buildings used primarily for domestic storage, C is static caravan, also used for storage, and D is a dog kennel.
- 2.3 A Certificate of Lawfulness for existing development was submitted for a "mobile home located in the residential curtilage of the property" in August 2004 under reference PAP/2024/0383. The location is at Appendix C. As indicated in para 4.1 of the July Report (Appendix A), this application was withdrawn, as it was concluded that the structure did not meet the definition of a caravan/mobile home. As such a full planning application was required if it was to be retained on site. The current planning application is thus the consequence of this withdrawal.
- 2.4 The conclusion from this is that the four buildings marked A to D on Appendix B are all lawful and that the lawful residential curtilage is as per the red line of the current application, but that the lawfulness of the building the subject of this current application is as yet not determined. That will be resolved through the outcome of this application. However, it is not a "caravan", as it fails to meet the technical definition of a caravan. It should thus be treated as a building.



## **b) Considerations**

- 2.5 The applicant points out that notwithstanding the applicant's son assisting in working on the applicant's small-holding, the application as submitted is for accommodation ancillary to the use of the host dwelling – for the applicant's son who has returned home for support. The application has not been submitted for agricultural workers accommodation. In order to prevent its permanent use, the application seeks a temporary consent. The building can therefore be removed.
- 2.6 The applicant also points out that there is a fall-back position here as under permitted development rights, up to half of the rear garden could be covered in incidental buildings to the host dwelling and that a caravan would also be permitted development, fulfilling the same purpose. The caravan could be much larger than the building subject of this application, as explained within the previous board report (paragraph 8.5).
- 2.7 The applicant says that the five year period is a reasonable and proportionate response as the any condition limiting this period is enforceable and thus the Council has the opportunity to review the matter. Additionally, it enables the applicant's son to have some independence, and the support needed.
- 2.8 The applicant concludes that the impact on the openness of the Green Belt is negligible.

## **c) Fillongley Neighbourhood Plan**

- 2.9 The relevant policies from this Plan were identified in Section 5 of Appendix A and these were addressed in para 8.10. In order to expand on these matters, Members will be aware that in respect of FNP01, the building is small and timber clad, placed well back from the site frontage. Moreover, there is also a "fall-back" position here in that half of the rear garden could be developed with outbuildings and incidental buildings under Class E of Part One of the General Permitted Development Order.
- 2.10 In respect of FNP04, then the policy says that all new developments should encourage a broad mix of housing types including smaller starter homes and provision for affordable housing for local people. It could be argued that this proposal accords with this policy. Additionally, this is not a new dwelling, but ancillary residential accommodation to the host dwelling, and a condition is recommended to cover this matter – Condition 3 in Appendix A.

- 2.11 This Neighbourhood Plan is undergoing review, and a Draft Plan (a Regulation 16 Plan) is now out to consultation ending shortly after the date of this Board meeting. The Regulation 16 Plan will carry some weight, but not yet full weight, particularly as it still out to consultation. However, it is not considered that this draft materially varies the two policies identified above.

**3. Observations**

- 3.1 The clarifications are welcomed, but they are not considered to lead to a fundamental review of the original recommendation.

**4. Recommendation**

- 4.1 That planning permission be GRANTED subject to the conditions set out in Appendix A.

## APPENDIX A

### 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)

5f/127

5c/10

5d/20

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 PAF/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.*

5f/128

5c/11

5d/21

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

5f/129

5c/12

5d/22

- 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.

5f/130

5c/13

5d/23

- 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.

5f/131

5c/14

5d/24

## 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.

5f/132

5c/15

5d/25

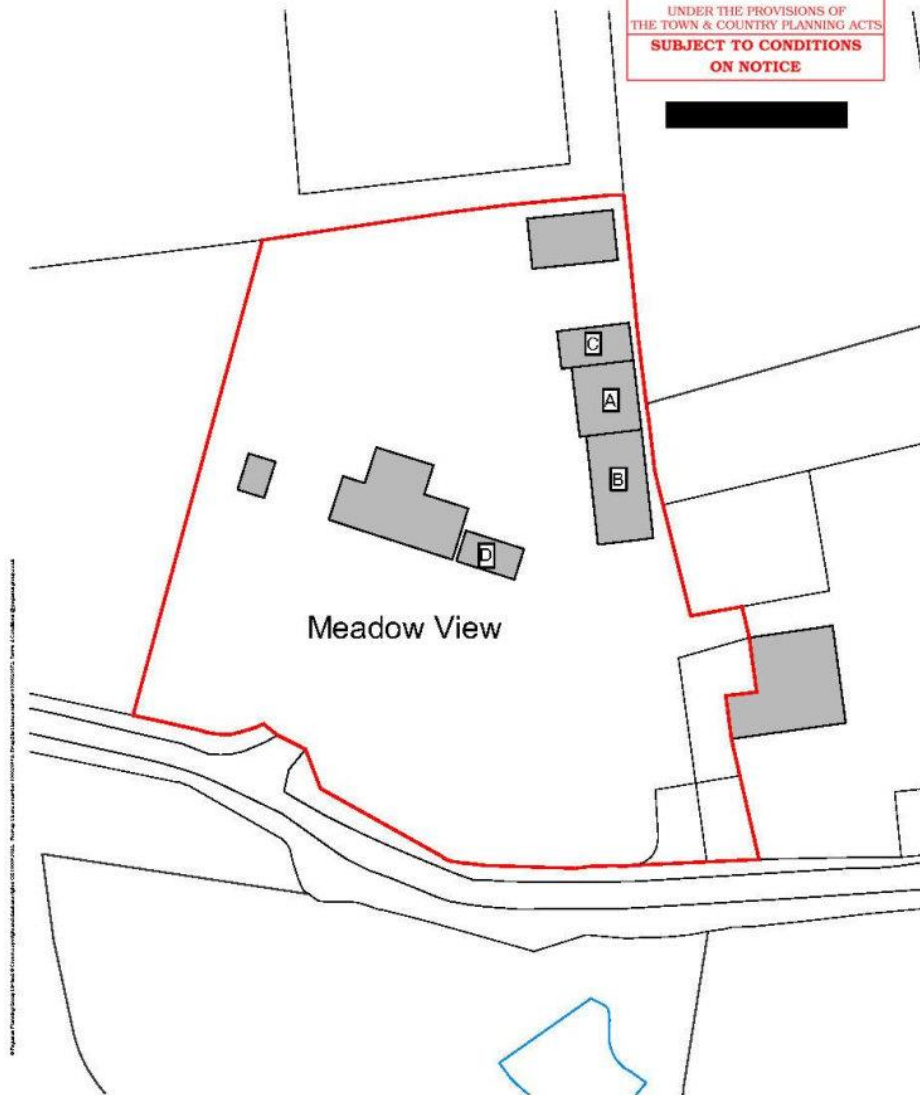






# APPENDIX B

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**APPROVED**  
24/04/2024  
UNDER THE PROVISIONS OF  
THE TOWN & COUNTRY PLANNING ACTS  
**SUBJECT TO CONDITIONS  
ON NOTICE**



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

PEAKSUSGROUP.CO.UK | TDA/DRAWN BY JR | APPROVED BY SE | DATE MARCH 2023 | SCALE 1:5000 | DRWG P23-13M\_DE\_301 | CLIENT SARA SKALKS

5c/18

5d/28

## **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 was referred to the July Board meeting, but a determination was deferred in order that Members could visit the site and to seek legal advice on the matter of whether there was evidence to show a “demonstrable unmet need” for the type of development proposed.
- 1.2 A copy of the previous report is attached at Appendix A and a note of the visit is at Appendix B.

### **2. Observations**

- 2.1 Members will recall from the previous report that the conclusions of the Inspector in his July 2024 decision letter were given substantial weight in the assessment of the current application - see paragraphs 30 to 34 of his letter in the appendix, to Appendix A. The advice now received specifically draws attention to three references in that letter. Firstly, at the beginning of paragraph 32 - “it is clear that from Local Plan policy LP5 that 19 pitches is a minimum target”. Secondly, towards the end of paragraph 34 – “Accordingly, there is no supply at all of deliverable sites to address any current need, yet alone as 5 years’ worth of supply”. Finally at the end of that paragraph, “the apparent unmet need for Gypsy and Traveller sites weighs significantly in favour of allowing the development”.
- 2.2 This final quote refers to “the apparent unmet need”. It is necessary therefore to see if the situation in North Warwickshire has materially changed since the date of that letter. Officers consider that it has not for the following reasons. Firstly, there has been no publication of a Gypsy and Traveller Development Plan Document and secondly, a new Gypsy and Traveller Accommodation Assessment (GTAA) has not been commissioned. Whilst work to review the 2021 Local Plan is underway, there is as yet, no evidence available to establish how Local Plan policy LP5 might be revised so as to bring it up to date.
- 2.3 It is in these circumstances that the advice received concludes that the Council does have a demonstrable need for gypsy sites.
- 2.4 Officers would thus see this conclusion as supporting the original recommendation.
- 2.5 Other matters have also been reviewed.

- 2.6 The first is that during the Board's discussion on this case, Members raised the matter of an increase in the number of caravans throughout the Borough. It is of substantial weight that Local Plan Policy LP5 refers to "pitches" and not to "caravans". In this case, the advice is that the proposed increase in caravans does not increase the number of pitches. It will still be a single pitch accommodating one family unit. As a consequence, the main issue with the application is not that it would create a new pitch, but whether the increased caravans would give rise to demonstrably significant harm, sufficient to outweigh the personal circumstances of this family to retain its gypsy and traveller "way-of-life".
- 2.7 The second is whether the increase in the number of caravans, alters the 2024 appeal letters' conclusion on sustainability. The letter at paragraph 26 concludes that the "the site would be in a suitable location that allows reasonable access to facilities". Since the date of that letter there has been no physical change either to the range of facilities or to the means of access to them, that would warrant a different conclusion. Whilst the increase in the number of caravans might increase traffic movements into and out of the site, the highway authority has no objection from a highway capacity point of view and thus any increase is immaterial. Moreover, the availability of non-motorised alternatives remains as before.
- 2.8 The third is that the appeal decision included a further condition – number 3 – that the permission was to be "personal" to the applicant and his family, not one where the occupation was open to any family that meets the gypsy and traveller definition in the PPTS. The current proposal does not include any variation of this condition. This therefore is considered to add weight to the conclusion of paragraph 2.6 above.

## **Recommendation**

That planning permission be granted subject to the conditions set out in Appendix A.

## 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.

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- 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.

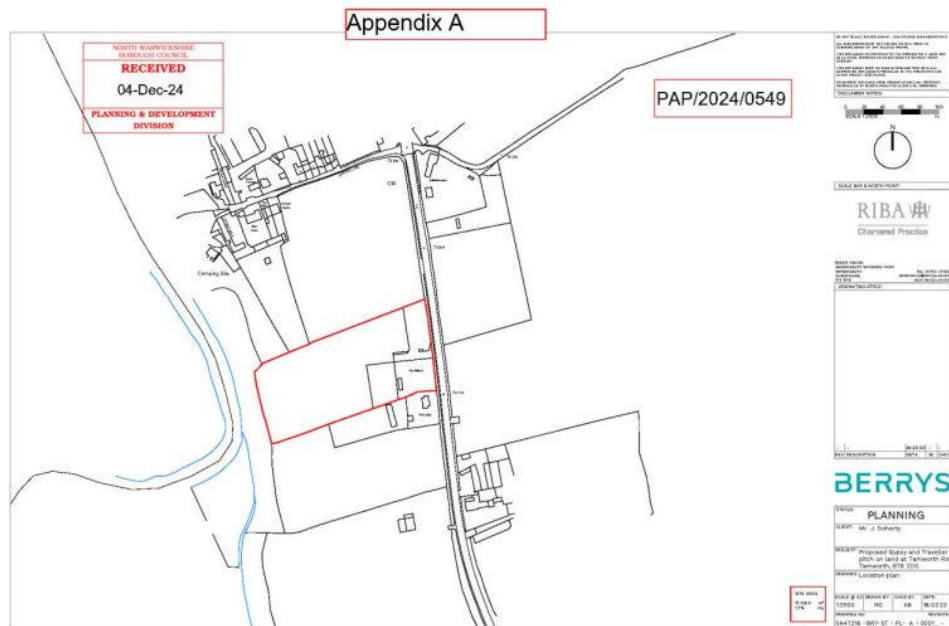
4. The approved landscaping scheme DOC/2024/0069 shall be carried out in accordance with the approved timetable. Thereafter, the landscaping scheme shall be maintained and any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or becomes seriously damaged 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.

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## Appendix B



### Appeal Decision

Hearing held on 23 July 2024

Site visit made on 23 July 2024

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> July 2024

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

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

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

#### Decision

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

#### Preliminary Matters

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

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

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

#### **Main Issues**

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

#### **Reasons**

##### *Planning history.*

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

##### *Effect on openness and purposes of Green Belt.*

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

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

*Effect on character and appearance.*

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



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

*Other raised concerns.*

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

traffic and so the development would not prejudice highway safety, despite the speed of cars on Tamworth Road going past the site.

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

*Considerations in favour of the development.*

*Need for and supply of pitches.*

30. The PPTS promotes the provision of more private Gypsy and Traveller sites. The appeal development would help meet the government's aim in these regards.
31. LP policy LP5 says the Council will make provision for a minimum of 19 permanent Gypsy and Traveller pitches between 2019 and 2033. A list provided with the statement of common ground indicates that planning permission has been granted for 24 pitches since 2019. Even if I accept the appellant's contention that 3 of these pitches should not be counted, the evidence suggests that planning permission has been granted for more than the minimum number of new pitches required under the LP.
32. However, it is clear from LP policy LP5 that 19 pitches is a minimum target. Paragraph 8.21 of the LP explains the Council's intention to bring forward a Gypsy and Traveller Plan (GTP) that will include pitch allocations. The Council's representative at the hearing accepted that this is required to meet an on-going need for more Gypsy and Traveller sites. While work has started on the GTP no document has yet been published for consultation. The Council's Local Development Scheme indicates that this would have happened in August 2023 and so progress towards the adoption of the GTP is significantly delayed. These factors point to the Council accepting a need for more Gypsy and Traveller pitches that currently is not recognised or identified in the LP.
33. Moreover, the Gypsy and Traveller Accommodation Assessment (GTAA) that informed LP policy LP5 is now of some age having been issued in 2019 with an update in 2020. Furthermore, in an appeal decision from December 2021 relating to a proposal for a Gypsy site at Wishing Well Farm, Fillongley<sup>1</sup>, an Inspector states that there has been a significant in-migration which was not anticipated at the time the GTAA was published. The Inspector notes at that time the Council's acceptance of a general need for Gypsy and Traveller sites. The Council's representative at this appeal hearing raised no issue with the previous Inspector's criticism of the GTAA and also accepted there is still a need for more pitches.
34. At paragraph 10, the PPTS states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Footnote 4 to the PPTS states that sites should be available now to be classed as deliverable. I am advised the sites granted planning permission as identified in the statement of common ground have all been provided and are occupied. As such, they are not now available. Accordingly, there is no supply at all of deliverable sites to address any current need, yet alone a 5 years' worth of supply. The Council accepts there is no alternative and suitable site available for the intended occupants of the appeal development. The apparent unmet need for Gypsy and Traveller sites weighs significantly in favour of allowing the development.

*Personal circumstances of the intended occupants*

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

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<sup>1</sup> Appeal reference number APP/R3705/W/20/3255527



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

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

*Green Belt Balance*

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



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

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

*Human rights and Public Sector Equality Duty.*

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

**Conditions**

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

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

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

#### **Conclusion**

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

*Jonathan Edwards*

INSPECTOR

#### **APPEARANCES**

##### **FOR THE APPELLANT:**

Alex Bruce	Planning agent
John Doherty	Appellant

##### **FOR THE LOCAL PLANNING AUTHORITY:**

Andrew Collinson

##### **INTERESTED PERSONS**

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

##### **LIST OF DOCUMENTS SUBMITTED AT THE HEARING:**

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

##### **SCHEDULE OF CONDITIONS**

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



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

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

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



## APPENDIX B

**PAP/2024/0549**

**Cliff Meadows, Tamworth Road, Kingsbury**

**Site Visit: 2 August 2025 at 1040**

Present – Cllrs Guilmant, Jenns, Parsons, H Phillips, Ririe and Watson together with A Bruce (representing the applicant), A Collinson and J Brown

1. Members drove into the rear of the site along the stone track from the newly completed access onto the main road.
2. Here they were shown the consented static mobile home together with the two that were the subject of the current application.
3. The reason behind the submission of the application was outlined.
4. The surrounding bund was noted together with tree belts to the west and to the north.
5. The neighbouring residential property - The Lodge - was pointed out as well as the general location of Cliff to the north.
6. Members left the site at around 1100.

## **General Development Applications**

**(5/f) Application No: PAP/2025/0379**

**Cole End Park, Lichfield Road, Coleshill, Warwickshire,**

**Works to trees in Conservation Area for**

**Warwickshire County Council - Forestry**

### **1. Introduction**

This item is referred to the Board as the land is owned by the Borough Council.

### **2. The Site**

This application relates to two trees located at Cole End Park, within the Coleshill Conservation Area. A plan showing the location of these trees is included at Appendix A.

### **3. The Proposal**

This application seeks consent to fell two willow trees T1 and T2 (dead) to ground level within the Coleshill Conservation Area.

### **4. Consultations**

Warwickshire County Council Forestry – No yet received.

### **5. Observations**

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice'). The Local Authority can deal with the notice in one of three ways:

- Make a Tree Preservation Order if this is justified in the interests of amenity.
- Decide not to make a Tree Preservation Order and allow the six-week period to expire, following which the works may proceed within two years of the date of the notice.
- Decide not to make a Tree Preservation Order and inform the applicant that work can proceed within two years of the date of the notice.
- Importantly, the Local Authority cannot refuse consent, nor can consent be granted subject to conditions.

The two trees are located adjacent to one another at the northern edge of Cole End Park and the Coleshill Conservation area. The applicant has submitted two images, that clearly show both trees have died.

The proposed works are therefore considered necessary to ensure the safety of the public as they both overhang a footpath.



The applicant has not proposed the tree are replanted as there is not specific budget for this work. However, they have identified that should members insist, they can approve additional costs to cover the re-planting of two trees.

The Warwickshire County Council Tree Officer has not yet commented on the proposal.

## **6. Conclusion**

Overall, given the health and safety benefits of removing the dead tree it has been considered by officers that the tree in the notification does not warrant protection by way of a Tree Preservation Order, and accordingly, the works can proceed.

Should members insist, we will request applicant plant two replacement trees, within the vicinity.

