



North Warwickshire Borough Council

Proof of Evidence

Appeal by Richborough

Land South Of Warton Recreation Ground, Orton Road, Warton

PINS Ref: APP/R3705/W/25/3371526

LPA Ref: PAP/2025/0155

**Prepared by Andrew Collinson BTP BA Hons MRTPI
Head of Development Control – North Warwickshire Borough Council**

Contents

	Title	Page Number
A	Qualifications and Experience	5
B	Summary Proof	7
1	Introduction – The Principal Issues	13
2	Planning Policy Background	17
3	Effect on the Settlement Hierarchy of North Warwickshire Borough Council	29
4	Effect on the character and appearance of the area in particular the surrounding landscape, design and layout and spatial integration with existing development	38
5	Whether future residents of the proposed development would have appropriate access to facilities and services	48
6	Effect on the proposed development on the supply of agricultural land	54
7	Benefits and Disbenefits and Overall planning balance	57

Table and Figures

Table and Figures	Detail	Page
Table 1	Submitted Appeals plans	14
Table 2	Scoring Outcome for Updated Settlement Sustainability Assessment	32
Table 3	Scoring Thresholds for Settlement Hierarchy	33
Table 4	Census Data for Warton	37
Table 5	Distance to Services and Facilities from appeal site	50
Table 6	The Connectivity Tool	53
Table 7	CIHT – Suggested Acceptable walking distances	54
Figure 1	Extract from WM Agricultural Land classification Map	55

Appendices

Appendix	Title
Appendix A	Historic Mapping of Warton 1900-2025
Appendix B	Bus Services -Warton Route and Timetable
Appendix C	The Connectivity Tool assessment for the site
Appendix D	Provisional Agricultural Land Classification for site

Intentionally Blank

A. Qualification and Experience

- A.1 My name is Andrew Collinson Head of Development Control responsible for dealing with planning applications, planning enforcement, local land charges and building control since October 2025. I was Principal Development Control Officer at North Warwickshire Borough Council between September 2019 and October 2025. I hold a Postgraduate Diploma in Town Planning, a Degree in Planning Studies from the Sheffield Hallam University. I also hold a Diploma in Leadership and Management from Staffordshire University. I am a member of the Royal Town Planning Institute.
- A.2 I have over 28 years' experience of working in town planning both in local government development management and strategic planning delivery. Prior to my employment by North Warwickshire Borough Council, I was the Team Leader for Development Control at Tamworth Borough Council for 3 years, prior to that I was a Principal Planning Officer in both Development Control and Planning Policy for Nuneaton and Bedworth Borough Council for 10 years. Prior to that I was an Area Planning Officer at Hinckley for 3 years and prior to that a Planning Officer at Tamworth Borough Council for 5 years. I therefore have a widespread knowledge of the area surrounding North Warwickshire including Staffordshire, Warwickshire and Leicester and the wider sub-region.
- A.3 During my career, I have given evidence at a number of Section 78 Appeals, Compulsory Purchase Order Appeals and Local Plan Inquiries, and West Midlands Regional Spatial Strategy Examinations on a range of town planning matters.
- A.4 I was not the case officer for the application. However, I presented the application to the Planning & Development Board on the 6th October 2025. I have visited the appeal site on a number of occasions and examined the relevant national planning policy, guidance and development plan policies. I have read the application, it's supporting documents, and correspondence received from consultees and representations.

- A.5 The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions. I understand my duty to the Inspector, and I have complied with that duty to help the Inspector on matters within my expertise. My evidence is accurate and complete as to relevant facts and represents my honest and objective opinion.
- A.6 The substance of all materials facts and instructions to me (whether written or oral) which are material to my opinions expressed in this statement or upon which those opinions are based are set out below.
- A.7 In this proof I shall address the planning matters relating to the appeal.