## **7. Recommendation**

That the works may proceed subject to the following conditions:

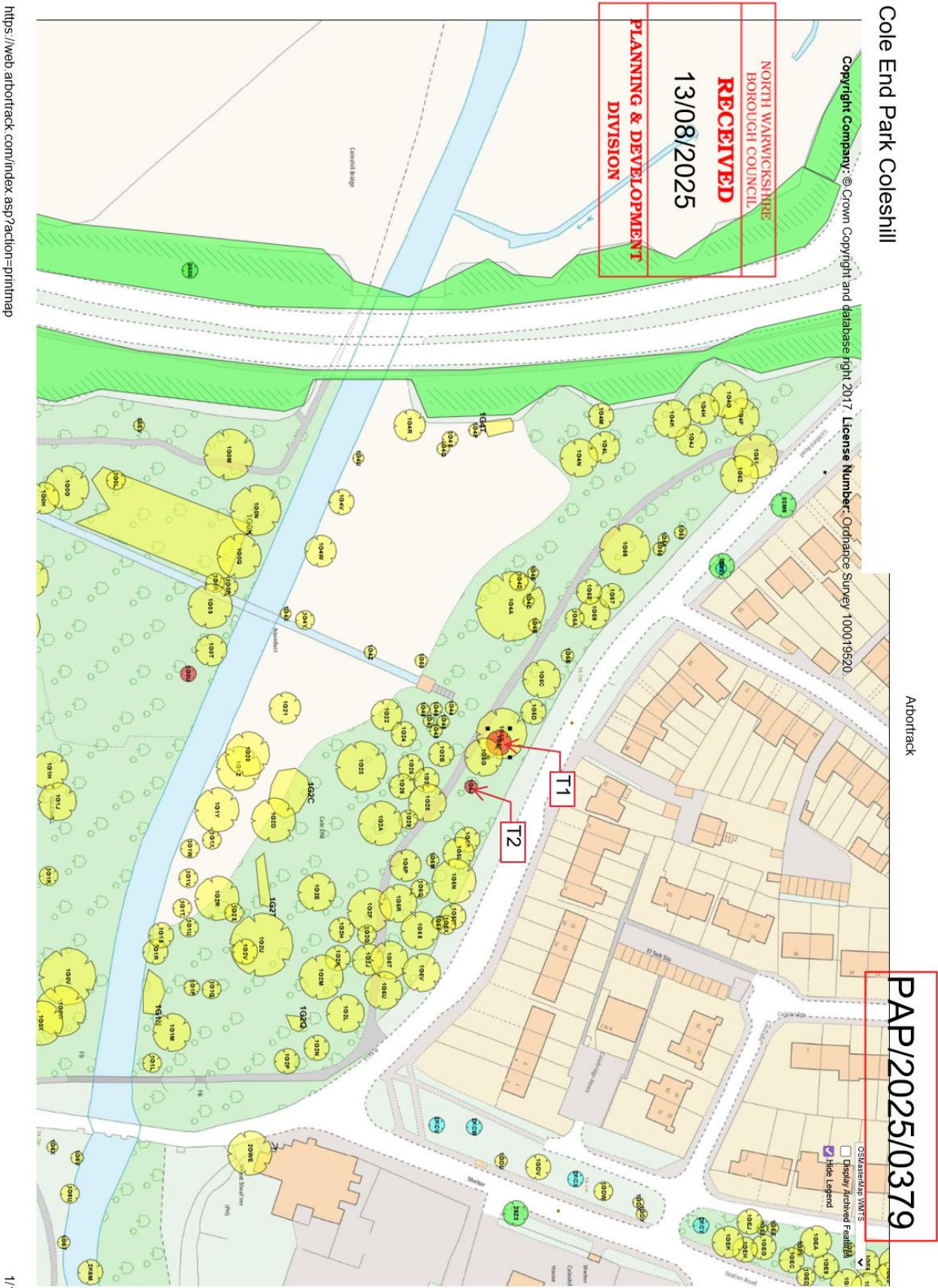
1. For the avoidance of doubt, the permission only relates to the trees mentioned within the notification (PAP/2025/0379), located at Cole End Park, Lichfield Road, Coleshill, Warwickshire, and detailed within the Application Form and tree location plan received 13/08/2025. The works shall be confined to the following:
  - T1(1G5F) and T2 (1G5J) - fell to ground level 2 dead willow trees adjacent footpath
2. No works to any other tree afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

## **Notes for the applicant**

1. With the exception of the tree noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. No works relating to the tree hereby approved should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
3. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.
4. Should members request a replacement tree is planted, it shall be planted in next available planting season (November-March) following felling. The replacement tree must be a of the same species. Should the tree die, become damaged or diseased, it must be replaced.

5. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law, and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage, or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

Appendix A – Tree Location Plan



## **General Development Applications**

**(5/g) Application No: PAP/2025/0093**

**Spring Cottage Farm, Watling Street, Grendon, Atherstone, CV9 2PF**

**Outline planning application (including primary means of access from the A5 Watling Street, with all other matters reserved) for up to 200 new homes including associated landscaping, open space and ancillary infrastructure (with all existing buildings to be demolished), for**

**Lioncourt Strategic Land Limited**

### **1. Introduction**

- 1.1 This application has recently been submitted and is being reported to the Planning and Development Board for informational purposes only at this time – a full determination report will follow in due course.

### **2. The Site**

- 2.1 The application site comprises approximately 9.9 hectares of rectangular shaped agricultural land, which includes a farmhouse and associated agricultural buildings (which are proposed to be demolished as part of the proposals) (Appendix A).
- 2.2 The site is located at Grendon, which forms a built-up area together with the surrounding villages of Grendon Common and Baddesley Ensor. These villages provide sufficient services and facilities to accommodate the day-to-day needs of existing and future residents.
- 2.3 The site adjoins Riddings Fisheries to the east, whilst the northern boundary abuts the A5 Watling Street. Grendon Woods is located to the south and west of the site, which is classified as an Ancient and Semi-Natural Woodland.
- 2.4 A Public Right of Way runs along the western site boundary.

### **3. The Proposal**

- 3.1 This is an outline planning application (including primary means of access from the A5 Watling Street, with all other matters reserved) for up to 200 new homes including associated landscaping, open space and ancillary infrastructure (with all existing buildings to be demolished)
- 3.2 The Illustrative Masterplan (Appendix B) has been developed for the site to actively respond to the site's constraints and build on its opportunities and demonstrates how 200 new homes and supporting infrastructure could be accommodated on the site.

- 3.3 It is proposed to take primary vehicular and pedestrian access from A5 Watling Street, together with a second emergency access, and additional pedestrian and cycle links to the existing local Public Rights of Way network (Appendix C).
- 3.4 A Design and Access Statement explains how the illustrative Masterplan has been arrived at within the context of the setting of the site. The Masterplan has been designed to respond to the sites' constraints and opportunities with the following points:
1. The block structure works with the topography of the scheme to be more sympathetic to the site and avoids any existing Root Protection Zones.
  2. A green corridor has been created along the spine and will be formed of multi-functional linear greenspace, play areas and attenuation features including ditches and swales promoting sustainable urban drainage in the site.
  3. Existing trees and hedgerows have been retained around the periphery of the site and within the area. This helps maintain a mature landscape setting and screen the development from the surrounding areas.
  4. A 15m offset buffer to the ancient woodland included along the western boundary.
  5. Play areas are situated along key routes to maximise their usage within the scheme. A centralised LEAP is featured as a focal heart to the scheme including historic trees and an attractive green space within the core development.
  6. Layers of structural planting to break up mass of built form will be included throughout.
  7. Attenuation feature acts as a gateway to the site to announce it from the A5 and provide an attractive green space here.
  8. Secure development blocks with dual fronted units on corners to provide street surveillance and secure back to back perimeters.
  9. Primary loop road through the scheme.
  10. Strategic secondary routes stem from the primary road and terminate in turning heads (appropriately sized for fire and refuse) before becoming private driveways to soften the edges of development.
  11. Properties will tend to be 2 storey in height to be consistent with the surrounding context, with the opportunity for 2.5 or 3 storey properties at key junctions and to end strategic vistas.
  12. There is also an opportunity to include bungalows subject to a local need which will be single storey.
- 3.5 It is said that the scheme will provide a mix of homes that looks to create a place that helps foster community cohesion through high quality and accessible public open space, that can be shared by existing and new residents. It is expected that the housing mix will include affordable homes provision of 40%. The proposed scheme will provide a development up to approximately 200 homes. The overall development density for the site will be set between 34 and 40 dwellings per hectare (dph). This is reflective of the density at adjacent residential developments and within Grendon as a wider region.

- 3.6 A large swathe of the land use within the boundary will be Public Open Space, swales, attenuation measures, ecological enhancements and mitigation buffers. All told, the scheme will offer around 40% of the site as non-developed land.
- 3.7 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 from the A5. 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 proposed site access is design for up to 200 dwellings where a separate emergency access is provided. Vehicular access to the site will be provided directly from the A5 through a priority-controlled T-junction with no rights turns from the site onto the A5 (Appendix C). The existing refuse island will be relocated east to make space for a right turn ghost lane into the site. A left ghost lane will also be provided by the service road on the northern side of the A5. A Transport Assessment has been submitted which indicates the impact of the development on the local highway network using models to assess the developments impact on the network.
- 3.8 A planning statement has been submitted in support of the application along with a number of other reports. Amongst these is a "Five Year Housing Land Supply Review". This indicates that the Council last published an annual monitoring report in January 2024, which claims a housing land supply of 5.3 years. The applicant's Housing Land Supply Report examines the proposed housing supply trajectory set out by the Council and challenges this, setting out a total of nine disputed sites with 1,939 dwellings that are not considered to be deliverable and should not count as part of the supply. It indicates that the Council is heavily reliant on a small number of very large strategic sites to come forward, and the submitted report sets out that there will be considerable delaye faced before delivery is seen on these sites. This leads to a calculated supply of only 1.87 to 2.24 years (depending on whether or not a 20% buffer is applied), with no remedy to the failing land supply position. As such, the applicant does not consider that the Council is able to demonstrate a sufficient housing land supply, which means that the presumption in favour of sustainable development ('the tilted balance') is engaged.
- 3.9 The site is currently in agricultural use, the submitted Agricultural Land Classification sets out that the majority of the site is sub-grade 3b "moderate quality", which is not Best and Most Versatile agricultural land. There is a patch of subgrade 3a "good quality" and a small area of Grade 2 "very good quality" surrounding the buildings, but this is not significant development of agricultural land in planning policy terms and cannot be farmed differently to the rest of the land in practical terms. Given the limited quantum of BMV land involved, its mixed quality within a number of small and narrow fields and the lack of land of lower quality locally, only limited weight should be accorded to the small area (2.4 ha) and proportion (25%) of BMV land quality, and this is not considered to be a constraint to development.

- 3.10 The submitted Flood Risk Assessment confirms that the site is located within Flood Zone 1. All types of development are considered acceptable in this location in line with the Sequential Test as it is an inherently sequentially preferable location. The majority of the site is at a low risk from surface water flooding. Surface water flooding is noted to extend from the southeast and east, converging in the north-western corner. These flow paths will be managed through the provision of new cut off channels to convey flows through the site. In light of the risk of surface water flooding from the flow paths, the site has been sequentially tested against other reasonably available sites.
- 3.11 An Air Quality Assessment has been undertaken to support the application. A review of the latest monitoring data shows there is no AQMA in North Warwickshire. The nearest monitoring is approximately 290m to west of the Site, with monitored concentrations below the annual mean objective level. In terms of noise, a noise model to determine sound levels across the proposed development site has been developed and the submitted report outlines the mitigation that will be required in order to reduce sound levels to accepted criteria. Mitigation may include dwelling orientation to protect rear gardens, glazing, and specific ventilation requirements.
- 3.12 An Energy Statement has been prepared to demonstrate that the proposals will provide an 80.34% carbon reduction under the latest revision of the Building Regulations, Part L1 2021. This also represents a 63.12% reduction in the energy requirements of the site, provided by renewables such as Air Source Heat Pumps. Also, a Utilities Statement has also been submitted to demonstrate that suitable connections to key services can be made to the site.
- 3.13 In terms of ground conditions, the applicant reports that the environmental risk at the site is low to moderate with the principal risk drivers relating to the storage and use of agricultural machinery/equipment, asbestos associated with two barns at Spring Farm, storage of waste in the farm area, and telecommunication masts with electrical transformers in the centre and south-east. The site is also located in Warwickshire County Council's Mineral Safeguarding Area associated with shallow coal and brick clay deposits and is located close to a mineral safeguarding area for building stone and crushed rock. The submitted Minerals Assessment demonstrates that the demand for these materials in Warwickshire is low given the sufficient existing landbank and environmental factors. Furthermore, the proposed development would not sterilise mineral resources to the south, given the removal of the existing ancient woodland would not be acceptable for environmental reasons.
- 3.14 In terms of archaeology a geophysical survey and desk-based assessment were undertaken prior to the present phase of works. Whilst the geophysical survey identified no anomalies of archaeological interest, the desk-based assessment concluded that there was the potential for prehistoric and Roman archaeological remains to be present on the site.



- 3.15 In terms of visual and landscape impact as this application is made in outline, the detailed landscaping proposals will come forward at Reserved Matters Stage. However, the submitted Landscape and Visual Impact Assessment details how the proposal would be acceptable in terms of visual amenity and character. It concludes that from a visual perspective, the site is not visible from recognised/important viewpoints, tourist destinations, designed views, nationally recognised routes (i.e. National Trail) or land with public access (i.e. Open Access Land).
- 3.16 An Arboricultural Impact Assessment is also submitted, including a tree survey completed in September 2023. The survey identified 19no. individual trees, 5no. groups of trees, 6no. hedgerows and 2no. woodlands on / adjacent to the site. The quality and value of trees ranges from low (Category C) to high (Category A). Ancient Semi-Natural Woodland designations are present to the west and to the south of the site known as Grendon Wood. A hedgerow is present along the northern boundary and there are no trees present within this hedgerow. The eastern boundary is well established with trees and sections of hedgerow. The survey and tree constraints have been reflected in the scheme master planning. The design seeks to retain all high value trees and buffers are provided from the Ancient Woodlands (a minimum of 15m) and the Veteran tree (15x trunk diameter) in line with Standing Advice. The buffer zones will be made up of green space with limited informal access routes for walkers. The proposed green corridor running centrally through the site will retain the existing hedgerow and high value oak trees. This existing linear feature will be enhanced with additional planting and the intensity of management seen with the current agricultural context will be reduced.
- 3.17 The application is also accompanied by an Ecological Impact Assessment, which confirms that there are no ecological constraints to development of the site and demonstrates how the development will retain and enhance habitats of ecological importance. The constraints with relation to ecology have been reflected in the scheme master planning. The design seeks to retain features of ecological value, namely mature trees and hedgerows, where practicable. Appropriate buffer zones to adjacent habitats of ecological importance including ancient woodland are incorporated into the scheme design. A biodiversity net gain metric is submitted to demonstrate that the proposals would result in a net gain of 4.12 habitat units (19.93%) and 1.37 hedgerow units (13.45%), which is in excess of the minimum requirement of 10% net gain.
- 3.18 The applicant concludes and it is his view that the proposed development would make an important contribution to the housing land supply through the windfall allowance. The site is available for development now, is readily deliverable and will be straightforward to deliver given its unconstrained nature. The number and form of new homes proposed would not undermine the existing spatial housing strategy. In light of the lack of housing land supply demonstrated by the applicant, the proposals are considered to fulfil the presumption in favour of sustainable development as the benefits of the proposal are considered to significantly and demonstrably outweigh any harm, and the presumption of sustainable development applies, outweighing the conflict with the development plan.



## **4. Background**

- 4.1 The proposal seeks outline planning permission with all matters reserved except for access. Matters of appearance, landscaping, layout and scale are reserved for future determination. However, plans to be approved at this outline stage include a land use parameter plan, access and movement parameter plan, green infrastructure parameter plan and density and building heights parameter plan. The plans set the framework for matters that include maximum building heights, residential densities and the level of green infrastructure provision.

## **5. Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP20 (Green Space), LP22 (Open Space and Recreational Provision), LP23 (Transport Assessments), LP26 (Strategic Road Improvements A5), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form) LP33 (Water and Flood Risk Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency), LP36 (Information and Communication Technologies), LP37 (Housing Allocations) and LP38 (Reserve Housing Sites)

Warwickshire Minerals Plan Adopted 2022 - Policy DM 10 for non-mineral development to be acceptable in a Mineral Safeguarding Area

## **Other Relevant Material Considerations**

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

National Planning Practice Guidance – (the “NPPG”)

MHCLG National Design Guide

The Town and Country Planning Act 1990

Natural Environment and Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

Planning (Listed Buildings and Conservation Areas) Act 1990

Self-Build and Custom Housebuilding Act 2015 (as amended)

Levelling-up and Regeneration Act 2023

North Warwickshire Landscape Character Assessment (2010)

Air Quality SPD (2019)

Provision of facilities for waste and recycling for new developments and property conversions SPD (2023)

Planning Obligations for Sport, Recreation and Open Space SPD (2023)

Car Parking Standards (Local Plan 2021)

Affordable Housing Addendum (2010)

Affordable Housing SPD (2008)

A Guide for the Design of Lighting Schemes (2003)

The Annual Monitoring Report

## **6. Observations**

- 6.1 Members will be familiar with the planning issues involved with large scale housing developments.
- 6.2 Development in the Borough is to be proportionately distributed and be of a scale that is in accordance with a settlement hierarchy identified within Local Plan Policy LP2. Baddesley with Grendon is defined a Category 3 settlement as a local service centre in that Hierarchy. Grendon has had housing approvals in recent years however the majority of these have been to the north of the A5 off Spon Lane and some smaller scale allocations in Baddesley. This site to the south of the A5 is not an allocated site. There are both allocated sites H4 and reserved sites north of the A5 in the vicinity of this proposal.
- 6.3 A key issue will be access to A5 and the impact of the proposal on the A5 including the provision of pedestrian and cycle safety crossing. Both Highways England and Warwickshire Highways are key consultees in respect of this issue.
- 6.4 Other key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the countryside. Other issues include the loss of agricultural land, minerals safeguarding, noise and air-quality, 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.

## **7. Recommendation**

- 7.1 As with similar proposals, the receipt of the application should be noted, and this time, a site visit carried out before the determination.



**Drawing Title**  
Site Location Plan

## PLANNING & DEVELOPMENT DIVISION

<b>Scale</b> 1:1250 - A2	<b>Project No.</b> 9241				
<b>Date</b> 13-November-2024	<b>Purpose Of Issue</b> -				
Project 9241	Orig RL	Vol ZZ	Level XX	Form DR	Role MP
<b>Number</b> <b>SK16</b>	<b>Revision</b> <b>-</b>				

Date	Purpose Of Issue
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13-November-2024

Project	Org	Vol	Level	Form	Risk
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9241 • RL • ZZ • XX • DR • MP

Number	Revision
SK16	=

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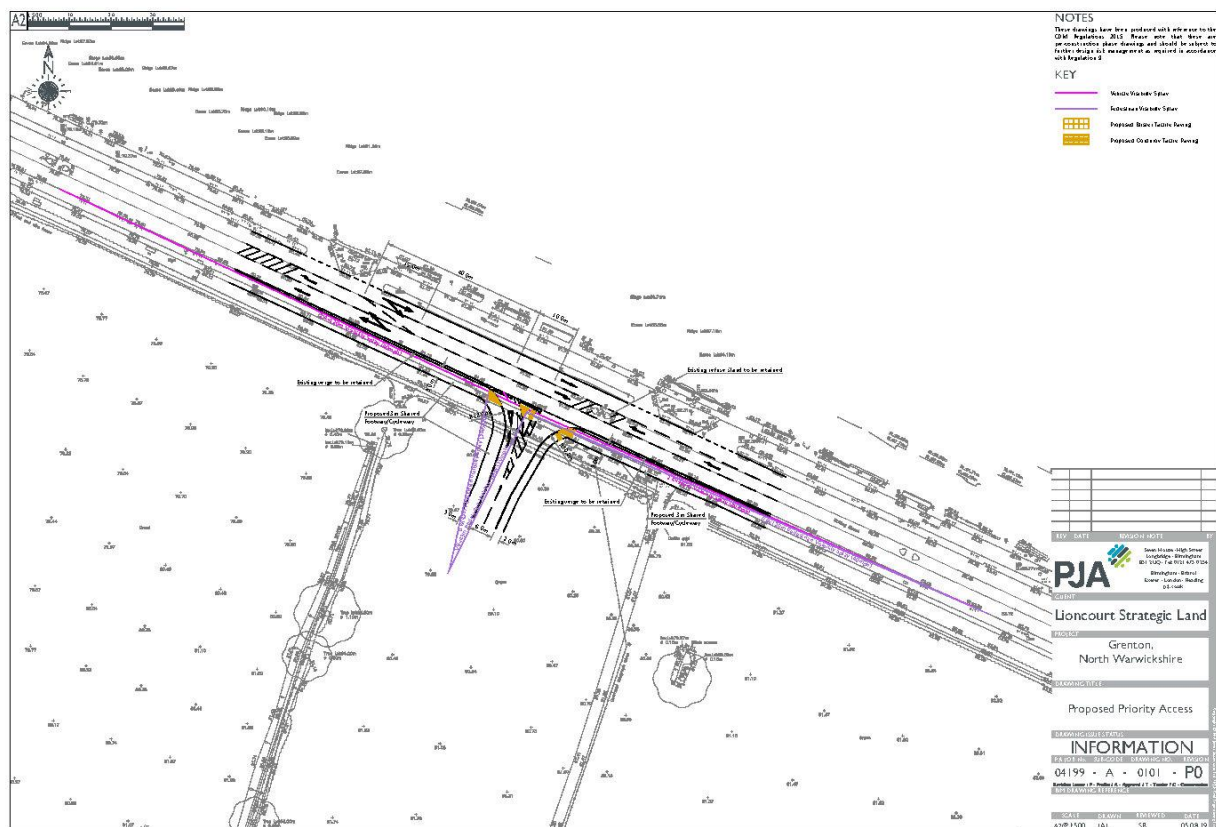
79 of 140

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79 of 140







## **General Development Applications**

**(5/h) Application No: PAP/2025/0320**

**Land To Rear Of, Ralph Crescent, Kingsbury,**

**Outline planning application with all matters reserved except for site access for the erection of up to 283 dwellings (including affordable housing), with public open space (including children's play areas), landscaping and sustainable drainage system (SuDS), for**

**Gladman Developments Ltd**

### **1. Introduction**

- 1.1. This application has recently been submitted and is being reported to the Planning and Development Board for informational purposes only at this time. A full determination report will follow in due course.

### **2. The Site**

- 2.1. The site comprises approximately 14.5ha of predominantly arable land to the immediate north-west of Kingsbury. To the north lies the M42 motorway network, and the A51 (Tamworth Road) is found to the east, beyond which lies existing residential development and agricultural land. To the south/south-east, the site abuts further residential development along Ralph Crescent and Bracebridge Road and is bounded to the west/south-west by the River Tame. A small wastewater pumping station abuts the site to the north, with overhead power lines crossing the site in a south-western to north-easterly direction.
- 2.2. A Site Location Plan is provided in Appendix A.
- 2.3. In detail, the site comprises two arable fields: a smaller north-eastern parcel and a larger south-western section, separated by an area of scrubland dominated by brambles and housing a scattering of native trees. The eastern boundary to Tamworth Road is formed by a native hedgerow, punctuated by mature oaks, which extends to an existing access to Kingsbury Garden Centre
- 2.4. Two areas of mixed deciduous woodland are found within the site, one towards the north-west (extending off-site) and a woodland corridor to the south-west, adjacent to the River Tame, as well as a small copse towards the western boundary. The southern interface with existing residences is formed largely by scrub vegetation and garden fencing.
- 2.5. The site displays a 'fan-like' topography, radiating northwards from a small plateau at the settlement edge - land levels fall from approximately 75m AOD in the south to c.65m AOD in the north. From the Tamworth Road boundary westwards, levels gradually decrease towards the area of scrubland, which itself is elevated, beyond which there is a graduated rise towards the plateau. Levels fall away fairly sharply in the west towards the River Tame.

- 2.6. A Topographical Plan is found at Appendix B.
- 2.7. The safeguarded route of the now-cancelled HS2 Phase 2B Eastern Leg passes through the northern section of the site. Safeguarding Directions on Phase 2 between the West Midlands and Leeds were lifted in July of this year.
- 2.8. The site lies to the immediate north of the Kingsbury's development boundary and falls within the West Midlands Green Belt.

### **3. The Proposal**

- 3.1. This application seeks outline planning permission (with all matters reserved except for site access) for the erection of up to 283 dwellings, new public open space (including children's play areas), landscaping, and a sustainable drainage system (SuDS).
- 3.2. In terms of the decision-making process, an application for outline planning permission allows for a decision on the general principles of how a site can be developed and, in this instance, reserves matters of appearance, landscaping, layout and scale for future determination.
- 3.3. Access is not reserved, presented for approval here, and is depicted within the Proposed Site Access Drawing (Appendix C). This illustrates that vehicular (and pedestrian) access would be afforded via a ghost-island, priority right turn junction from Tamworth Road, approximately 70m to the south of the existing access to Kingsbury Garden Centre. A shared 3m footway/cycleway is to be provided on the eastern side of Tamworth Road.
- 3.4. An indicative masterplan accompanies the application (Appendix D), outlining the strategic framework for the development. This shows broad areas of new housing, an indicative internal layout and landscaping. A central corridor of landscaped public open space cuts through the site surrounding the existing overhead lines, and the master plan shows housing distributed in a series of "blocks" of varying sizes. A Locally Equipped Area for Play (LEAP) is proposed towards the site's north-eastern boundary with Tamworth Road.
- 3.5. Public open space and additional landscaping extend beyond the corridor towards the River Tame, wrapping around the site to the north, providing a green 'edge' to the development. Further planting is also proposed at the site's interface with existing development to the south.
- 3.6. 50% of the proposed housing would be affordable (142 units), with the tenure mix to be agreed upon through further discussions.
- 3.7. The application is supported by a range of drawings, documentation, reports and assessments, such as:
- 3.8. A Planning Statement – This appraises the proposals in the context of local and national planning policy, setting out that, in the applicant's view, as the Council does not have a five-year housing land supply; the presumption in favour of sustainable development (paragraph 11d(ii) of the NPPF) is applicable here. The

statement concludes that the adverse impacts do not significantly outweigh the benefits of granting permission.

- 3.9. A Design and Access Statement – The Statement highlights how the applicant views the development to be an acceptable response to the site and its context, as well as how it can be adequately accessed by prospective users.
- 3.10. A Historic Environment Desk-Based Assessment – This details that there are no designated heritage assets within the site and a total of 11 within a 1km search area, none of which are suggested to be harmed by the proposals. The assessment concludes that there is no evidence that the site has, or has the potential to contain, any significant archaeological remains.
- 3.11. Landscape and Visual Impact Assessment, and Green Belt/Grey Belt Assessment – This assesses the site to be of ‘medium-low’ landscape sensitivity, demonstrating urban fringe characteristics, concluding that the effect of the development on landscape character would be localised. Substantial visual effects are suggested to be constrained to a limited number of residential receptors to the south.
- 3.12. The Green/Grey Belt component resolves that the site does constitute Grey Belt land and would not undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- 3.13. Transport Assessment (TA) – The assessment sets out that the site is sustainability located and within walking distance of a range of local services and facilities, including schools, leisure, and retail opportunities. The TA adds that the new junction has been designed to facilitate access to the site by buses and details the provision of a shared footway/cycleway on the eastern side of Tamworth Road.
- 3.14. The TA concludes that, based on the results of the junction capacity assessment for key junctions on the local highway network, the development traffic would not have a severe impact. As a consequence, no mitigation is proposed, and no further assessment is deemed necessary
- 3.15. Framework Travel Plan – the plan details an aspirational aim of achieving a 10% modal shift from single occupancy car use to more sustainable forms of transport, and outlines measures to be taken to achieve this.
- 3.16. Preliminary Ecological Appraisal (PEA) – the PEA sets out recommendations for the loss of habitats on-site, SuDS design and a Construction Environmental Management Plan (CEMP). The site is not subject to any nature-based designation, with potentially only localised impacts to the River Tame Local Wildlife Site (LWS) through construction.
- 3.17. The appraisal considers that bat surveys should be carried out to determine the use of the site by foraging and commuting bats. Further surveys are recommended for breeding birds, otters and reptiles.



- 3.18. Arboricultural Survey and Arboricultural Impact Assessment (AIA) - 72No. individual trees, 37No. groups of trees, 4No. hedges and 1No. collection of trees groups were surveyed. The AIA confirms that three individual trees, two groups and five partial collections require removal to facilitate the proposed scheme. None of the trees to be removed are category A specimens.
- 3.19. Flood Risk Assessment (FRA) and Drainage Strategy – The site falls within Flood Zone 1 with a small portion along the south-western boundary in Zone 3 (outside the developable area). The FRA sets out that the surface water drainage system will cater for storm events up to and including the 100-year event (+40% climate change allowance). An indicative drainage strategy is also included.
- 3.20. Acoustic Assessment – This explains that the site is at ‘medium/high’ risk of noise during the daytime, and at ‘high’ risk at night owing to adjacent road noise (the M42 and the A51). It suggests that detailed site design in combination with thermal double glazing will provide sufficient mitigation.
- 3.21. Air Quality Appraisal – The appraisal concludes that, subject to suitable mitigation techniques, the residual effects of construction dust emissions will not be significant, and that a road vehicle exhaust emissions assessment is required.
- 3.22. Socio-Economic Benefits Statement – The statement summarises that the proposals will deliver socio-economic benefits through providing new residents of working age, affordable housing, construction spending and job creation, as well as council tax receipts and Section 106 contributions.
- 3.23. Statement of Community Involvement – The statement details the engagement carried out by the applicant before submission of the application.
- 3.24. Phase 1 Geotechnical Report – This identifies the need for an intrusive site investigation to be carried out to confirm and quantify any contamination.
- 3.25. Minerals Resource Assessment – The site falls within a minerals safeguarded area concerning sand and gravel, as identified within the Warwickshire Minerals Local Plan (adopted July 2022). The assessment considers mineral extraction to be economically unviable given the necessary ‘stand-offs’ to residential property and overhead power lines.
- 3.26. Energy, Sustainability and Waste Management Statement - The applicant considers the proposals to be ‘sustainable development’ and will be sustainably designed, details of which will be provided at the reserved matters stage.
- 3.27. Biodiversity Net Gain Assessment and BNG Metric – The headline figures are a gain in area-based habitat units and hedgerow units of 24.52% and 21.53% respectively, and a 7.24% reduction in watercourse units.
- 3.28. The assessment recommends new ditches within the site to compensate for the loss of watercourse units.

- 3.29. Odour Assessment – Source Odour Potential from the Waste-Water Treatment Plant is classified as ‘medium’, yet the odour effect significance is ‘slight’. Accordingly, no mitigation is required.
- 3.30. River Condition Assessment – The assessment concludes that the development would not rise to any change in river condition of both the River Tame and Thistlewood Brook.
- 3.31. Agricultural Quality Assessment – 48% of the site is assessed as sub-grade 3A agricultural land, with 32% at 3B.
- 3.32. Draft Section 106 Heads of Terms – this is provided in Appendix 2 of the Planning Statement. Indicative terms are set out for affordable housing, open space and highways and transport.

#### **4. Background**

- 4.1. This is no available planning history for the application site.
- 4.2. The applicant sought a Screening Opinion was sought from the Council in respect of this development earlier in the year. The proposal has therefore been screened in accordance with the EIA Regulations, and the Council concluded that the development would not likely have significant effects on the environment by virtue of factors such as its nature, size or location, and hence the proposed development does not constitute EIA development.

#### **5. Development Plan**

The North Warwickshire Local Plan (Adopted September 2021) – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP3 (Green Belt); LP5 (Amount of Development); LP7 (Housing Development); LP8 (Windfall); LP9 (Affordable Housing Provision); LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure); LP18 (Tame Valley Wetlands); LP21 (Services and Facilities); LP22 (Open Spaces and Recreational Provision); LP23 (Transport Assessments); LP25 (Railway Lines); LP27 (Walking and Cycling); LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management); LP34 (Parking); LP35 (Renewable Energy and Energy Efficiency) and LP36 (Information and Communications Technologies)

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

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

National Planning Practice Guidance – (the “NPPG”)

MHCLG National Design Guide

The Town and Country Planning Act 1990

Natural Environment and Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

Planning (Listed Buildings and Conservation Areas) Act 1990

Self-Build and Custom Housebuilding Act 2015 (as amended)

Levelling-up and Regeneration Act 2023

North Warwickshire Landscape Character Assessment (2010)

Air Quality SPD (2019)

Provision of facilities for waste and recycling for new developments and property conversions SPD (2023)

Planning Obligations for Sport, Recreation and Open Space SPD (2023)

Car Parking Standards (Local Plan 2021)

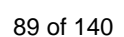
The Annual Monitoring Report

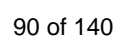
## **7. Observations**

- 7.1. Members will be familiar with the main planning issues concerning large-scale outline housing schemes, as well as proposals within the Green Belt. An initial judgement will need to be made here as to whether the proposals represent either appropriate or inappropriate development.
- 7.2. The applicant advances that the proposals would be appropriate development as the site is 'Grey Belt' land and the proposals meet the requirements of paragraph 155 of the NPPF, including the 'Golden Rules'. This is a critical issue that officers will address in a future report to the Board.
- 7.3. A further core issue is likely to be the weight to be attributed to housing delivery – the applicant's position is that the Council cannot demonstrate a five-year housing land supply. Again, this will require careful consideration.
- 7.4. Other material considerations that must be taken into account and weighed in the "planning balance" will include, but are not limited to, whether the development accords with the settlement hierarchy, landscape and visual implications, highway safety, infrastructure (both the provision of and any impacts arising from the development), flood risk, BNG, and ecology.
- 7.5. Given the complexity of the proposals, the board is advised to visit the site prior to the determination of the application.

## **8. Recommendation**

81. As with similar proposals, the receipt of the application should be noted, and a site visit carried out before a determination is made.

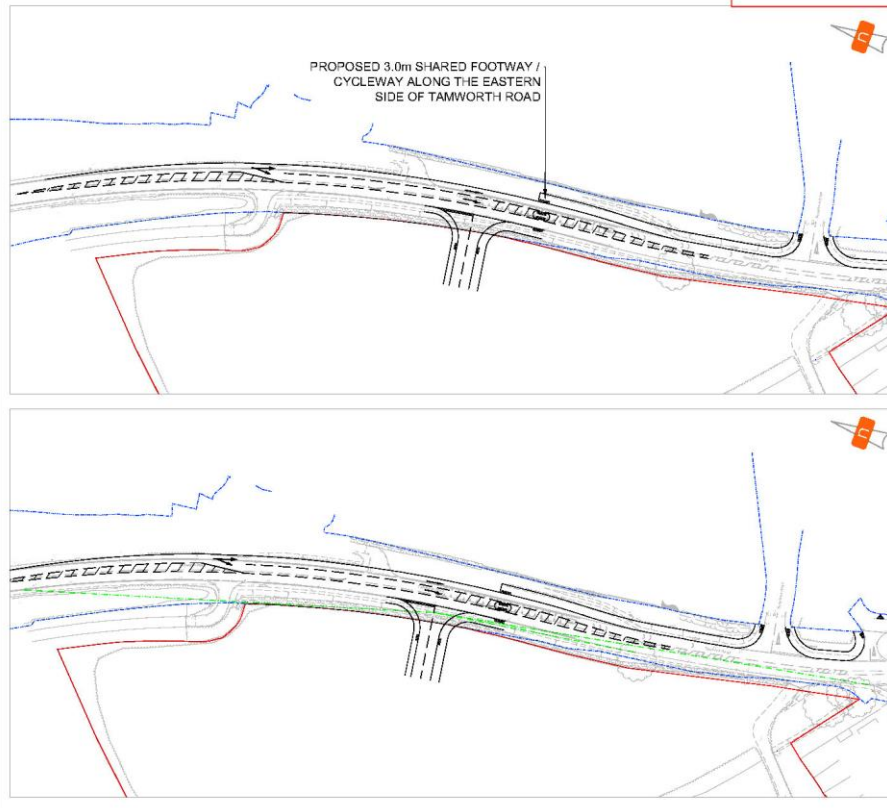






# APPENDIX C

PAP/2025/0320



- NOTES
1. THIS DRAWING IS BASED UPON A TOPOGRAPHICAL SURVEY UNDERTAKEN IN 07/2024. THIS DESIGN IS ALSO SUBJECT TO CONFIRMATION OF LAND OWNERSHIP, LOCATION OF STATUTORY SERVICES, DETAILED DESIGN AND TRAFFIC MODELLING.
  2. ROAD MARKINGS & TRAFFIC SIGNS ARE TO BE IN ACCORDANCE WITH THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2014.
  3. HIGHWAY BOUNDARY INFORMATION HAS BEEN PROVIDED BY WARWICKSHIRE COUNTY COUNCIL (WCC 2023) AND HAS BEEN TRANSMITTED BY MODE ONTO AN ORDNANCE SURVEY. MODE ACCEPTS NO LIABILITY FOR THE ACCURACY OF THE DATA PROVIDED AND THE HIGHWAY BOUNDARY INFORMATION SHOWN IS SUBJECT TO CHECKS BY A LICENSED CONVEYANCER.
  4. DO NOT SCALE FROM THIS DRAWING WORK FROM FIGURED DIMENSIONS ONLY.
  5. ALL DIMENSIONS ARE SHOWN IN METRES UNLESS NOTED OTHERWISE.

- KEY:
- EXISTING
  - PROPOSED
  - SITE BOUNDARY
  - HIGHWAY BOUNDARY (TRANSMITTED HIGHWAY BOUNDARY BASED ON WCC)
  - VISIBILITY SPLAY 2.4m x 4.3m (30mph)
  - VISIBILITY SPLAY ARE BASED UPON ARE STANDARDS
  - VISIBILITY SPLAY - RECORDED SPEEDS (A1C 1)
  - TO THE NORTH - 2.4m x 128.5m (A7.7mph 50)
  - TO THE SOUTH - 2.4m x 145.5m (A9.7mph 60)

NORTH WARWICKSHIRE BOROUGH COUNCIL  
**RECEIVED**  
11/07/2025  
PLANNING & DEVELOPMENT DIVISION

REV	DATE	INITIAL	ISSUE
1	20.06.2025		INITIAL ISSUE

CLIENT: GLADMAN DEVELOPMENTS LTD

JOB TITLE: LAND WEST OF TAMWORTH ROAD, KINGSBURY

DRAWING TITLE: PROPOSED SITE ACCESS

DRAWING NO.: J32-B204-PS-003

DRAWN	ESP	CHECKED	GS
CREATED	JUN '25	SCALE	1:1000 @A3

mode transport planning  
GREAT HOLE  
30-34 LUGGATE HILL  
BIRMINGHAM  
B5 1TW  
0121 704 4300  
INFO@MODETRANSPORT.CO.UK  
WWW.MODETRANSPORT.CO.UK

File: C:\Users\Theodore\Desktop\Project\Birmingham\J32-B204-PS-003.dwg



apd

GLADMAN

## **General Development Applications**

**(5/i) Application No: PAP/2025/0081**

**Stables At Land South Of Flavel Farm, Warton Lane, Austrey,**

**Part Retrospective application for change of use of land on an existing Gypsy site, to provide additional capacity. One existing static to be relocated, along with permission for two additional static caravans, two additional touring caravans, parking for four additional vehicles with associated hardstanding and infrastructure, for**

**Mr J Connors**

### **1. The Site**

- 1.1 The site is situated some 500 metres south-west of the settlement of Austrey. It is located outside of its defined settlement boundary and is within an area of open countryside. It is part of a wider site which comprises a field measuring some 1.35 hectares. The application site contains a previously approved day room, static caravans, and touring caravans, landscaping and hardstanding, related to the approved residential use of the site by a gypsy family. Vehicular access to the site is directly onto Warton Lane. The wider site ownership – depicted by the blue line below - includes an equestrian building. The site boundary to the road has existing landscaping.
- 1.2 Adjoining the site to the north is a farm complex comprising of a bungalow, saddlery workshop and agricultural/equestrian buildings.
- 1.3 The proposed site location plan is shown at Appendix A.