B. Summary Proof

- B.1 This Proof of Evidence addresses planning matters that are relevant to the determination of the appeal lodged by Richborough against the Council's non-determination of the outline planning application referenced PAP/2025/0155.
- B.2 The application was submitted on the 1st April 2025, the application was made valid on the 25th April 2025 with a determination date of 25th July 2025. A board report for information was presented to the Planning & Development Board on the 7th July 2025, a copy of this report is attached at CD-3.2. The appellant indicated prior to the 13-week expiry date its intention to appeal and appealed following the expiry of the determination date. Following the submission of the appeal the Council formally considered the planning application at its Planning and Development Board meeting on 6th October 2025 as if it had been the determining Authority. It resolved that it would have refused planning permission. A copy of this report is attached at CD-3.1.
- B.3 Five reasons were identified indicated below.
1. *The proposal would be contrary to the Council's spatial planning policy as represented in its settlement hierarchy as defined in the North Warwickshire Local Plan 2021. Warton is a Category Four Settlement within that hierarchy and owing to the limited services and facilities within it, the proposal would represent a wholly disproportionate and unsustainable addition to the settlement. It is considered that the benefits of the proposal, including the engagement of the titled balance as outlined by the applicant do not outweigh this significant harm. The proposal is thus contrary to Local Plan policies LP1, LP2 and LP30 together with policy PNP3 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.*
 2. *The proposal would result in an unacceptable intrusion into the open countryside that would give rise to landscape and visual harm. Further, the scheme would give rise to harm to the settlement morphology of Warton, given the site reads as an adjunct to the settlement, rather than integrating with the settlement. The proposal is thus contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and*

PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.

- 3. The proposal would give rise to harm to social cohesion. Warton has seen a considerable quantum of development in the recent past and an additional increase in 110 dwellings to the settlement would give rise to new residents failing to integrate effectively into the settlement. The proposal is this contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.*
- 4. The provision of affordable housing at the edge of the settlement would not result in the residents of these units integrating effectively into the settlement and the creation of a balanced and integrated community.*
- 5. The proposal would result in the permanent loss of an area of approximately 5.7 hectares of best and most versatile agricultural land. As such the application proposals would be contrary to policy LP1 of Local Plan and contrary to paragraph 187 of the National Planning Policy Framework 2024.*

- B.4 My evidence focusses on the planning assessment of the appeal proposal relative to the development plan and other material considerations. My evidence will assess the development plan, other material consideration and overall planning balance. Housing land supply information has been supplied by Dorothy Barratt, North Warwickshire Borough Council.
- B.5 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for assessing development proposals is the Development Plan, which comprises the North Warwickshire Local Plan September 2021 (CD-4.1) and the Polesworth Parish Neighbourhood Plan June 2025 (CD-4.3).
- B.6 My evidence considers the Development Plan, other material considerations, the principle of the development and in particular whether the proposal accords with policy LP1, LP2, LP14, LP30 of the adopted North Warwickshire Local Plan

(NWLP) and policies PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan (PPNP).

- B.7 Policy LP2 of the 2021 North Warwickshire Local Plan defines the Borough's settlement hierarchy and steers most development to the main towns, with a cascade approach in other settlements. This is to ensure that development is provided in accessible locations in accordance with its range of services and facilities in order to protect the countryside and to provide sustainable places to live. Warton is identified as a Category 4 settlement where development directly adjacent to its development boundary may be acceptable. The policy continues by saying that, "All development will be considered on its merits; having regard to other policies in the Plan, and will cater for windfall housing developments, usually on sites of no more than ten units at any one time, depending on viability, services and infrastructure deliverability".
- B.8 The adoption of this settlement hierarchy followed the submission of evidence to the Local Plan's Examination in Public, in the form of a Settlement Sustainability Assessment and previously the Core Strategy. The Assessment has since been updated and the current Assessment is dated December 2023. Referring back to Policy LP2, it says that in respect of Category 1 to 4 settlements, development may also be acceptable directly adjacent to settlement boundaries, provided that amongst other things, it is "proportionate in scale to the relevant settlement." The main issue here is thus one of scale. The Policy deliberately refers to development in proportion to the settlement's status within the hierarchy. In the case of Warton as a Category 4 settlement, the guide is that it would be "usually of no more than ten units". Added weight is given to this through qualitative concerns for two reasons. The first reason is that the village has limited facilities or related services and as such, daily services are not provided. This is significant as daily needs are not catered for within the village.
- B.9. The nearest larger shops, supermarkets and surgeries are in Polesworth, Atherstone and Tamworth which are significant distance away. The nearest job opportunities are Birch Coppice, Tamworth and Atherstone. These are not considered to be readily accessible distances by foot or by cycle, given the nature

of the connecting roads particularly out of Warton. Bus services are not sufficient to provided day to day convenient travel.

- B.10 In all of these circumstances, it is concluded that the proposal is not proportionate to the status of the village in the adopted settlement hierarchy and that this constitutes unsustainable development. This is because of the scale of the proposal; the limited functionality of the settlement's services and because the overall status of Warton remains unchanged since 2021. The degree of conflict with Local Plan Policy LP1, LP2 and LP30 in this respect is significant.
- B.11 There is however harm from the proposal due to the introduction of development on an agricultural field on the undeveloped edge of a settlement. A permanent change to the landscape character of the area would result as the agricultural field makes a positive contribution to the rural landscape and the landscape setting of around Warton. Whereas the significant proposal of up to 110 dwellings will be visible from the road network in the vicinity of the site along Orton Road and Red Marl Way. This does weigh against the scheme in the overall planning balance.
- B.12 There is an impact on the character and appearance of the settlement and lack of continuity and links to the existing village. This development will lead to an isolated community with limited connections to the existing community and divorced from Warton as a settlement. The site would be seen as an incongruous appendage to the village, there would be no strong "sense of place", no integration through limited connectivity or linkage with the village and no social cohesion as required by the Development Plan and the Framework.
- B.13 The proposal will provide 40% affordable housing, on a site on the edge of the Warton with limited links to existing community. Consequently, the proposal is likely to fail to provide a strong sense of community cohesion, especially for the affordable housing elements of the scheme. This would not result in the effective integration of the development into Warton contrary to the Development Plan and Framework.
- B.14 In terms of the impact on loss of agricultural land, the proposal will lead to the loss

of best and most versatile (BMV) land. Overall, in the planning balance it is considered that this holds limited negative weight in the planning balance.

- B.15 I have considered whether the appeal proposals are in accordance with the development plan as a whole and conclude that they are not. Despite policies in the plan being out of date by virtue of para 11 (d) considerable weight can be attached to the local plan policies as they are consistent with the framework.
- B.16 This Proof of Evidence also considers whether there are any material considerations in this case which indicate the appeal should be determined other than in accordance with the Development Plan.
- B.17 A planning balance is considered in respect of the benefits and disbenefits of the scheme. Whilst there are benefits associated with the appeal proposals, related to the provision of additional dwellings, affordable housing, bio-diversity net gain and job creation, the adverse impacts of the significantly and demonstrably outweigh these benefits.
- B.18 The main issues in this case were identified through the CMC (CD-9.3). Assessment of these against the relevant policies of the Development Plan and the NPPF has led to the conclusion that significant harms would arise in respect of the first three issues raised – sustainability/proportionality, character/appearance and social cohesion and integration into the village.
- B.19 On the other hand, there are acknowledged significant benefits arising from the development – particularly the delivery of new housing and affordable housing.
- B.20 The outcome of the final balance here is to be approached through para 11 (d) (ii) of the NPPF because of the acknowledged lack of a five-year housing supply. In this respect, it is considered that the harms caused, does significantly and demonstrably outweigh the benefits in this “tilted” balance, for the following reasons:
- i) Simplistically, the significant weight of the harms outweighs the weight of the benefits.