### **2. Background**

- 2.1 Planning permission was granted in 2014 for the change of use of this part of the larger former agricultural land to an equestrian use. This permission also included the erection of a barn/stable building measuring some 18.3m x 6.7m x 3m to the eaves and 3.9 m to its ridge. The permission also included the construction of a menage measuring some 40m x 20m and a vehicular access with gates set back 12 metres from the highway. This permission was taken up and the building and menage are now present on the site together with the approved access arrangement.
- 2.2 In 2022, planning permission was granted on appeal for the change of use of land to a mixed use site so as to continue the equestrian use, but also to include its residential use for an extended gypsy family. The site was conditioned so as to contain two static caravans, two touring caravans, parking for four vehicles together with associated hardstanding and water treatment plant. This permission was taken up. The appeal letter is at Appendix A.

- 2.3 In 2023 permission was given for the erection of summer house/dayroom. This was a retrospective application. The building measures 5.42metres wide by 6.8metres in length. This is now sited close to one of the existing mobile homes on the site.
- 2.4 During the appeal leading to the 2022 grant of permission – paragraph 2.2 above, there was reference to the footpath links into Austrey. These are shown at Appendix B.

### **3. The Proposal**

- 3.1 This is as described as above and is best illustrated by the plan and aerial photograph at Appendix C. Essentially, this is to increase the number of caravans from two statics and two tourers to four of each.
- 3.2 The application sets out that the proposal is provide additional caravans on site in order to accommodate the extended family of the applicant – for his children who have now reached adulthood and have their own families. The 2022 permission for two statics was to accommodate firstly, the applicant, his wife and younger children and secondly his older son, his wife along with their children. The proposal is to add the applicant's other two adult children together with their families.

### **4. Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP10 (Gypsy and Travellers), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP33 (Water Management)

Austrey Neighbourhood Plan 2014-2029 - AP1 (Existing Hedgerows, Ditches and Mature Trees) and AP8 (Sustainable Transport). Policy AP3 says that any new development should ensure that the views of Austrey and the surrounding countryside, as shown on the map on page 11, are not compromised by such development. This map is seen at Appendix D.

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

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

Planning Policy for Traveller Sites 2024 – (the “PPTS”)

Austrey Neighbourhood Plan Review – 2025 – 2033

The North Warwickshire Landscape Character Assessment 2010



## **6. Consultations**

Highway Authority – No objection subject to conditions – see Appendix B.

Environmental Health Officer – No objections

## **7. Representations**

Austrey Parish Council – It objects to the proposal

Six further objections have been received.

The combined objections from the Parish Council and representations are set out below.

1. Whilst the desire for the family currently occupying the site to stay together is understood, the permission for static homes and mobile homes has been ignored and exceeded by additional static and mobile homes.
2. There have been several instances of dogs living within the site leaving the site on their own, causing dangerous hazards for vehicles and pedestrians alike. Incidents were reported to the police.
3. As well as dogs roaming from the site, there have been at least two reports of goats escaping from site and wandering through the village. When two ponies were on the site, these too have escaped, also creating hazards for road users.
4. The boundary fence was in a state of disrepair for several months allowing the animals to escape with ease.
5. Points 2,3 and 4 indicate the inability of the site occupiers to control or care for animals with a disregard for the safety of them animals, pedestrians and vehicle users alike.
6. The site occupies land with a boundary on a very sharp bend, with the site entrance within 20 metres of the bend, which due to high hedges is completely blind until a vehicle or pedestrian is half-way round the bend. It is worth noting that the carriageway is just wide enough for two cars to pass. However, there is no pedestrian path or walkway, meaning pedestrians and dog walkers have to walk in the carriageway, which is not ideal especially with the obstructed views around the sharp bend adjacent to the site entrance.
7. The boundary is over 2.5m high and well established being at least 1.5 to 2 m thick in places. No trimming or pruning had been done, meaning that the hedge growth protrudes into the carriageway forcing vehicles negotiating the bend to occupy the majority of the carriageway width, creating a dangerous situation where head-on collisions could occur.

8. Several instances of anti-social behaviour have occurred - the use of quad bikes and e-scooters on the roads into and out of the village as well as across fields and the playing fields with disregard for road safety.
9. The site entrance is within a few metres of a sharp and vision obscured bend as the road approaches Austrey. Doubling the vehicle traffic into and out of the site adds to the issue of potential collisions as vehicles negotiate the sharp bend, with vehicles frequently forced to use the centre of the road due to the overgrown hedge.
10. The original approval for occupation was deemed appropriate for the size of the site with regard to vehicle and pedestrian traffic, however, the lack of maintenance of both the boundary hedge and fence combined with the current over-occupation of the site increases the likelihood of a serious collision occurring.
11. There are adverse visual and noise impacts.

## **8. Observations**

### **a) Introduction**

- 8.1 The starting point with this application is the 2022 planning permission, as it sets out that the lawful use of this site is a mixed use for equestrian use together with “a residential use for gypsy-traveller families”. The appeal proposal as approved, means that this permission is for a single pitch to be occupied by an extended family. In this case that amounted to two families – that of the applicant and his son. The current proposal is to add accommodation for the applicants’ other children who now have their own families – together still being an extended family. As such, the matter is not one of “additional pitches”, but one of whether the additional caravans would cause demonstrably significant harm, sufficient to outweigh the personal circumstances of this extended family to retain its gypsy and traveller “way of life”.

### **b) Visual Impact**

- 8.2 The extent of the proposed development is such that it will be partially visible from the road, but this is more or less confined to visibility through the site entrance, because of the significant hedge-lines along the boundary which ensure that any transitory impacts will be mitigated. There is thus considered to be only limited visual harm

### **c) Ecological Impacts**

- 8.3 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. In this case the statutory requirements do not apply, as it is not a major application.

#### **d) Highway Impacts**

- 8.4 Local Plan policy LP29 (6) requires developments to provide safe and suitable access for all users. The Highway Authority's response has been copied in full given the content of the representations recorded above. This explains how they have assessed the case leading to there being no objection subject to a condition relating to visibility at the access. In light of this it is considered that the proposal accords with the planning policy.

#### **e) Impacts on Residential Amenity**

- 8.5 Local Plan policy LP29 (9) requires development to avoid and address unacceptable impacts on neighbouring amenities. This is the case there is no objection from the Environmental Health Officer. The proposed plan also moves one of the static caravans off the boundary to the existing adjacent residential property, which would improve matters, but which had not been undertaken when writing this report. This matter can be conditioned should an approval be granted – see condition 5 below. As such there would be no unacceptable impact.

#### **f) Other Matters**

- 8.6 The representations received also refer to non-planning matters and no weight will be attributed to these matters in the determination of this report.

#### **g) The Applicants Planning Considerations**

- 8.7 It is now necessary to assess the other side of the balance. The applicant considers that the site already benefits from a residential use for an extended gypsy family and that the proposal is essentially an extension of that use to include other members of that family. This would maintain the family's "way of life" as a traveller and to retain a "stable place to live" for the benefit of the children on site. He considers that the site can be termed as "previously developed land" and that any harms caused are minimal in extent.

#### **h) Conclusion**

- 8.8 As indicated above in paragraph 8.1, this application is not being treated as one for an additional gypsy/traveller "pitch". As such the need that has to be assessed here is that of the extended family itself and not the overall need that there might be generally for gypsy and travellers in the Borough. As such this can be conditioned in the event of an approval – see condition 2 below. In this case, it is considered that the personal and cultural circumstances of the applicant can be accommodated on this site without demonstrable significant harm.

## Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered : BP-04-2025 - block plan and LP-04-2025 - location plan as received by the Local Planning Authority on 4 July 2025.

### REASON

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

2. The gypsy residential use hereby permitted shall be carried out and occupied only by the following persons and their resident dependants – John Connors and Rebecca Connors. If the site is not occupied by these people within two years of the date of this permission, the use hereby permitted shall cease and the land restored in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

### REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries.

3. There shall be no more than eight (8) caravans (as defined by the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 as amended), stationed at any one time, of which only four (4) caravans shall be static caravans.

### REASON

In the interests of the amenities of the area.

4. There shall be no additional floodlighting installed on the site, unless the prior written approval has been obtained from the Local Planning Authority.

### REASON

In the interests of the amenities of the area and safety on the public highway.

5. Within three (3) months of the date of this permission, the static caravan on the northern boundary alongside to Flavel Farm shall be relocated to the position as shown on the approved layout plan numbered BP-04-2025.

### REASON

In the interests of the reducing any unacceptable harm to the residential amenities of neighbouring property.



6. The extent of the Gypsy residential site use hereby permitted shall be restricted to the areas defined on the approved plans as static pitches, touring pitches, dayroom, shed, parking, hardstanding, stable and waste/recycle 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 dashed red line on the approved plans.

#### REASON

In the interests of the amenities of the area.

7. Within three (3) months of the date of this permission, visibility splays shall have been provided to both sides of the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 90.0 metres looking left (north-easterly) from the vehicular access to the near edge of the public highway carriageway and 60.0 metres looking right (southerly) from the vehicular access. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

#### REASON

In the interests of the amenities of the area and safety on the public highway.

8. No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site, apart from horse boxes or equestrian vehicles.

#### REASON

In the interests of the amenities of the area.

### **Notes**

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues, along with suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.
2. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

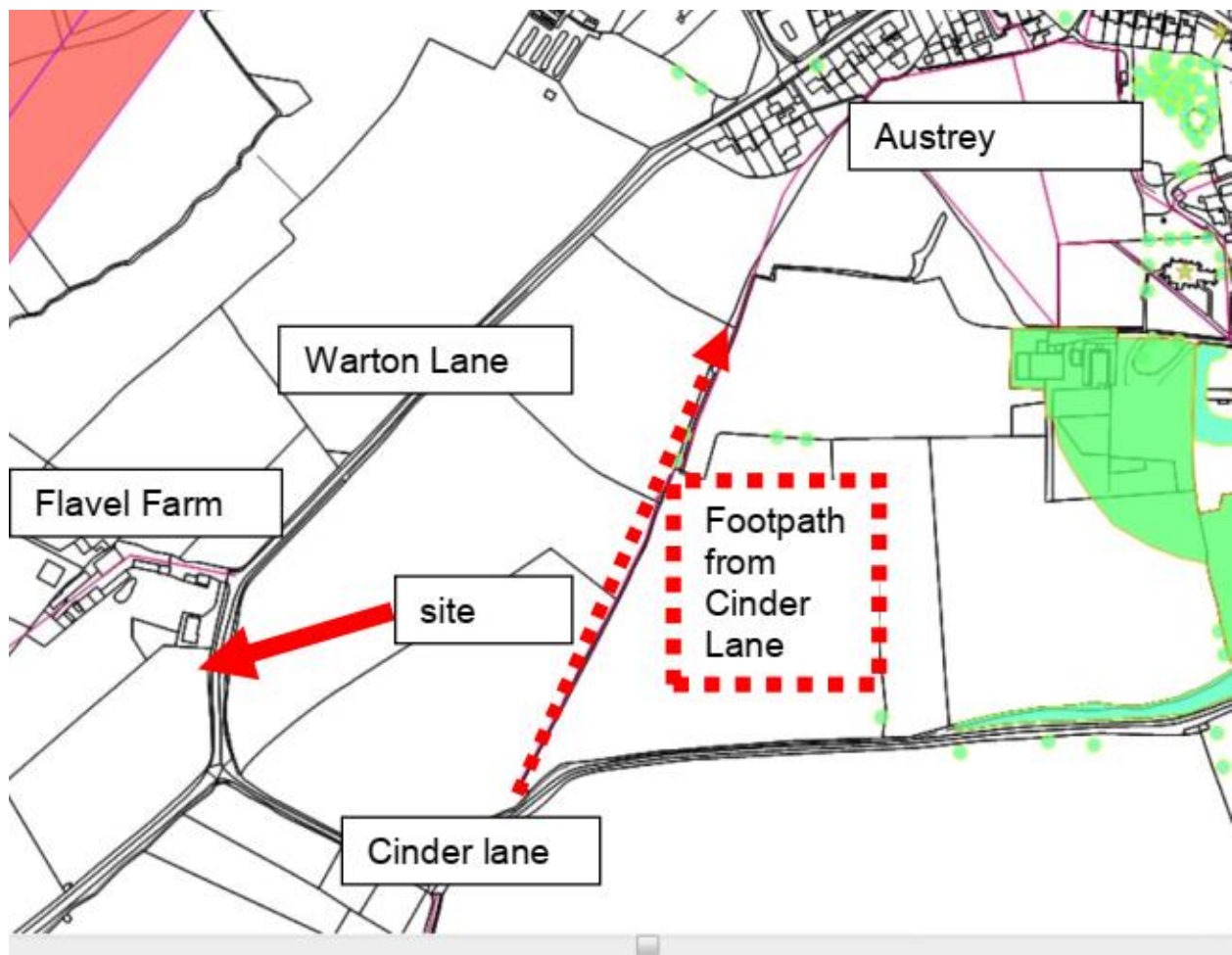
3. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the 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.
4. 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>
5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588
6. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.
7. For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.
8. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

9. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>
10. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.
11. Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.
12. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.
13. Further information is also available on the Mining Remediation Authority website at: Mining
14. Remediation Authority - GOV.UK

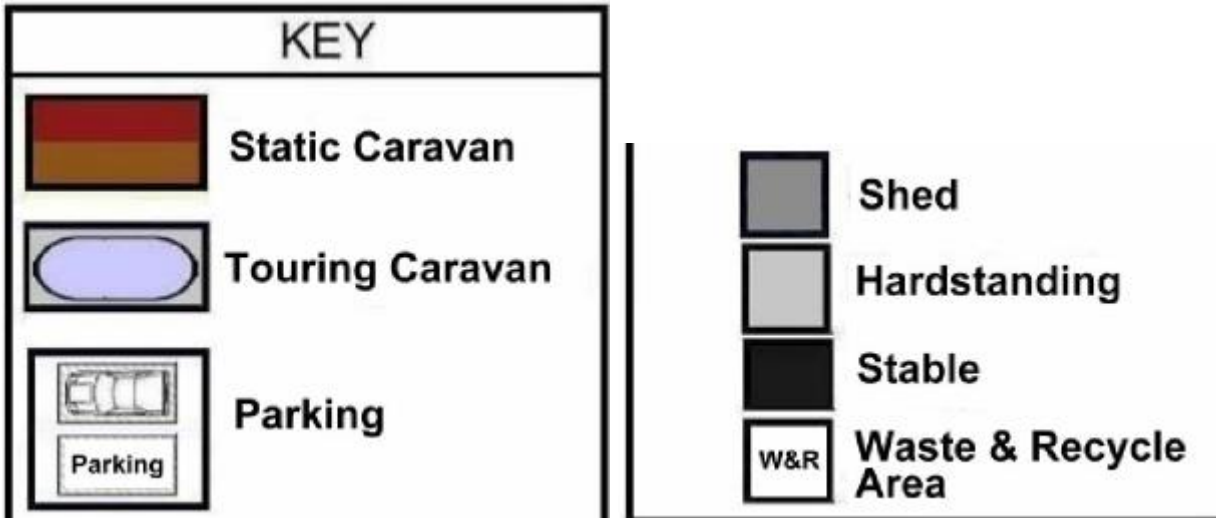
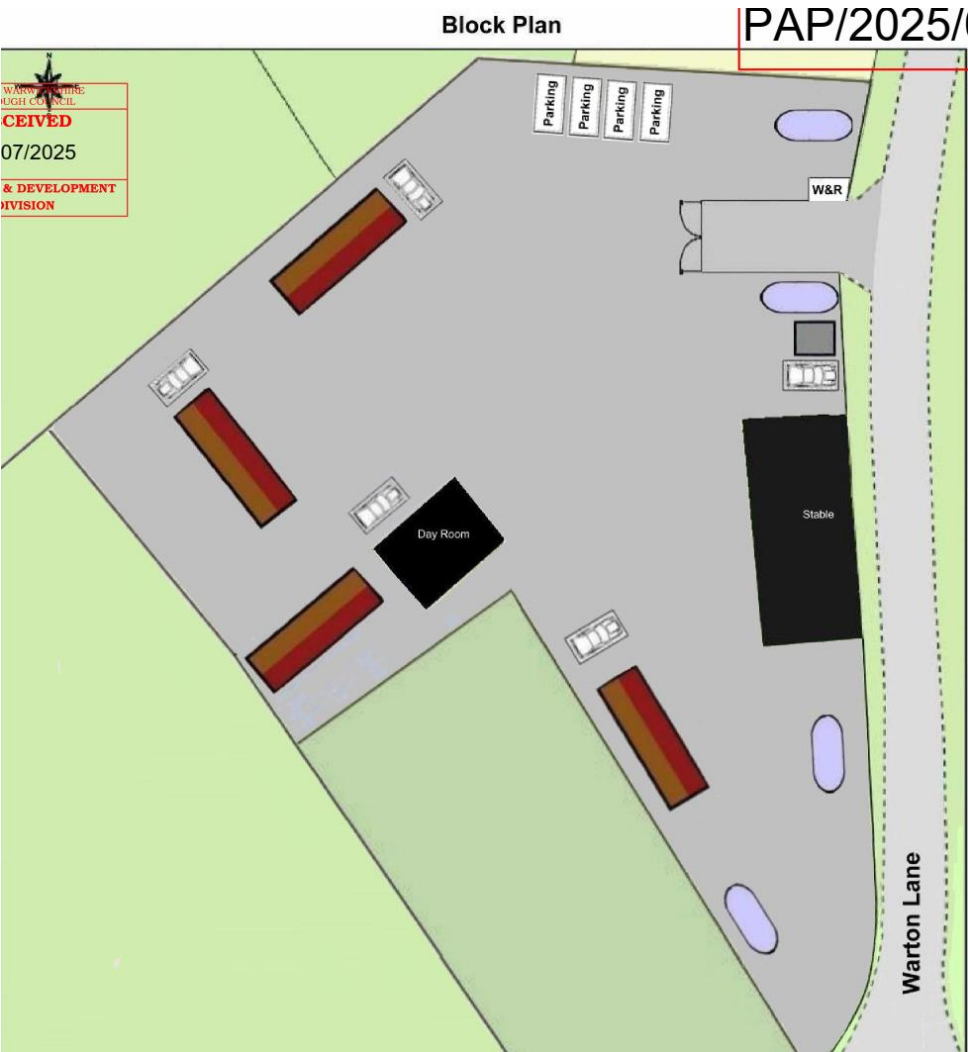
## Appendix A – Site Location Plan



## Appendix B - Footpath



Appendix C – Site Plan and aerial image

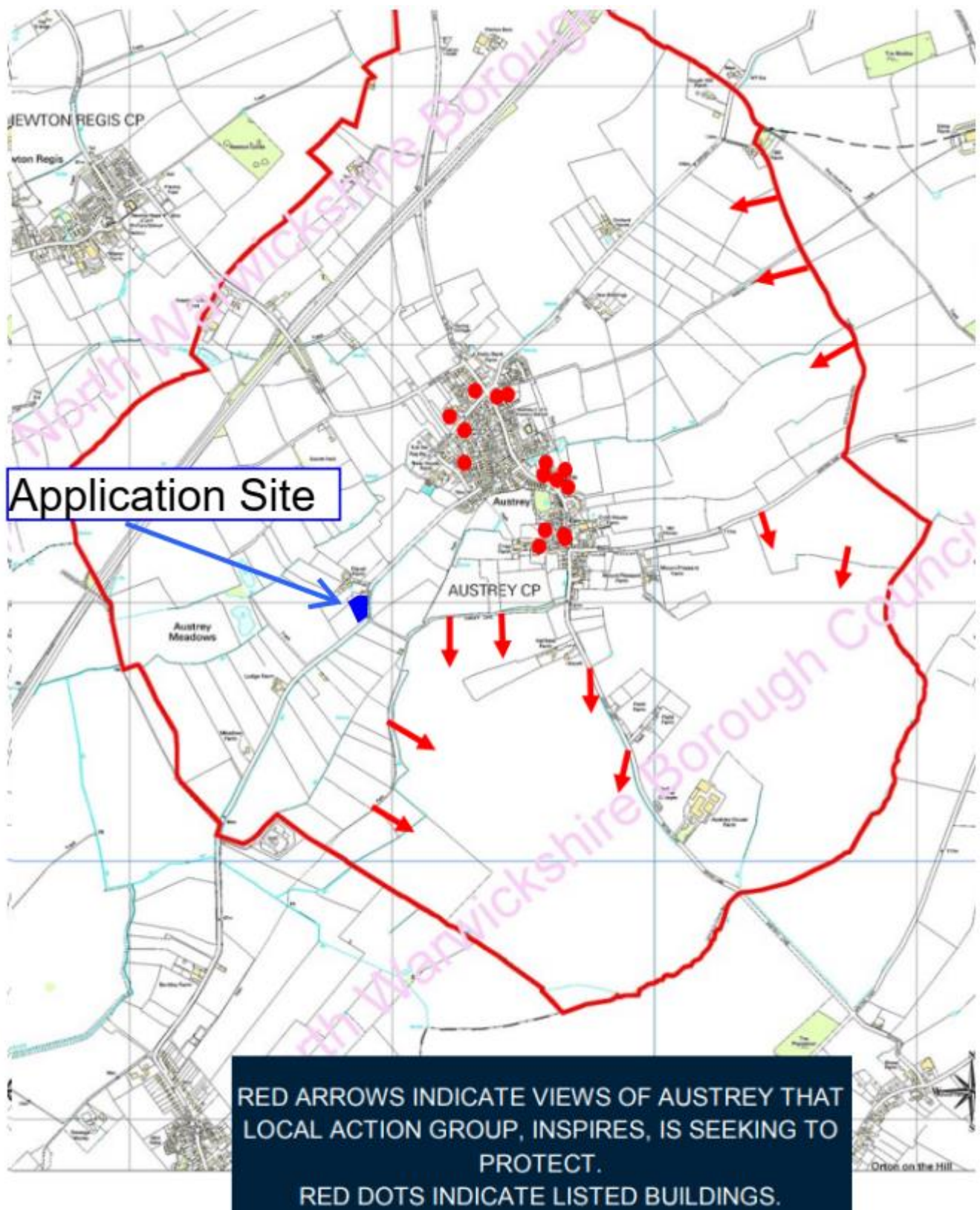








## Appendix D – Austrey Neighbourhood Plan View.



## **General Development Applications**

**(5/j) Application No: PAP/2025/0327**

**Heart Of England, Meriden Road, Fillongley, Coventry, CV7 8DX**

**Change of use of land from a mixed use, comprising conferences, events and outdoor recreational use, agriculture and forestry, to use as a conference, events and outdoor recreational centre (baseline application supporting a suite of specific applications), for**

### **1.0 Introduction**

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

### **2.0 The Site**

- 2.1 The Application Site, owned by Heart of England Promotions, was the former Old Hall Farm, which the Applicant purchased early in 2001. It consists of some 83.6 acres (33.83 hectares) of open fields and the former farm building complex, plus another 67.33 acres (27.27 hectares) of woodland, comprising the greater part of Birchley Hays Wood. The total site is therefore approximately 151 acres or 61 hectares. The site is located adjacent to the hamlet of Chapel Green, to the south-east of the B4102 (Meriden Road) between Fillongley and Meriden, near to the M6 motorway.
- 2.2 The village of Fillongley lies some 1.3 miles to the north-east; Corley is two miles to the east and Meriden is 2.5 miles to the south-west. Except for the proximity of the M6 motorway to the north, the immediate locality is distinctly rural in character, forming part of the 'Ancient Arden' landscape within the Green Belt that lies between Coventry and Birmingham.
- 2.3 The use of the site as a Conference and Events Centre has been long established at the site.
- 2.4 The Application Site is located within the designated Green Belt.

### **3.0 Introduction to the Masterplan for the Site**

- 3.1 The overarching proposal reference PAP/2025/0327 relates to the Change of use of land from a mixed use, comprising conferences, events and outdoor recreational use, agriculture and forestry, to use as a conference, events and outdoor recreational centre (baseline application supporting a suite of specific applications). This application seeks to denote planning zones for the various activities and functions across the site in a holistic approach.
- 3.2 The Zoning Plan/ Masterplan 612/224/02 Revision B is located at Appendix A. Please note that the content and claims made within the Zoning Plan regarding the lawful uses have not been verified at this stage and the Case Officer will review the planning and enforcement history during the full assessment stage.

3.3 For the purposes of this application, the site has been split into 8 zones.

## Appendix A – Site-wide The Zoning Plan/ Masterplan 612/224/02 Revision B



- **Zone 1** being the existing building complex (Conference and Events Centre and its adjuncts, storage barns, Old Fillongley Hall and the offices in its former outbuilding) and main car parking areas;
- **Zone 2** the lawn or field immediately east of the building group, together with the old farm pond;
- **Zone 3** the field west of the old Hall, historically known as 'Coney Grove';
- **Zone 4** the lake and the field west and south of it (historically called 'Bottom Stockings');
- **Zone 5** the north-eastern field, historically known as 'Far Quicken Tree Field', which includes the reed beds filtration system;
- **Zone 6** the proposed woodland extension and multi-purpose events track or course, formerly dubbed the 'Adventure Trail';
- **Zone 7** the field to the west of Zone 4, historically called 'Top Stockings'; and

- **Zone 8** the greater part of Birchley Hays Wood that is in the applicant's ownership.
- 3.4 Other smaller areas of woodland planting or tree belts dividing the fields are unaffected by the proposals and are to remain as amenity/landscape planting.
- 3.5 The various change of use, operations, built functions and further proposals are submitted under the following applications and seek to supplement the overarching masterplan for the site as follows:
- **PAP/2025/0244** - Demolition of existing storage barns to the north side of the Conference Centre and erection of a Conference Suite building (Zone 1)
  - **PAP/2025/0251** - Erection of extension to existing restaurant (on the site of the existing external decking) and creation of replacement decking (Zone 1)
  - **PAP/2025/0270** - Removal of existing wedding marquee and associated structures to the south of the conference centre, proposed Indoor wedding venue with external timber decking and link block to existing conference centre, together with open-air 'amphitheatre' (tiered natural seating area) and pagoda for outdoor wedding ceremonies. (Zone 1 & 2)
  - **PAP/2025/0274** - Erection of extension to existing building beside Birchley Hays Wood (with mixed permitted use for agriculture, forestry, storage and 'Assembly and Leisure' purposes) to provide additional storage space. (Zone 7)
  - **PAP/2025/0294** - Retrospective Application for Temporary Retention for Ten Years of 9 No. Existing Glamping Pods, 6 No. Shepherd Huts, Log Cabin, Toilet Block and Washroom South of, and Within the Field to the West of, Old Fillongley Hall ('Old Hall House'). (Zone 3) *(This application has been received however remains invalid at the time of writing this report).*
  - **PAP/2025/0326** - Creation of new woodland incorporating an events track and obstacle course (including use by motor vehicles) within an existing grassland area of 5.3 hectares, with lakeside picnic area and conservation/drainage pools; change of use of the land from (default) agricultural to mixed recreational/forestry use, including creation of a construction/maintenance access route shown within the red line on the location plan = 3,700 square metres). (Zone 6)
- 3.6 An introduction into each of these applications is expressed within this report below.

## 4.0 Background

- 4.1 In terms of the previous planning history, the case officer will review the planning history and any outstanding issues at the site to inform the definitive functions and operations within each zone as claimed.

## 5.0 Development Plan

North Warwickshire Local Plan 2021 LP1 – Sustainable Development; LP2 (Settlement Hierarchy), LP3 – (Green Belt), LP6 (Additional Employment Land), LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP23 (Transport Assessment and Travel Plan) LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Fillongley Neighbourhood Plan 2019 - FNP01 (Built Environment): FNP02 (Natural Environment), FNP05 (Economy) and FNP06 (Heritage)

## 6.0 Other Relevant Material Considerations

National Planning Policy Framework 2024 (updated Feb 2025 - ('NPPF')).

National Planning Policy Guidance – ("NPPG")

Fillongley Neighbourhood Plan 2025 – (Regulation 16 Consultation)

Warwickshire County Council Landscape Guidance 1993

North Warwickshire Landscape Character Assessment 2010

## 7.0 The Proposals

**A) PAP/2025/0327- *Change of use of land from a mixed use, comprising conferences, events and outdoor recreational use, agriculture and forestry, to use as a conference, events and outdoor recreational centre (baseline application supporting a suite of specific applications).***

7.1 The application is supported through a Design and Access Statement which sets out that the application seeks baseline planning permission for a change of use of the land from a mixed use comprising the hosting of conferences, exhibitions, shows, weddings and other events our outdoor recreational use, with agriculture and forestry, to use as a Conference and Events and Outdoor Recreational Centre.

7.2 The objective is to provide a strategic overview of the whole Application Site with the individual uses and functions set out in each zone as an index to each specific developments that are more precisely described in the six supporting separate planning proposals to form a suite of planning consents.

7.3 The Application is supported through the following plans:

- 612/224/03 entitled Location Plan
- 612/224/01 Rev B entitled Zoning Site Plan (Existing)
- Design, Access & Planning Statement June 2025 (Alder Mill)



7.4 It is claimed by the Agent within the DAS that most of the land involved in this application already has a recreational use class under the existing permissions FAP/2002/7800 (Zones 1, 3 and part of 2), PAP/2007/0503 (Zones 4 and the rest of Zone 2) and that granted under APP/R3705/C/10/213378 (Zone 8), this claim would need to be verified during the course of the assessment of the planning history in the full assessment of each application.

7.5 Apart from assessing this application against the Development Plan and other relevant material planning considerations, Members will need to ensure that all of the functions and uses within the proposal tally with the zoning plan. It will also be imperative to ensure that each function and use at the site is precisely defined and that necessary conditions to control the uses within each zone are imposed should planning permission be granted.

7.6 The Proposed Zoning Plan is below.

## Appendix A – Site-wide The Zoning Plan/ Masterplan 612/224/02 Revision B



**B) PAP/2025/0244 (Zone 1) - Demolition of existing storage barns to the north side of the Conference Centre and erection of a Conference Suite building.**

- 7.7 Full planning permission is sought for the demolition of the existing storage barns to the north side of the Conference Centre and erection of a Conference Suite building – part of proposed Zone One on Appendix A. The application is submitted in addition to applications 2025/0251 and 2025/0274 as part of the built form expansion of conference and events functions at the site within Zone One – see below at C and D.
- 7.8 The Conference Centre currently provides modern, professional conference facilities to cater for groups of different sizes and for different kinds of functions. These range from the 600-seater, theatre-style Birchley Suite (which can also be adapted for serving meals to up to 500 people, or cabaret style seating layout for up to 350 guests) through five smaller suites and other temporary spaces. None of these are capable of holding ‘break-out’ groups at the sizes demanded by customers who are hiring the Birchley Suite for up to 600 people. Thus, additional break-out spaces are needed to allow large groups.
- 7.9 The proposal would comprise of the main key components:
- Demolish the existing ex-farm building to the north side of the Conference Centre complex currently utilised for general storage.
  - Replacement with a modern building to serve as an additional Conference/Convention Suite.
- 7.10 The proposal would result in additional internal floor space.
- 7.11 The materials used in the construction are proposed to comprise of concrete blockwork with external red cedar vertical timber cladding and plasterboard outface with a solid brickwork plinth under a Steadman AS35 roofing panels. Fenestration would comprise of aluminium frames.
- 7.12 Drainage has been indicated to be dealt via soakaway and connection for foul water to mains sewer.
- 7.13 The hours of operation within submitted application form state from 0730hrs to 2230hrs Monday to Saturday with no Sunday or Bank Holiday operation hours.
- 7.14 The application is supported through the following documents:
- Design and Access / Planning Statement: Proposed Conference Suite with ‘Breakout’ Option Alder Mill May 2025;
  - Preliminary Ecological Appraisal, AM Environmental Consulting Limited. May 2024;
  - Biodiversity Net Gain Assessment (Feasibility Report), AM Environmental Consulting Limited. May 2024;
  - Removal and Replacement of a Barn Building: Condition Assessment, AM Environmental Consulting Limited. May 2024;



- Internal and External Bat Survey Barn August 2024; Dr. Stefan Bodnar.
  - Heart of England: Enrichment of Business Report 2025;
- 7.15 The Conference Suite would occupy the same position as the existing storage building. It has been designed to complement the existing character of the main Conference Centre, so would also have Steadman AS35 roofing panels, galvanised steel 'Z' purlins, with external walls constructed out of brickwork plinth with canter stretcher course and cedar vertical timber cladding. The porch would have a pitched roof and a gabled front with fully glazed screen.
- 7.16 The building would measure 24.5m by 25.6m giving a total footprint of 627.2 m<sup>2</sup>. The roof would be approx. 3.9m to eaves height and overall ridge height of 8.1m. The volume of the proposed replacement building would be approx. 3, 871m<sup>3</sup>.
- 7.17 The existing storage barns have a footprint of approx. 530m<sup>2</sup>.
- 7.18 The detached Conference Suite will occupy roughly the same location as the existing storage barns and there will be a reduced overall footprint.
- 7.19 The Enrichment of Business Report 2025 sets out that the proposal would support the business with the following principles:
- The purpose of the proposed standalone addition to the Conference Centre, the additional conference/convention/exhibition hall and "breakout spaces" facility would be related to the existing established uses of the Conference and Events Centre.
  - The enhanced Conference Suite would allow business to have an additional permanent and attractive venue for large events as well as the facility to provide 'break out' spaces, achieving more versatility and flexibility for conferences, conventions, shows and exhibitions. It would facilitate the possibility of conference and wedding events taking place on the site simultaneously, or more than one conference or exhibition being held at the same time.
- 7.20 The Design and Access Statement sets out that the wider development of the site would establish an additional thirty jobs. In ascertaining the principle of the development, officers will need to establish whether the proposal would be appropriate within the Green Belt and consider any harm to the openness of the Green Belt in this part. This may also need to be weighed in consideration with other matters such as impact on the landscape, the impact on heritage assets, highways and parking implications, ecology and flood management and drainage with any benefits but forward in the overall planning balance.
- 7.21 The Preliminary Ecological Appraisal (PEA) is dated May 2024 and comprises of a desk-based survey and an extended Phase 1 for the application site. There are a number of non-statutory sites within the proximity of the development. Nine Local Wildlife Sites (LWS), seventeen Potential Local Wildlife Sites (pLWS) and eight Ecosites are located within 2 km of the proposed development areas. The nearest of these are the Chapel Green Geological Site approximately 12 m to the east of the development areas (barn), the Chapel Green Potential Local Wildlife

Site (pLWS) approximately 50 m to the north west of the development areas (barn), and the Birchley Hays Wood Local Wildlife Site (LWS) and within 2km of Ancient and Semi Natural Woodland (Birchley Hays Wood).

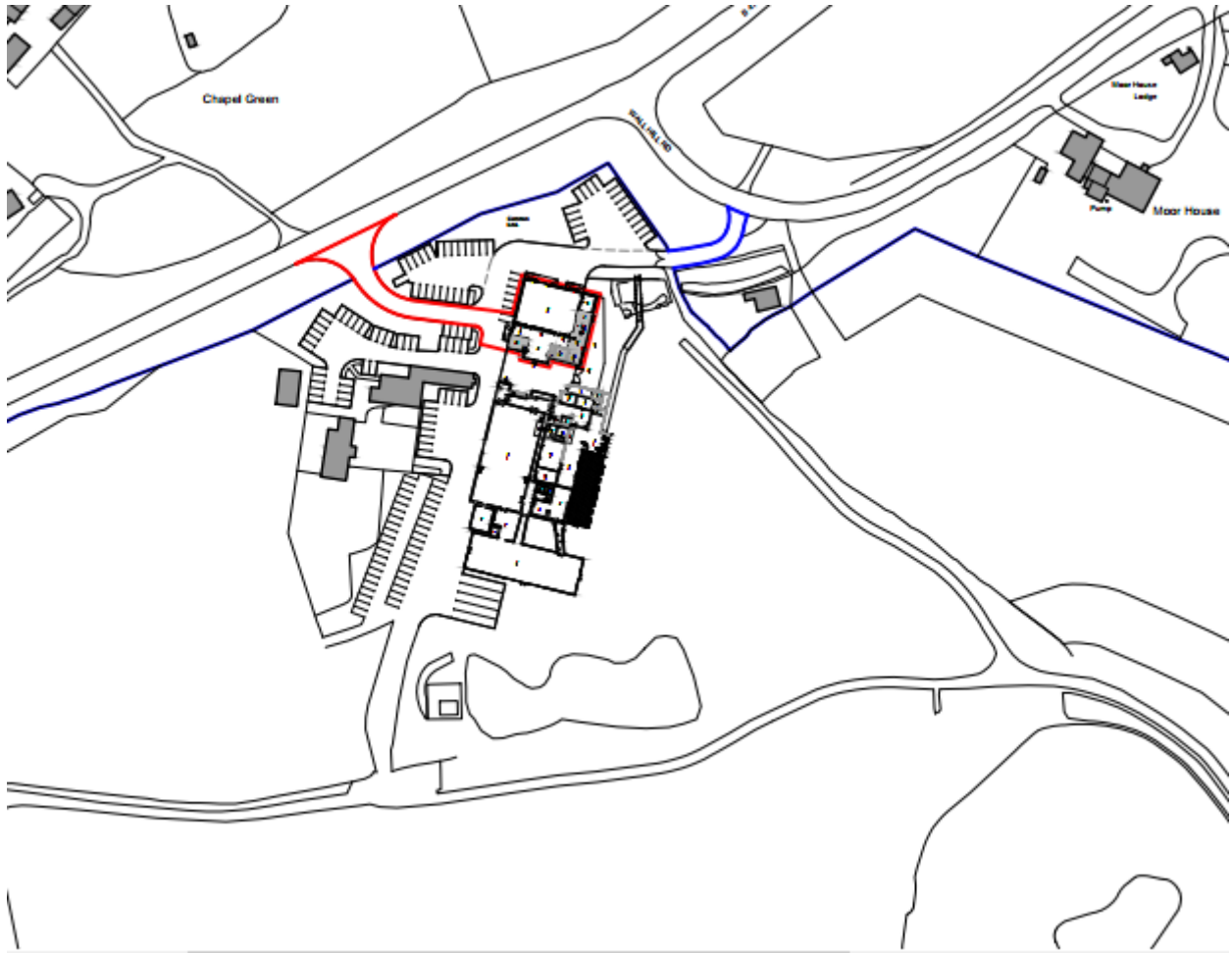
7.22 The PEA did not undertake an internal survey of the barn (however there is an internal and external bat survey provided in support of the application). The PEA suggests that the barn could potentially support nesting birds, small mammals or roosting bats. There is a green wall comprising of mature and dense ivy over the entire north face and partially covered south face of the barn. It is identified that these are habitats to likely support nesting birds, roosting bats and small mammals such as hedgehogs. Amenity grassland and a species poor hedgerow are adjacent to the site. The pond and rockery are noted to provide habitats to support amphibians. There are a number of recommendations set out within Section 5.0 of the Assessment that include the following:

- Designated sites protection – The barn is close to Chapel Green Geological Site/LGS (≈12 m east) and Chapel Green pLWS (≈50 m NW).
  - Use mitigation to prevent dust, noise, vibration, light, and pollution impacts.
  - Retain nearby oak trees (to the NE) and hedgerow (to the north) as physical and visual barriers.
- Habitat retention and design –
  - Retain and protect the oak trees NE of the barn and the existing green walls (dense ivy) and ornamental shrubs.
  - Design the new barn to incorporate these retained features for ecological value and screening.
  - Protect roots and structure in line with BS 5837: 2012.
  - Mitigate potential indirect impacts (dust, light, noise, vibration, pollution) during demolition, construction, and operation.
- Buildings and biodiversity enhancements –
  - Design the new barn with features for nesting barn owls, other birds, roosting bats, hedgehogs, and foraging insects.
  - Retain and protect existing features of ecological value in and around the barn.
  - Prevent indirect impacts on neighbouring buildings that might host nesting birds or roosting bats.
- Protected species measures –
  - Bats – Inspect the barn and green walls for bat presence; survey adjacent trees/buildings; retain/provide roosting features; apply protective measures including pre-construction checks and ecological supervision.
  - Hedgehogs – Survey green walls; retain/provide nesting/hibernation features; protect during works.
  - Birds – Inspect the barn and green walls for nesting birds (including barn owls); retain/provide nesting features; avoid disturbance through timing, checks, and supervision.