ii) The settlement hierarchy set out in the Local Plan is the Council's strategic approach to delivering sustainable development in the Borough which still has considerable weight and does not conflict with the framework and the status of Warton in that hierarchy has been confirmed in updated evidence. A breach of this spatial policy weakens the weight of the overall hierarchy and thus the presumption in favour of sustainable development set out in the NPPF.

iii) There are very real harms caused to the character and appearance of this part of the village and to its overall morphology, its social cohesion and its sense of place and community due to the scale of this proposal. This was found to be the case in the Curlew Close appeal decision (CD6.11), but with a far less amount of new development. These will be permanent harms on a much greater scale.

iv) It is considered that there are other harms here in terms of loss of BMV agricultural land.

v) It is acknowledged that the weight to be given to the delivery of new housing has moved on since the Curlew Close appeal decision, but so too has the scale of the proposed development and thus the weight to be attributed to the combined harms.

B.21 On balance taking into account all of the factors for and against the proposal, I consider that the proposal would be clearly contrary to the Development Plan as a whole, and to the NPPF when taken together as a whole.

B.22 There is clear conflict with the Development Plan as a whole. Whilst there are benefits associated with the appeal proposal, as have been set out, I do not consider that those material considerations outweigh the identified conflicts with the Development Plan.

B.23 I also consider that the identified harm would significantly and demonstrably outweigh the benefits in this "titled" balance. The scheme would not represent sustainable development under the terms of either LP1, LP2, LP14, LP30 of the North Warwickshire Plan or PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan or the Framework.

B.24 I consider therefore that the Appeal should be dismissed.

1. Introduction - The Principal Issues

- 1.1 This Proof of Evidence addresses planning matters that are relevant to the determination of the appeal in the context of the Council's consideration of the planning application reference PAP/2025/0155 for the development of Land South Of Warton Recreation Ground, Orton Road, Warton.
- 1.2 As well as addressing the overall planning balance, having regard to the main issues identified by the Inspector the following matters are addressed in turn in my evidence following those matters raised by the Inspector in the Case Management Conference (CD-9.3). Firstly, the development plan will be considered. Then the following matters:
- (i) Effect on the Settlement Hierarchy of the Borough;
 - (ii) Effect on the character and appearance of the area in particular the surrounding landscape, design and layout and spatial integration with existing development
 - (iii) Whether the future residents would have appropriate access to facilities and services
 - (iv) Effect on the supply of agricultural land.
 - (v) How any benefits and disbenefits of the proposed development should be considered in the overall planning balance.
- 1.4 The application was submitted on the 1st April 2025 and made valid on the 24th April 2025. In accordance with policy and procedures site notices were displayed and a press notices published. Copies of all the relevant correspondence were submitted with the appeal questionnaire.
- 1.5 It is an outline planning application for the development of land within residential use class for up to 110 dwellings. This application is in outline with all matters reserved with the exception of access. A parameters plan defines the proposal, with regards to housing, landscaping and recreation space as well of the access points. Details of the proposed access arrangements are submitted for approval in full, with all other matters reserved for later determination. Reserved matters are

defined in [article 2 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and access is defined below as:

- ‘Access’ – *the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*

1.6 The SoCG (CD8.10) makes it clear under paragraph 4.6 the plans to be considered, this includes the following details indicated in the table below. The parameter plan indicates a vehicle access and pedestrian access off Church Road, a separate pedestrian access off Church Road and a pedestrian access to the north of the site onto the recreational ground. It is clear there is no pedestrian or vehicular access proposed from Red Marl Way on the parameter plan or site access plans.

Table 1: Appeal Plans

Plan	Reference
Site Location Plan	STN-GEN-SW-DR-MP-01 Rev K
Parameter Plan	STN-GEN-SW-DR-MP-02 Rev J
Proposed Site Access Arrangements – Detailed Context	T24529 002 Rev G

1.7 The application was submitted in April 2025, and reported to the Planning and Development Board on the 7th July 2025 (CD-3.2) for information. A site visit was arranged so members could see the site and surroundings closer to the determination period. Nearing the statutory expiration period the appellant decided to appeal against non-determination in July 2025.