- Other mammals – Apply precautionary checks for badger, deer, hare, polecat, rabbit; supervise works.
- Invertebrates – Protect during works; pre-construction checks.
- Reptiles/amphibians – Retain and protect nearby pond/water feature; prevent indirect impacts.

- 7.23 In summary, the approach is to retain and enhance existing ecological assets on and around the barn (especially the green walls), carefully design the replacement building to include new wildlife features, and rigorously check for and protect any species present before and during works.
- 7.24 With regards to Biodiversity Net Gain, the Biodiversity Net Gain (Feasibility Assessment) identifies that there are 0.02ha of onsite habitat using the DEFRA Metric. It also suggests that there would be 0.02ha on-site biodiversity retained. 0.03ha would be required to provide the statutory 10% net gain. This is a feasibility assessment for the development proposal. The report outlines that there would be scope and opportunities to create habitats on site through the design of the replacement building, for example through incorporating green walls or roofing.
- 7.25 The proposed Conference Suite building, replacing the existing modern farm sheds, will need to be considered as to whether there would be any impact on the listed asset Old Fillongley Hall. There has been no information with this application submitted to look at this matter. However, as the building would replace such in situ, the proposal would be assessed for the impacts on the setting of the listed asset by the Council's Conservation Officer.
- 7.26 Further information is also being sought with regards to the emergence survey for protected species; a landscaping scheme that could help towards biodiversity net gain and vehicular movements.

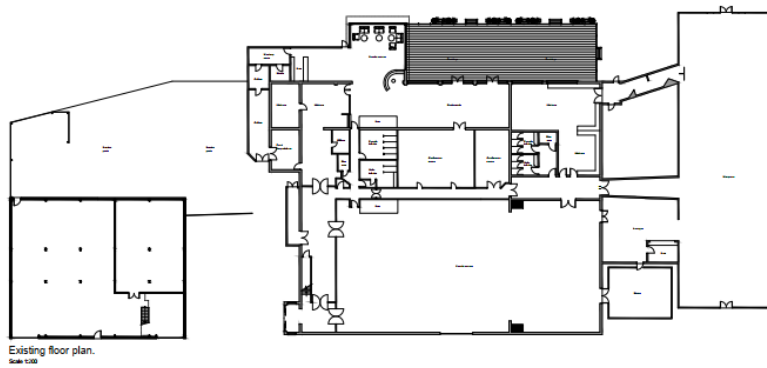
## Appendix B – Extract from Location Plan



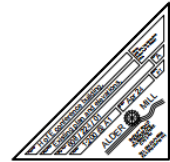
## Appendix C - Existing Plans and Elevations dwg reference 608/224/01 Rev A

PAP/2025/0244

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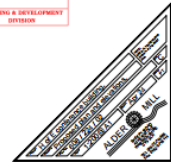
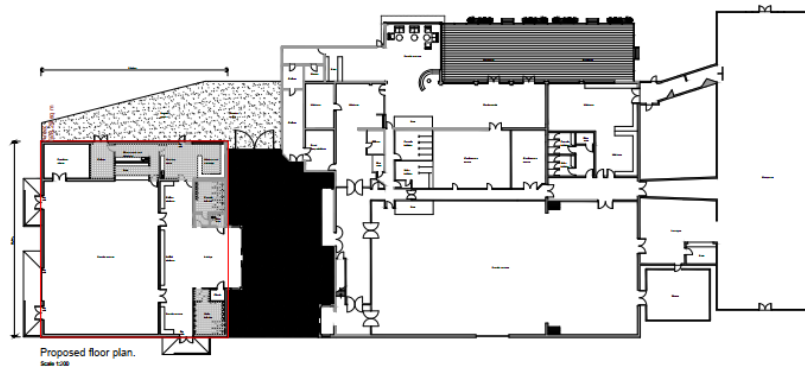
PAP/2025/0244

Proposed North West elevation.  
Scale 1:100

Proposed South East elevation.  
Scale 1:100

Proposed North East elevation.  
Scale 1:100

Proposed South West elevation (conference suite).  
Scale 1:100



PAP/2025/0244

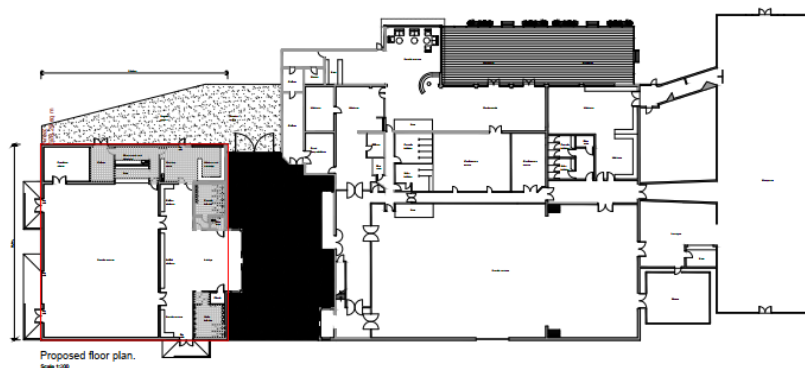
This section contains four architectural elevation drawings of the proposed building, arranged in two rows. The top row shows the 'Proposed North West elevation' and the 'Proposed South East elevation'. The bottom row shows the 'Proposed North East elevation' and the 'Proposed South West elevation (conference suite)'. Each drawing is a black silhouette with green highlights indicating windows or glass panels. A scale bar labeled 'Scale 1:500' is located to the left of the first two drawings. The drawings show various rooflines, including gabled and flat sections, and different window arrangements.

Proposed North West elevation.  
Scale 1:500

Proposed South East elevation.  
Scale 1:500

Proposed North East elevation.

Proposed South West elevation (conference suite).  
Scale 1:500



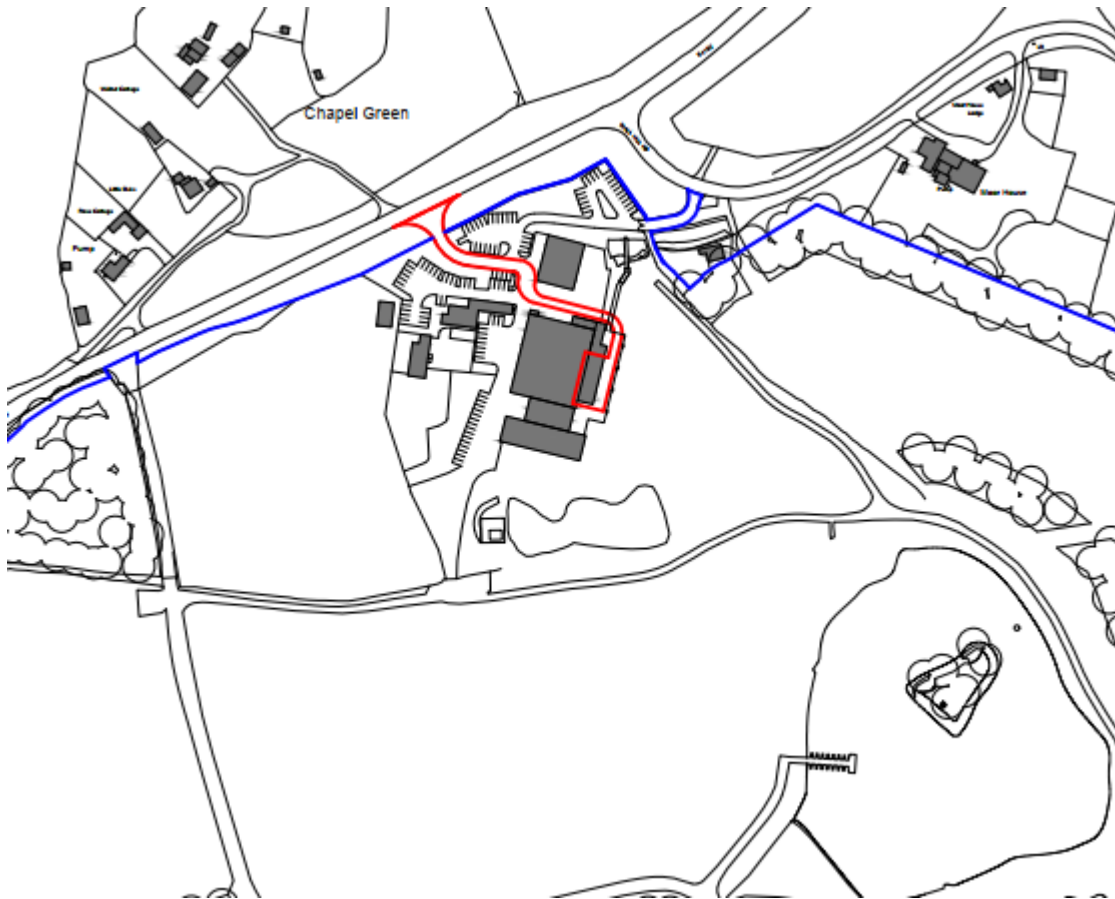


**C) PAP/2025/0251 (Zone 1) - Erection of extension to existing restaurant (on the site of the existing external decking) and creation of replacement decking.**

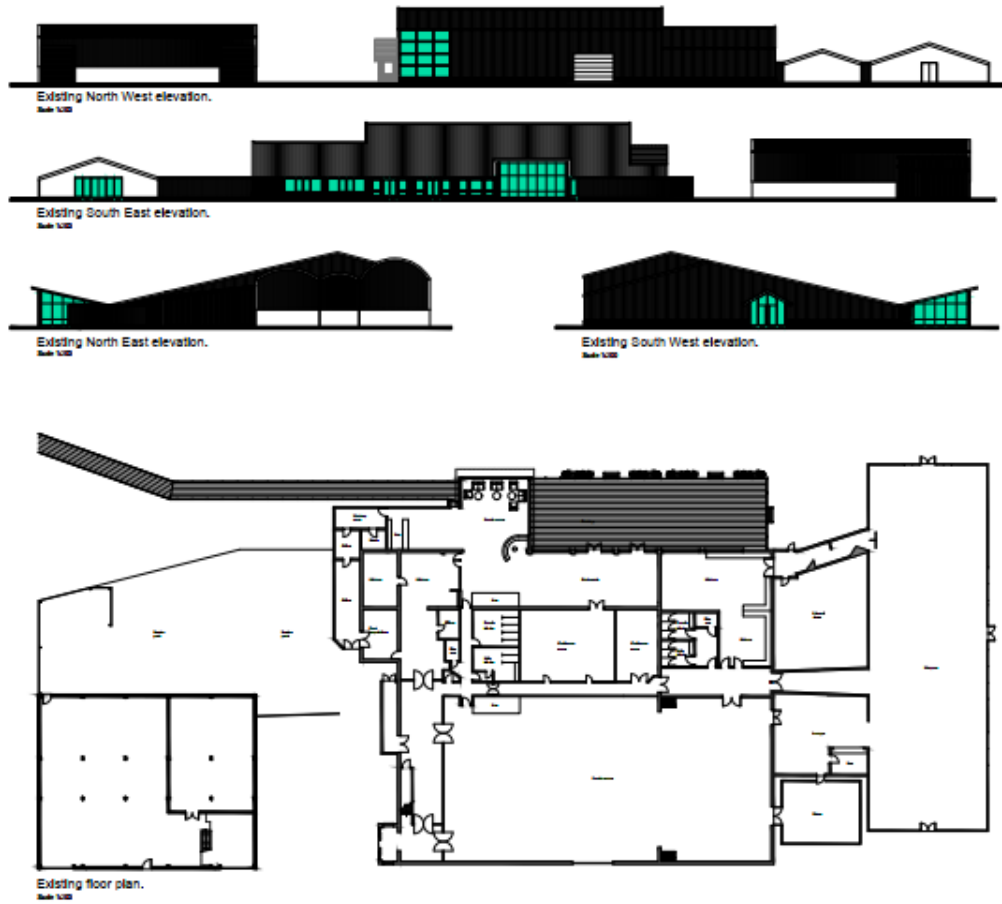
- 7.27 Full planning permission is sought for the erection of extension to existing restaurant (on the site of the existing external decking) and creation of replacement decking. The existing restaurant is located within Zone 1 of the overarching masterplan for the site.
- 7.28 The proposal seeks to extend the Quicken Tree Restaurant at the Heart of England Conference and Events Centre by adding three new glazed bays matching the existing reception bay in design, dimensions, and materials—steel framework with insulated roof panels, double glazing, and cylindrical steel corner columns. The extension would measure 22 m by 7.7 m, with a footprint of 165.35 m<sup>2</sup> and volume of 528 m<sup>3</sup>, increasing seating capacity from 62 to 100 and allowing for open-air dining (via opening of east side elevation windows rather than outdoor area). The scheme also includes replacing existing timber decking with new timber decking (to match current materials) extending 51 m along the rear of the Conference Centre and also to link with the wedding ‘Barn’, covering about 460 m<sup>2</sup>, with depths varying from 4.9 m to 15.2 m. Decking will have dark-stained timber railings (1.1 m high) and split-log skirting to enclose the underside. The works aim to improve dining space, natural light, and views, supporting the venue’s corporate, event, and wedding catering operations.
- 7.29 The Application is supported through the following documents:
- Planning, Design and Access Statement (DAS), May 2025 Aldermill
  - Preliminary Ecological Appraisal, AM Environmental Consulting Limited.
  - Biodiversity Net Gain Statement
  - Business Enrichment Heart of England Report March 2025
- 7.30 The Design and Access Statement explains that the application seeks to enhance by expanding the existing dining area and kitchen of the ‘Quicken Tree’. The Design and Access Statement sets out that the ‘Quicken Tree’ restaurant (with bar and grill), which is located within the main Conference Centre, is now too small to satisfy the level of demand at peak times, so it is proposed to add three more glazed bays, very similar in form and materials to the existing restaurant reception extension, on the east side of the Conference Centre where the present decking is, and to replace the existing decking with new timber decking extending along the whole length of the original building and the link area between this and the present wedding marquee or proposed wedding ‘barn’ venue. The proposed extension to the restaurant is required to extend the capabilities of the Conference Centre to provide on-site food to both corporate and private clients. The DAS sets out that the existing restaurant opens all year round and serves over 35, 000 guests annually. There are currently 62 seats however the increased capacity from the extension would see an increase to 100 people and allow for open air dining through the opening of east elevation windows rather than outdoors.

- 7.31 The Business Enrichment document explains how the proposal would support the Heart of England Conference and Events Centre and align with the key principles of the business, particularly with the following points relevant to the proposal:
- The Quicken Tree Restaurant, Bar and Grill is at the heart of the catering operations for the Heart of England Conference Centre. The catering team craft specialist menus for the conferences and events;
  - The full-time catering team oversee the casual staff supporting the conferences and events. They also provide catering liaison with local businesses and local economy; and
  - The proposal would extend the capabilities of the Heart of England Conference Centre to provide on-site food to both corporate and private clients.
- 7.32 The submitted Preliminary Impact Assessment does not cover the restaurant or kitchen area of the application site, the report only assesses the Dutch barn to be replaced and the marquee area. However the Desk Study provides a desk based assessment of the wider site as previously summarised in the previous proposal.
- 7.33 A Biodiversity Net Gain Statement. The Statement sets out that the proposed development involves the permanent loss of approximately 470 square metres of grassland habitat. This area consists of regularly mown grassland in poor condition and is not designated as a priority habitat or protected site. Using Defra's Biodiversity Metric 4.0, the area is classified as modified or improved grassland in poor condition, which equates to approximately 0.094 biodiversity units (BU). To comply with the mandatory 10% Biodiversity Net Gain (BNG) requirement under the Environment Act 2021, a total of 0.103 biodiversity units must be delivered. A number of options are put forward both on-site and off-site to achieve the Net Gain.