1.8 Following the submission of the appeal the Council formally considered the planning application at its Planning and Development Board meeting on 6th October 2025 as if it had been the determining Authority following a site visit by members on the 27th September 2025. At the Board meeting it was resolved that the Borough Council would have refused planning permission. A copy of the report is provided in the Core Documents reference CD-3.1.

1.9 Five reasons for refusal were identified if the Council had been the determining authority. These are cited below:

1. *The proposal would be contrary to the Council's spatial planning policy as represented in its settlement hierarchy as defined in the North Warwickshire Local Plan 2021. Warton is a Category Four Settlement within that hierarchy and owing to the limited services and facilities within it, the proposal would represent a wholly disproportionate and unsustainable addition to the settlement. It is considered that the benefits of the proposal, including the engagement of the titled balance as outlined by the applicant do not outweigh this significant harm. The proposal is thus contrary to Local Plan policies LP1, LP2 and LP30 together with policy PNP3 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.*
2. *The proposal would result in an unacceptable intrusion into the open countryside that would give rise to landscape and visual harm. Further, the scheme would give rise to harm to the settlement morphology of Warton, given the site reads as an adjunct to the settlement, rather than integrating with the settlement. The proposal is thus contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.*
3. *The proposal would give rise to harm to social cohesion. Warton has seen a considerable quantum of development in the recent past and an additional increase in 110 dwellings to the settlement would give rise to new residents failing to integrate effectively into the settlement. The proposal is this contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.*
4. *The provision of affordable housing at the edge of the settlement would not result in the residents of these units integrating effectively into the settlement and the creation of a balanced and integrated community.*

5. *The proposal would result in the permanent loss of an area of approximately 5.7 hectares of best and most versatile agricultural land. As such the application proposals would be contrary to policy LP1 of Local Plan and contrary to paragraph 187 of the National Planning Policy Framework 2024.*

1.10 The site context and history, the details of the proposed development, and the planning policy context are all set out in the Statement of Common Ground (CD-8-10) and are not repeated here.

2 The Development Plan - Legal and Policy Context

- 2.1 Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 Paragraph 12 of the National Planning Policy Framework (NPPF) also confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. A decision maker may take decisions that depart from the development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 2.3 This section of my proof sets out the relevant planning policy framework for the consideration of these appeals. The relevant planning policy is set out in section 3 of North Warwickshire Borough Council's (the LPA) Statement of Case (CD-8.8) and addressed in Section 3 of the Statement of Common Ground (SoCG) (CD-8-10). The starting point for assessing development proposals is the development plan for the area which consists of the adopted North Warwickshire Local Plan (adopted September 2021) and the Polesworth Parish Neighbourhood Plan (adopted June 2025).

The Development Plan for the Site

Adopted North Warwickshire Local Plan 2021 (NWLP) (CD4.1)

- 2.4 As indicated above, the development plan for the site consists of the NWLP (adopted September 2021), and the Polesworth Parish Neighbourhood Plan (PPNP) (CD-4.3) (adopted June 2025). The NWLP was adopted in September

2021 having been found to be sound and consistent with national policy following a Public Inquiry. The NWLP was adopted less than 5 years ago, however, as made clear in the Board report (CD-3.1) and Statement of Common Ground (CD-8.10) the Council is not able to demonstrate a 5-year supply of housing and therefore footnote 8 of the para 11 d) indicates that policies in the Local Plan are out of date. Although, out of date significant and considerable weight should be given to the policies in the local plan which are still consistent with the guidance in the framework.