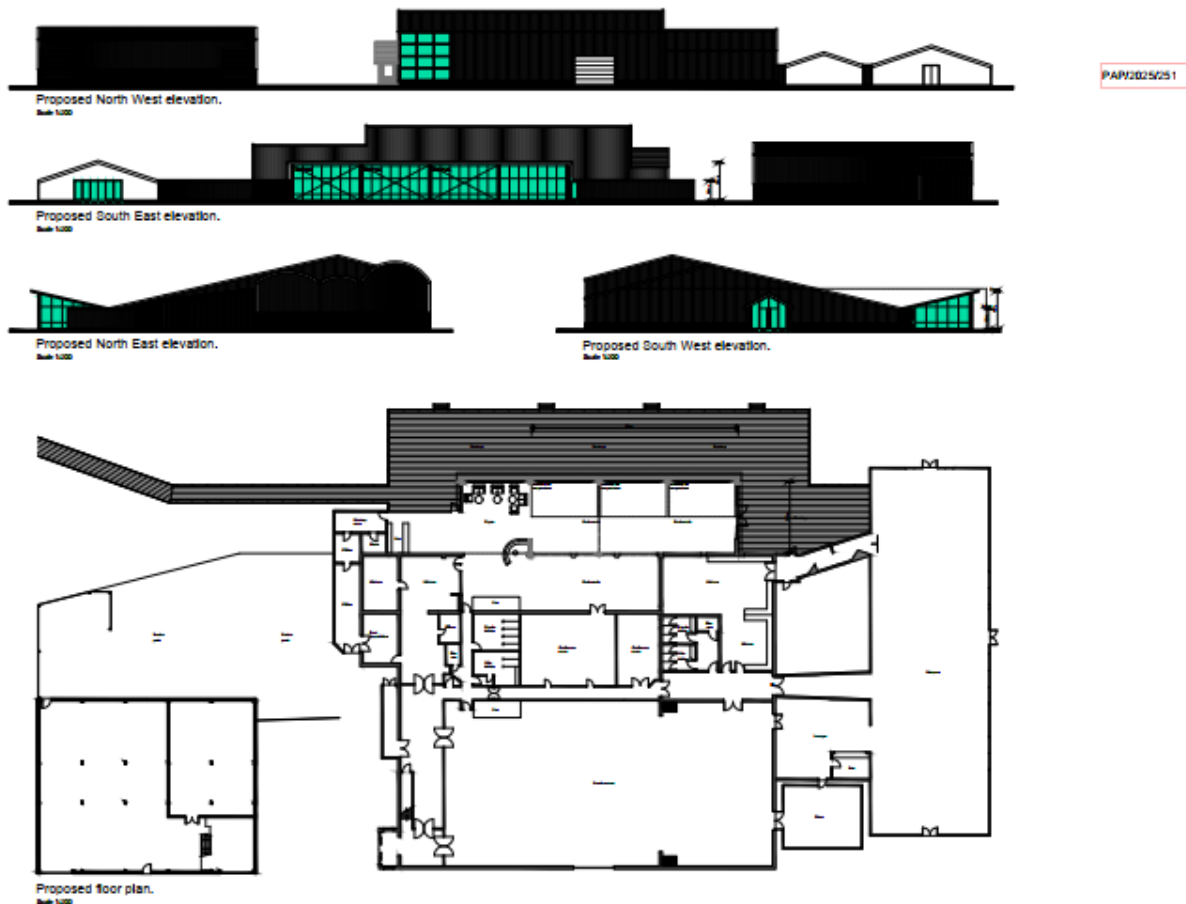
**Appendix E – Extract of Location Plan Dwg No. 617/224/04**



## Appendix F – Existing Floor Plan and Elevations 617/224/01



## Appendix G – Proposed Plans and Elevations dwg Ref 617/224/02



**D) PAP/2025/0270 (Zones 1 & 2) - Removal of existing wedding marquee and associated structures to the south of the conference centre, proposed Indoor wedding venue with external timber decking and link block to existing conference centre, together with open-air 'amphitheatre' (tiered natural seating area) and pagoda for outdoor wedding ceremonies.**

- 7.34 Prior to describing this proposal the Board should be aware that have been refusals of planning permission in 2016 and 2020 for an extension to the existing jetty to form a chapel and for a wedding venue extension to the Conference Centre together with the creation of an amphitheatre and pagoda for outdoor wedding ceremonies – Planning References PAP/2016/0265 and PAP/2019/0166.

7.35 The reason for refusal of the Conference Centre application was that:

*The proposal is inappropriate development in the Green Belt. It thus causes substantial harm to the Green Belt. It also causes significant actual Green Belt harm as well as potential moderate harm to residential amenity, limited landscape and visual harm as well as less than substantial heritage harm. It is not considered that the planning considerations put forward by the applicant clearly outweigh the cumulative weight of the harms caused and thus do not amount to very special circumstances. This is because the proposal would not preserve the openness of the Green Belt due to its size and location; that the proposed benefits have been demonstrably evidenced and thus the greater public benefit is the protection of the Green Belt. The proposals are therefore not in accordance with Policy NW3 of the North Warwickshire Core Strategy, 2014 nor Policies FN01, 02 and 05 of the Fillongley Neighbourhood Plan, 2019 together with the National Planning Policy Framework, 2019.*

7.36 In respect of the current application then the centre is already licenced as a wedding venue. The temporary marquee, approved under a temporary building consent, is used to host the reception for wedding ceremonies that take place at the events centre. It is located west of the existing Conference Centre and is located within Zones 1 and 2 of the overarching Masterplan for the site.

7.37 In May 2019, a planning application was submitted for the extension to the existing events centre building to replace the temporary marquee located south of the events building. This application was refused in November 2020 (planning ref: PAP/2019/0166) on green belt grounds. The application was appealed (ref: APP/R3705/W/21/3270396) which was withdrawn by the Appellant dated 24.06.2021.

7.38 This application is comparable in that the proposal seeks to replace the existing marquee with a wedding 'barn'.

7.39 The key components of the application proposed are:

- The replacement of the marquee with a wedding 'barn';
- A link from the wedding 'barn' to the conference centre;
- Raised decking around the wedding 'barn' together with a link to the restaurant extension decking should that be approved under separate application;
- Engineering operation to raise the level of the land;
- Creation of three-tiered amphitheatre; and
- Erection of pagoda structure.

7.40 The existing marquee measures approx. 500 m<sup>2</sup> 13m x 39m and is 4.5m to ridge height.

- 7.41 The proposed wedding 'barn' would be 40.2m in length and 15.7m in width. The proposal is wider than that previously proposed in the 2019 application and would be wider than the existing marquee in situ. The height to maximum roof ridge would be 8.1m and 3.9m to eaves height. Overall the wedding 'barn' would result in a footprint of 631.1 m<sup>2</sup>.
- 7.42 A link structure is proposed between the existing Conference Centre and the new wedding 'barn' that would be 12.1m wide and 31m in length (this would again be larger in length than the previous scheme). The link structure would result in an increase of 375.1 m<sup>2</sup> of additional floor area.
- 7.43 The proposal also seeks an area of elevated timber decking to the rear of the building the would be continued along the most of the length of the side elevation. This would result in an additional of 154.7 square metres of raised decking floor area. This decking would also link with the restaurant extension and replacement decking should this be approved under separate pending application.
- 7.44 The proposal also seek to raise the ground levels to the east of the proposed wedding 'barn'. Further the proposal would seek to create a three tiered amphitheatre. This would involve raising the land to the east of the wedding 'barn' to create a consistent plateau, the maximum land level rise would be 2.6m. The amphitheatre would be created on the south eastern side of this plateau consisting fully of grassed 'tiers' at 1.5m deep from front to back, descending to the 150.9 AOD levelled plateau to 148.4m to the bottom.
- 7.45 The pagoda structure would be positioned at a minimum distance of 3.4m away from the edge of the old farm pond to the south-east. The timber pagoda would comprise of hexagonal timber structure with a tiled roof. It would comprise of upright support posts and horizontal roof-supporting timbers and a timber boarded roof with red plain clay tiles on a stone-built plinth. The overall height would me 2.9m to eaves and 4.1m to overall roof height (4.5m including the finial).
- 7.46 The Application is support through the following documents:
- Design and Access Statement June 2025
  - Supplement to Design and Access Statement April 2020
  - Design and Access Statement: Supplement to DAS of 14/03/2019 for the previous planning application PAP/2019/0166 dated 14/04/2020 dated 14.04.2020.
  - Transport Assessment and Travel Plan, WSP
  - Impact on Setting of and Views from Old Fillongley Hall
  - Assessment of Impact of Proposed Extension on the Wider Landscape
  - Building Complex Development from 1842
  - Assessment of Impact of Wedding Amphitheatre and Pagoda
  - Listed Building and Landscape Impact Assessment - Wedding Venue Rev 2
  - Preliminary Ecological Appraisal, AM Environmental Consulting Limited.
  - Biodiversity Net Gain Assessment
  - Marquee Biodiversity Net Gain Report
  - Biodiversity Metric



- Business Enrichment Heart of England Report March 2025
  - Transport Assessment and Travel Plan, WSP
- 7.47 The Agent sets out within the updated Design and Access Statement (June 2025) that a large part of the current business at the Heart of England Conference and Events Centre derives from weddings. The proposal seeks to enhance the offering at the Centre, seeking more attractive venue with views. The existing Conference Centre venues are large windowless event spaces albeit indoors, thus the continued motivation to pursue the proposal. Discussions have been help with the Council and the Agent prior to the submission of the holistic scheme.
- 7.48 Planning permission was previously approved for a hotel under reference PAP/2013/0391, it is put forward that whilst the hotel part of the permission was not implemented, the unused volume previously permitted could be a material consideration in the assessments impact on the Green Belt for the development being proposed. To note that the permission is not extant and has been implemented, with the hotel development not proceeded with.
- 7.49 The Applicant submits within the addendum to the Design and Access Statement that supported the 2020 refused application, that the wedding hosting function is considered to be ancillary to the established use of the site as a Conference and Events Centre, which includes outdoor sport and recreation. The outdoor venues could therefore be regarded as “*not inappropriate*” under the exceptions to development within the Green Belt as outlined within the National Planning Policy Framework.
- 7.50 The submitted Transport Assessment and Travel Plan, aims to provide WCC (i.e. the LHA) with information on the anticipated trip generation associated with the proposed wedding venue extension, as well as an assessment of the traffic impact of the proposed extension on the surrounding highway network.
- 7.51 The main vehicular access to the site is provided off the B4102 Meriden Road, approximately 85m southwest of the B4102/Wall Hill Road junction in the form of a simple priority junction. A secondary access is also provided off Wall Hill Road, northeast of the site, approximately 45m from its junction with the B4102 Meriden Road. Photographs of the existing site access are provided in Figure 3-2.
- 7.52 The Assessment details the commission of a traffic count and speed survey. The counts were undertaken on Thursday 23<sup>rd</sup> March 2203 and Saturday 22<sup>nd</sup> April 2023 for a 12-hour period between 7am and 7pm.
- B4102 Meriden Road / Wall Hill Road Junction
  - B4102 Meriden Road / Site Access; and
  - Wall Hill Road / Site Access.
- 7.53 Automatic Traffic Counts (ATC) along the B4102 Meriden Road near the main site access to the Centre for a full 7-day week period inclusive starting from 22<sup>nd</sup> March 2023 to 31<sup>st</sup> March 2023. It is noted that on Saturday 22<sup>nd</sup> April 2023, a wedding took place with 400 guests, together with the Quicken Tree restaurant open to the public.

- 7.54 Section 4 of the Assessment sets out the other development proposals at the Site. Including the strategy and parking provision. Notably the extension of the restaurant would result in the expansion of covers from 60 to 120 seats. It is confirmed that the number of visitors to the restaurant has been captured within the trip generation section within the Transport Assessment (Section 5). It also acknowledges that the convention building to be utilised for the breakout activities and increased capacity of tandem events states that the proposal would improve the user experience rather than create additional capacity or attract new journeys. Forecast Trip Generation sets out the reasons that the proposed Adventure Trail, Agricultural Building and Convention Building proposals would not generate in any increased vehicular movements to and from the site. With regards to the wedding venue, the Assessment states that the wedding venue is likely to be utilized on a Friday and Saturday daytime, outside of peak highway network hours. However an assessment has been made assuming that the wedding event takes place during the normal highway peak period, i.e. during PM peak 17:00-18:00 on a weekday and between 13:00-14:00 on a weekend Saturday ceremony. The assessment works on the basis that the maximum guest size would be 500 guests and considers the worst case scenario of two guest per car and making no allowance for trips by other modes. It outlines that 250 arrivals could take place during the weekend peak period of 13:00-14:00 with departures dispersed over a longer period of time outside of the highway network busy period. During weekdays, arrivals are expected to be staggered and take place outside of the highway network peak period however are dispersed over a much longer time period with some occurring during the highway network PM peak period between 17:00-18:00. However this is only on the basis operating hours of the wedding venue and the events licence operating hours.
- 7.55 A junction capacity study has also been undertaken for the venue. Tables 5.4, 5.5 and 5.6 sets out the junction capacity study results. The Assessment sets out that the junctions will operate well within practical capacity in all scenarios assessed. A Travel Plan Statement supports the application to maximise the opportunities for sustainable travel.
- 7.56 The Extended Phase 1 Habitat Survey was carried out on the 2nd May 2024. The habitats within the proposal are the mown grassland adjacent to the marquee and the marquee structure to be removed. Introduced shrub is located adjacent to the marquee. A line of *pedunculate oak* *Quercus robur* trees was located along the banks of the pond to the south of the marquee. The report makes the following recommendations:
- The Birchley Hays Wood Ancient Woodland, Birchley Hays Wood Local Wildlife Site (LWS) and Potential Local Wildlife Site (pLWS) are located around 224 m to the south of the marquee. Mitigation measures to prevent any potential indirect impacts (i.e., dust/particulates, noise, light) on these sites are recommended. Retention of the line of oak trees and introduced shrub along the banks of the pond to the south of the marquee will provide a physical barrier and visual screening.
  - Sensitive design of the new buildings to ensure the retention and protection of the oak trees along the edge of the pond south of the marquee
  - marquee to incorporate new features to support roosting bats and retain and protect any existing bat roosting features would be recommended.

- Sensitive design of the new barn and marquee to incorporate new features to support hedgehogs and retain and protect any existing hedgehog nesting features would be recommended
- Appropriate protective measures to avoid any impact on any reptiles or amphibians during the removal of the existing buildings and construction of the new buildings including pre-construction checks and ecological supervision of works is recommended.
- Appropriate protective measures to avoid any impact on any invertebrates during the removal of the existing buildings and construction of the new buildings including pre-construction checks and ecological supervision of works is recommended.

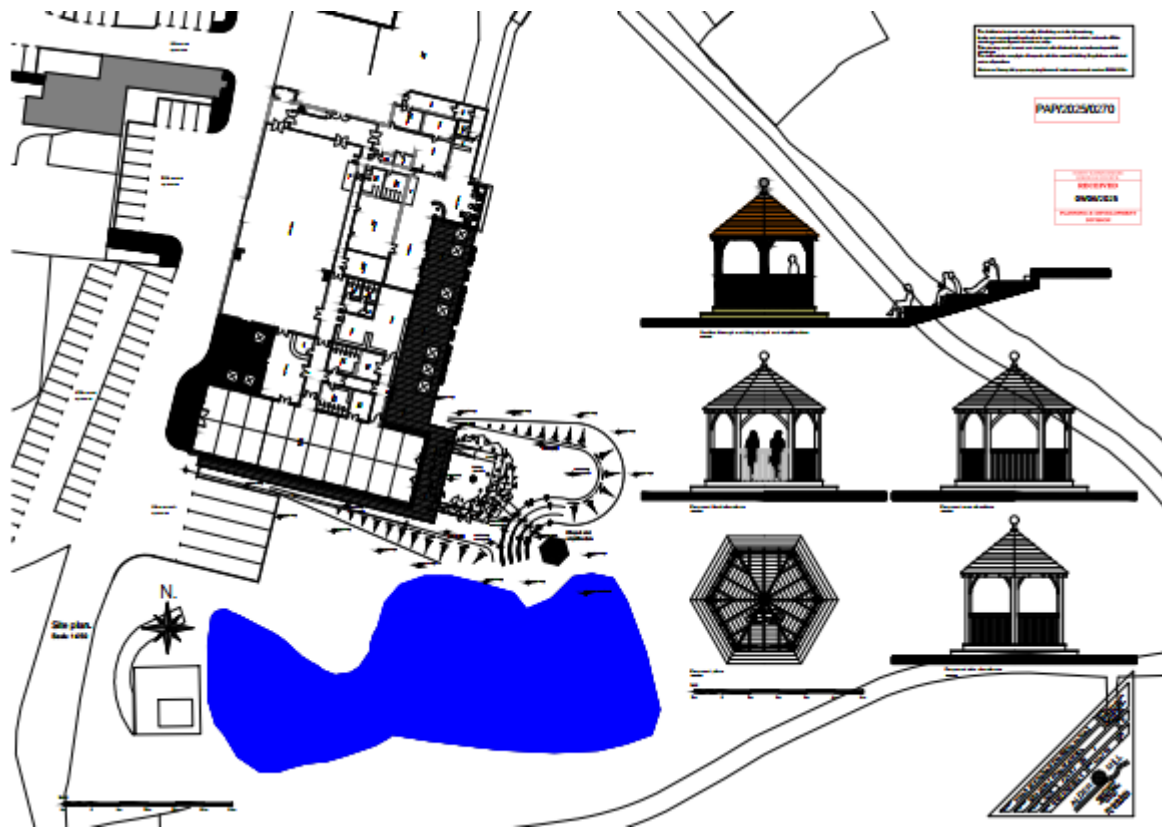
7.57 Notably the PEA does not include any assessment of the area of land level raise near to the trees around the pond, the raised decking, the creation of the amphitheatre nor the pagoda structure.

7.58 A Biodiversity Impact Assessment (Feasibility Study) is submitted. This will need to be revised to include the outdoor areas and grassland that is proposed for the decking, amphitheatre and siting of the pagoda.

7.59 Further information is being sought from the applicant in respect of:

- ensuring that all vehicular movements take into consideration the holistic events or worst-case scenario should all events permissible at the site co-exist without resulting in adverse impact on the safety of the local highway network.
- Inclusion of a site wide parking plan to include EV, disabled spaces and staff provision.
- ensuring all activities and operations at the site that are permissible to operate at the site do not result in an adverse impact on the amenity of nearby residential properties by way of noise and light intrusion – particularly in respect of a noise management plan to cover operating hours and noise thresholds for all internal and external events, uses and activities.
- updating the ecology report to include recommendations for all proposed developments, and align Location Plan red line to cover those outdoor proposals.

## Appendix H – Site Plan / chapel details Dwg Reference 428/218/09 Rev E



**E) PAP/2025/0274 (Zone 7) -Erection of extension to existing building beside Birchley Hays Wood (with mixed permitted use for agriculture, forestry, storage and 'Assembly and Leisure' purposes) to provide additional storage space.**

7.60 There is also previous planning history in respect of this proposal. Planning permission was refused for a new storage building here – reference PAP/2018/0745 – for the following reasons:

*1.The development would be inappropriate development in the Green Belt. It would not preserve openness causing substantial actual harm by virtue of its size and its location due to the cumulative impact with an adjoining similar building. It would conflict with the Green Belt purpose of safeguarding the countryside from encroachment by virtue of its size and location. Other harm is caused in respect of the development not satisfying policies NW12 and NW13 of the North Warwickshire Core Strategy 2014 in that the proposal does not positively improve the appearance and environmental quality of the area or protect the distinctiveness of the natural environment. It is not considered that the matters advanced by the applicant clearly outweigh the cumulative substantial harm caused. The proposal does not accord with policies NW3, NW12 and NW13 of*

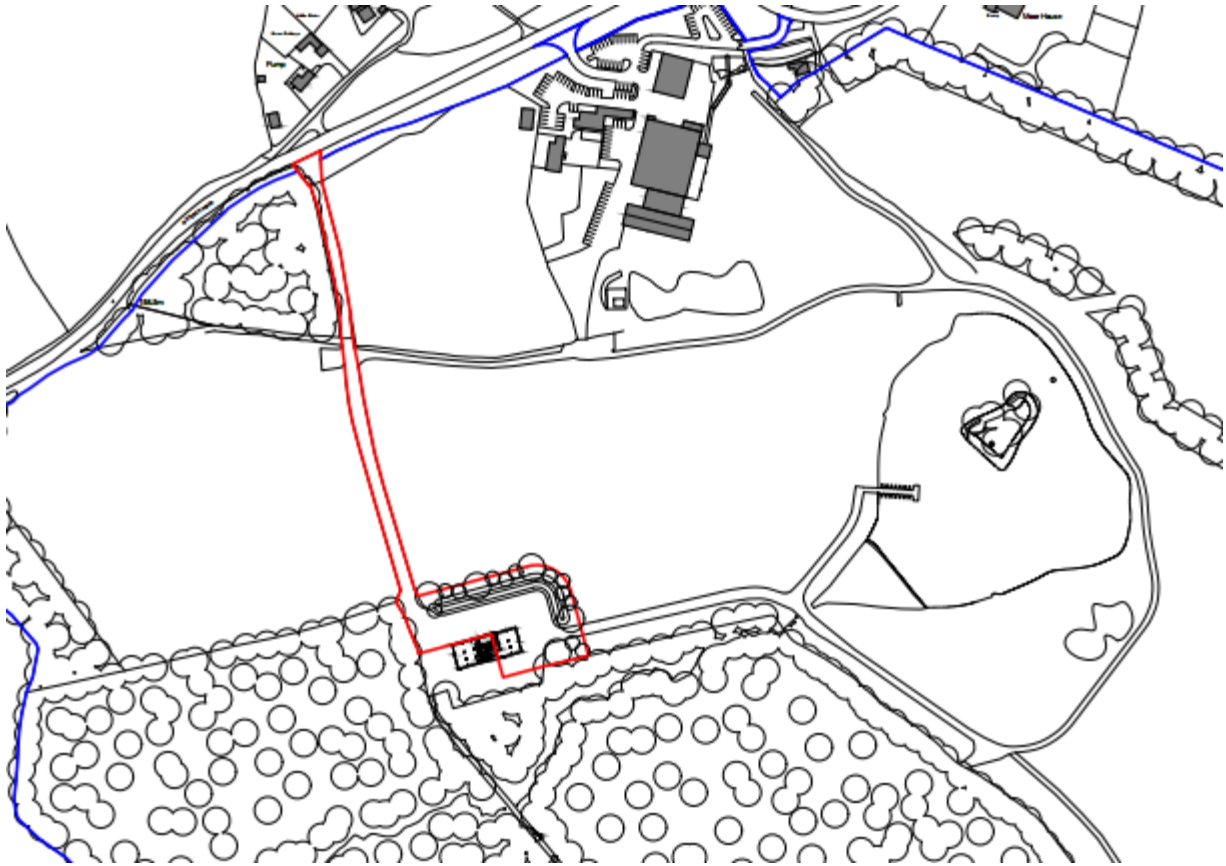
*the North Warwickshire Core Strategy 2014 or the associated relevant sections of the National Planning Policy Framework together with Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019.*

*2. The proposed development, by reason of its location immediately adjacent to an Ancient Woodland, would result in the deterioration of that woodland contrary to Paragraph 175 of the National Planning Policy Framework together with Policy NW13 of the North Warwickshire Core Strategy 2014.*

- 7.61 A subsequent appeal was dismissed in 2021 (Reference APP/R3705/W/20/3247747). The Inspector concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. The Inspector acknowledged that the proposed development would be located near to many trees including an area of ancient woodland. These contribute significantly to the rural landscape. The proposal would also harm the character and appearance of the area and trees.
- 7.62 The site of this current application relates to an area to the south west of the main conference and events centre on the site of an existing building which in a mixed use for agricultural and forestry together with D2 uses - assembly and leisure. The site is located within Zone 7 of the overarching masterplan for the site. It is accessed by a track from the north (which leads off the Meriden Road) as well as through the main site. To the south of the application site is the Birchley Hays Wood Local Wildlife Site, which part of is ancient woodland.
- 7.63 It is understood that the existing building has a lawful use for mixed uses following an appeal for agricultural and forestry use as well as for assembly and leisure use (education visits and changing facilities) in connection with the overall site wide recreational use of the holding.
- 7.64 Full planning permission is sought for the erection of extension to existing building beside Birchley Hays Wood (with mixed permitted use for agriculture, forestry, storage and 'Assembly and Leisure' purposes) to provide additional storage space.
- 7.65 The extension to the building on the edge of the Birchley Hays Wood would see an addition on the east side with a profile, design and construction/cladding materials to match those of the original structure. The addition would measure 15m x 15m to ground floor and 15m x 9.4m to first floor (rear portion of the addition). The overall length of the unit would be enlarged to approx. 39.7m. The roof profiles would follow the existing lines, giving a northern (outer) eaves level to the lower wing of 4.3 metres and an apex for its mono-pitch roof of 6.2 metres; for the higher portion of the building, the southern eaves level would be 7.1 metres high and the northern apex 9.6 metres.
- 7.66 With regards to facing external materials, the lower portion of the walls would be clad in horizontal timber boarding and the upper parts, together with the rood slopes, in vertically profiles metal sheeting in 'Forest Green' colour.

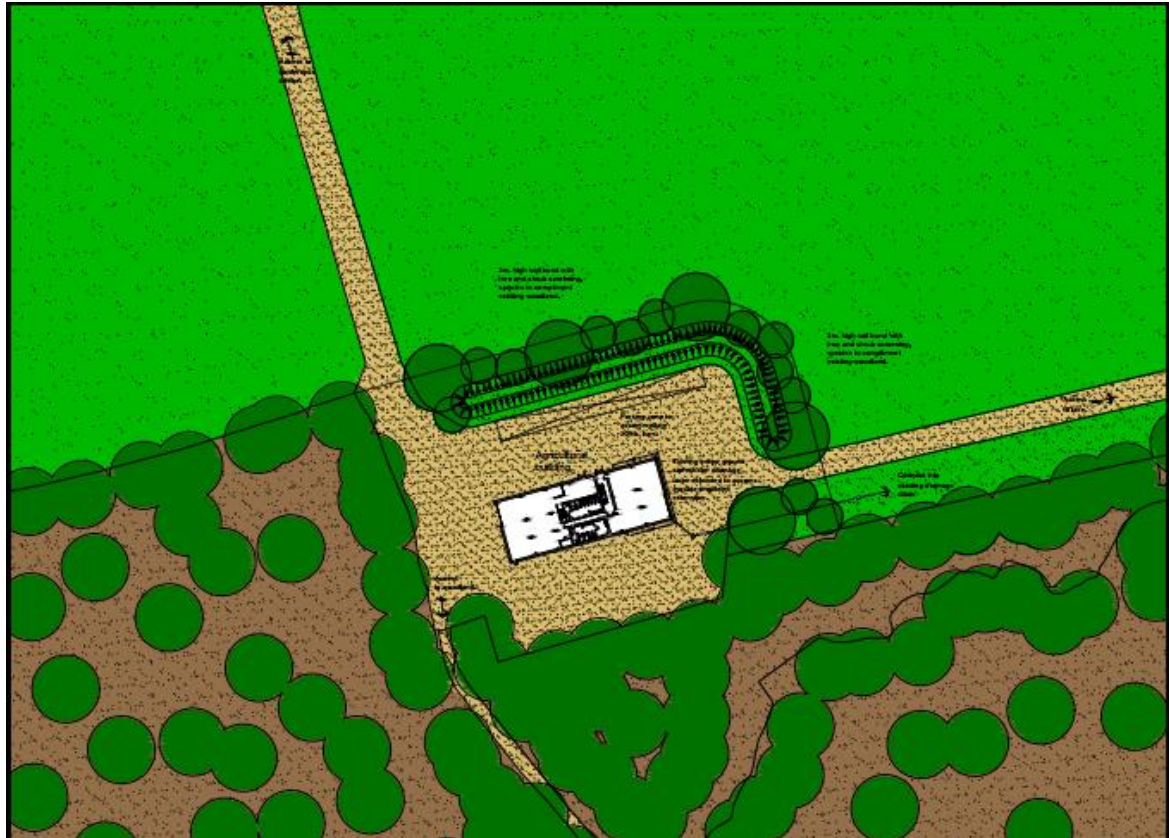
- 7.67 The existing hardstanding area around the building would be extended to the northeastern corner to create a compound.
- 7.68 The Application is supported through a Planning, Design and Access Statement. The Supporting Statement sets out that this is a resubmission of a similar extension, an addresses the harm identified by avoiding a southward projection towards the main body of the wood and by providing screening through both bunds and additional tree planting. It is also indicated that there would be a car parking area adjacent to the screening bund on the northern side.
- 7.69 The internal arrangement would be on the ground floor a single storage area with a staircase and a first floor storage area. A roller shutter access would allow for fork-lift access. To address the issues from the previous refused application and the subsequent dismissed appeal, it is proposed to create a double screen comprising a two-sided earth bund, three metres high and external tree and shrub planting beside the foot of the bunds to the north and east sides. The existing below ground stormwater drainage would be extended to accommodate the proposed extension and would connect to the existing drainage ditch further to the east.
- 7.70 Paragraph 2.10 of the Supporting Statement refers to the 'Enrichment of Business Report 2025' and how the extended building would support the 'outdoor activities'. The report states that as well as providing additional storage capacity, a new administrative office would also be created and would have customer toilets for customers to utilise. The Supporting Report clarifies that the proposed extension is solely for storage purposes and that any new administrative office would be accommodated within the existing building.
- 7.71 Paragraph 3.12 of the Supporting Statement contests that the proposed new extension may be considered appropriate development within the Green Belt because it would provide storage facilities for the approved outdoor recreation use of the land. The impact on the openness in context would need to be carefully considered.
- 7.72 Paragraph 3.21 puts forward the case that there is no option for alternative storage elsewhere on the wider site, especially should the replacement of the storage barn with the Conference Centre and Events Suite proposal.

## Appendix I – Extract from Location Plan





## Appendix J – Proposed Site Plan Dwg Reference 616/224/07

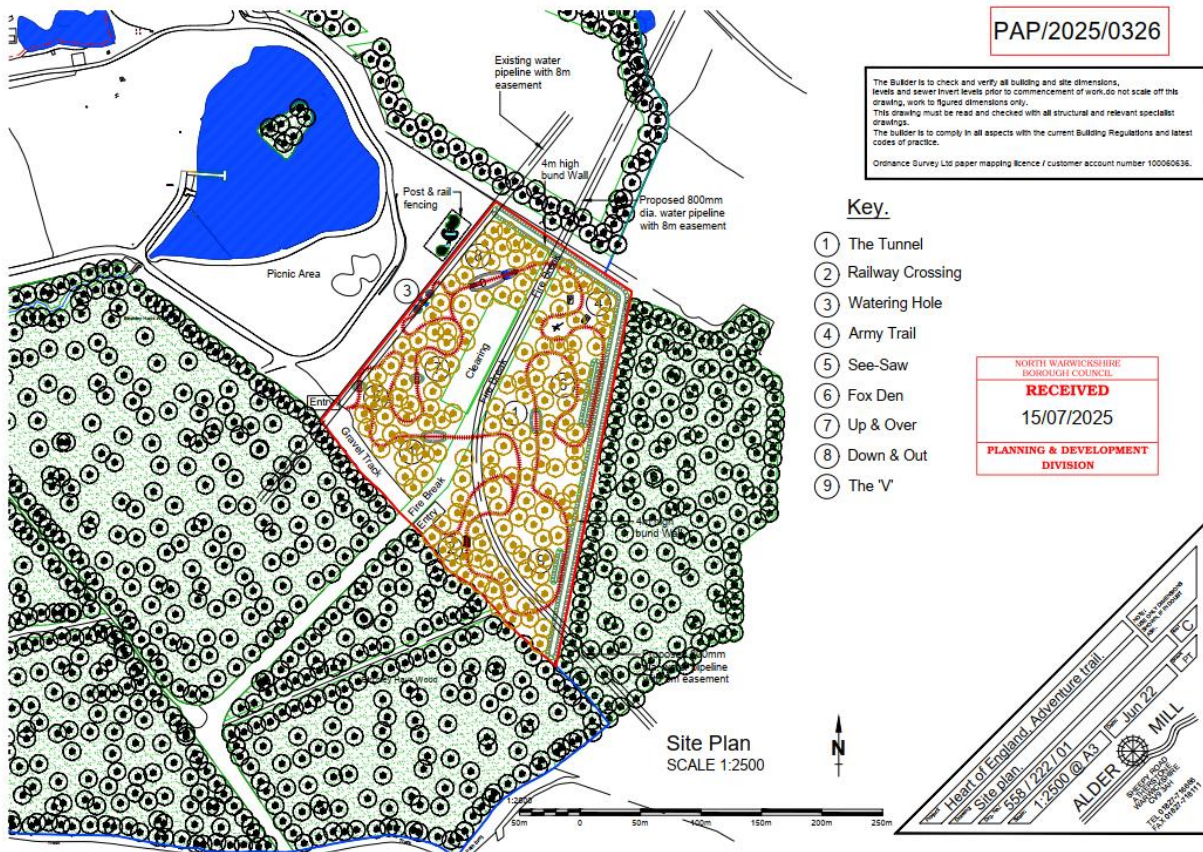


**F) PAP/2025/0326 (Zone 6) - Creation of new woodland incorporating an events track and obstacle course (including use by motor vehicles) within an existing grassland area of 5.3 hectares, with lakeside picnic area and conservation/drainage pools; change of use of the land from (default) agricultural to mixed recreational/forestry use, including creation of a construction/maintenance access route shown within the red line on the location plan = 3,700 square metres).**

- 7.73 Full planning permission is sought for the creation of new woodland incorporating an events track and obstacle course (including use by motor vehicles) within an existing grassland area of 5.3 hectares, with lakeside picnic area and conservation/drainage pools; change of use of the land from (default) agricultural to mixed recreational/forestry use, including creation of a construction/maintenance access route shown within the red line on the location plan = 3,700 square metres). Access for visiting users of the events track and extended woodland area will continue via the existing main entrance to the site via the main Meriden Road. It is proposed that lorries for construction and deliveries would use the minor 'field access' off the Meriden Road. Proposed parking would be the existing around the Conference and Events Centre which equates to 136 car parking spaces, including overspill parking area of 40 spaces with five coach/bus bays.
- 7.74 The application site is adjacent to the Birchley Hays Wood Local Wildlife Site. The proposal is located to the south-east of the main Conference and Events Centre and is situated within Zone 6 of the overarching masterplan for the site.
- 7.75 The Application is supported through the following documents:
- Design and Access Statement July 2025
  - Ecological Assessment , May 2023 AM Environmental Consulting Ltd
  - Biodiversity Net Gain Report
  - Birchley Hays Wood Management Plan dated 2010
- 7.76 A planning application, PAP/2010/0289, submitted to North Warwickshire Borough Council in June 2010, for change of use of Birchley Hays Wood to mixed recreational and forestry use, was refused on 14th February 2012. A subsequent appeal (APP/R3705/A/12/2181609) was withdrawn on 3rd December 2013. An enforcement notice was also issued in July 2010, requiring existing motor driving and paintballing activities then taking place within the wood to cease. An appeal against the notice (APP/R3705/C/10/2133801) was dismissed and the Enforcement Notice upheld (with amendments) on 17th October 2012. Further, An application similar to the current application, to remove the motor driving activities from the historic woodland by creating a new '4x4 Adventure Trail' within a newly planted woodland extension to the existing wood (PAP/2011/0229) was refused on 12th January 2012.

- 7.77 The proposal seeks to plant a new area of native (deciduous) woodland and provide a new multi-purpose track within it for the following uses:
- Walkers, runners and cyclists, obstacle course by off-road vehicles.
  - The DAS clarifies that the racing of motorised vehicles will not be permitted on the track.
- 7.78 The DAS sets out that the proposal would plant a further 5.3ha to the south east of the lake adjoining the existing parts of Birchley Hays Wood which lie to the south and east. The submitted Forestry Commission's Management Plan has been submitted as a part of a Birchley Hays Wood Management Plan (dated 2010). The area in question relates to compartment 12 within the plan. The DAS makes clear that the proposed lakeside picnic area and 'conservation pools' will reside outside of the planted area. The area will be planted with a mix of native broadleaved trees (birch, field maple, alder, rowan, crab apple and wild cherry) and woody shrubs (guelder rose, hawthorn, blackthorn, hazel and dogwood). Planting will comprise 25% mixed native broadleaves, 10% woody shrubs, 25% ash trees, 30% pedunculate oak trees and 10% open ground. It is estimated that the new trees will need around 6 to 8 years to reach sufficient maturity to achieve full screening effect.
- 7.79 The events track would comprise a variety of engineering works to create mounds, dips and tunnels. The events course would be approx. four metres wide. The track would comprise of 4m tall bund wall and ten obstacles, including two tunnels. The bunds would extend some 440m along the north-eastern and eastern perimeters of the new woodland.
- 7.80 An Ecological Assessment supports the proposal. It is acknowledged that this provides to update the previous suite of six ecological surveys prepared in 2013 and 2014. The application site itself consists mainly of species-poor improved grassland (predominantly agricultural grasses) and a small area of mown amenity grassland (with abundant daisies and white clover) in the south-west corner. Adjacent habitats are a hawthorn hedgerow (with some holly and ivy and two small oak trees) along the north boundary, broadleaved woodland to the east (mostly oak and silver birch, with some holly, ivy and hazel) and coniferous woodland to the south (nearly all Scots pine).
- 7.81 A Biodiversity Net Gain (Feasibility Report) and Metric calculation has been submitted as part of the proposal. The existing on site habitat is calculated to be species-poor neutral grassland in moderate condition with a value of 2.0 habitat units per ha. This gives an overall baseline value of 10.6 units. Woodland planting would amount to approx. 4.6ha, resulting in a Biodiversity Net Gain of 3.4 units or 31.65%.

## Appendix K – Proposed Site Plan



### G) PAP/2025/0294 - Retrospective Application for Temporary Retention for Ten Years of 9 No. Existing Glamping Pods, 6 No. Shepherd Huts, Log Cabin, Toilet Block and Washroom South of, and Within the Field to the West of, Old Fillongley Hall ('Old Hall House'). (Zone 3)

7.82 As indicated in para 3.5, this application has been received but not yet validated. The meeting will be updated at the meeting and if the application is validated, plans will be circulated.

## 8. Observations

- 8.1 It is not proposed to add to this report at the present time as there is a significant amount of detail set within and additionally there is the need to seek for additional information and clarification on a number of matters – some of which have been referred to in the report.
- 8.2 It is proposed that all of these applications should be determined together if possible because of the need to consider and assess cumulative impacts. However, this will depend on consultation responses and the receipt of the additional information referred to above. However, the most significant of the applications is the first described above (Reference PAP/2025/0327). This will

provide an overall “framework” for the whole site through the identification of designated zones and the developments that might be permitted in each together with the controlling conditions that will be needed to be imposed in respect of each Zone. It thus may be possible to determine this application in advance. If approved, it would be a material planning consideration of substantial weight in respect of the determination of the remaining applications. Members should be aware that any approval does not necessarily mean that those remaining applications should be granted permission. Each would be determined against the Development Plan and other considerations which clearly would include the overall Zoning Framework. If refused, then it does not again necessarily follow that the remaining applications should be refused. As above, each should be considered on its own merits.

## **9.0 Recommendation**

- 9.1 That the report be noted and that a site visit is undertaken to look at the whole of the site prior to determination of any of these applications.

**Agenda Item No 6**

**Planning and Development Board**

**1 September 2025**

**Report of the Head of Development  
Control**

**Appeal Update**

**1 Summary**

- 1.1 This report brings Members up to date in respect of recent appeal matters.

**Recommendation:**

**That the report be noted.**

**2 Appeal Case**

**Land North of Orton Road, Warton.**

- 2.1 Members will recall the report to the July Board which referred to the submission of an outline application for up to 110 houses at this site in Warton. The Board resolved to visit the site before determination.
- 2.2 The Board should now be aware that the applicant – Richborough – has submitted an appeal to the Planning Inspectorate due to the Council's non-determination of the application within the Statutory time period. The Inspectorate has confirmed receipt of the appeal but has not yet registered it. Members will be advised of any update at the meeting.
- 2.3 The appellant has asked the Inspectorate for a Public Inquiry which he considers would take six days and he proposes to call four witnesses.
- 2.4 On the assumption that the Inspectorate does register the appeal and agrees to an Inquiry, the Council will not be able to determine the application. It will however have to set out its position as if it were the determining Authority – either minded to approve or to refuse. A report will now be prepared for the Board for this purpose, as soon as is practicable.
- 2.5 Members will also be aware that once the Inspectorate publish a "start-date" letter for the appeal, the timetable will be set by its content.

- 2.6 Members are aware too that there has been significant local interest in this application, and thus officers will endeavour to keep the local community informed of progress.

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



**Agenda Item No 7**

**Planning & Development Board**

**1 September 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 8**

**Exempt Extract of the minutes of the Planning and Development Board held on 4 August 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).