- 2.5 The consistent approach relates to the overarching policies of the Local Plan LP1 and LP2 relating both Sustainable Development and Settlement Hierarchy. The recent changes to the NPPF 2024 amended paragraph 11(d) to the following **(amendments in bold)**:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination**.*

- 2.6 The amendment to paragraph 11d (ii) requires decision makers to have regard to directing development to 'sustainable locations', this follows through as a thread through the framework in respect to paragraphs 110, 115, 129, 135 & 139. With relevance to this appeal, paragraph 110 relates to promoting sustainable development and focusing development on locations which are or can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Council would contend that this amendment strengthens its argument that this site is not appropriate as a sustainable location for a development of this size in an area with limited services and limited active travel

options, this echoes the approach within both policies LP1 and LP2 of the adopted Local Plan.

- 2.7 The adopted local plan superseded the adopted Core Strategy and incorporated site allocations and development management policies. The adoption of a settlement hierarchy is a long-standing approach by the Council which has been tested through examination and found to be sound through the adoption of the Core Strategy in 2014. It was then taken forward and tested again through examination in the recently adopted Local Plan 2021. The settlement hierarchy is a policy approach to apportion growth in a proportionate and managed way based on local evidence of facilities and services.
- 2.8 The rural nature of the Borough requires this assessment and consideration, this is made clear in Chapter 2 para 2.22 (CD-4.1 page 14) of the LP which states *“Local requirements have changed as the residents of the countryside have changed, but there are many people who live in the smaller settlements and the countryside, who have difficulty accessing services/facilities and affordable housing.”*
- 2.9 The adopted NWLP sets out the long-term Spatial Vision (CD-4.1 page 15) The Spatial Vision for the Borough is clear, building on the Community Strategy and requires the Rural North Warwickshire to provide a place which is safe and inclusive, well planned, built and runs and offers equality of opportunity and good services for all (precis of Vision).
- 2.10 It is clear from the Spatial Vision of the LP (CD-4.1 para 4.2 page 15) that development needs to be sensitively designed reflecting on the disparate rural nature of the Borough.

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

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

- 2.11 Again, echoing the Spatial Vision the Strategic Objectives (CD-4.3 page 17-20) for the Borough over the plan period to 2033 and the Local Plan contains strategic policies for steering and shaping development matching the Spatial Vision. The NWLP identifies specific locations for new strategic housing and employment land.
- 2.12 The focus for growth in the NWLP are the Market Towns and Local Service Centres along with the larger settlements directly adjacent to the Borough. The settlements of Dordon and Polesworth, the east of Tamworth and Atherstone each have an identified major housing allocations in the NWLP; namely, site allocations H1 (620 dwellings) and H2 (1,280 dwellings) at Atherstone, H4 (minimum of 2000 dwellings) at Polesworth and Dordon and H5 (1,270 dwellings) to the east of Tamworth within the plan period which is until 2033.
- 2.13 Since the adoption of the NWLP development sites for both housing and employment, have come forward, evolving through extensive pre-application discussions, followed by the submission of an outline and then detailed planning applications or in some instances full applications. The Local Plan is 4 years old and there has been progress for both housing and employment developments. The Annual Monitoring Report (AMR) 2023-2024 indicated that the total supply of housing land with sites with planning permission (CD-10.1 policy LP5 – page 24). The housing allocations have progressed with either applications having been approved (H1 Holly Lane (part), H5 Robeys Lane, H6 Lindridge Lane, H12 Village Farm, H14 Manor Farm, H15 Manor Farm Shuttington, H16 Orton Road and H17 Islington Farm), applications submitted (H7 Church Farm, H9 Church Road, H11 Former School site,) or continuing extension pre-application discussions (H1 Holly Lane (part), H2 North west Atherstone, H4 Land east of Polesworth and Dordon, H8 Community Hall Grendon, H10 Coleshill Road) (CD-4.1 page 78-79).
- 2.14 The Council's Rule 6 Statement (CD8.8) and Board report (CD-3.1) identifies the most important policies of the NWLP in the context of this appeal.
- 2.15 Policy LP1 is made up of three parts. The first says that when planning proposals accord with the policies in the Local Plan, they will be approved unless material considerations indicate otherwise. Where there are no relevant policies, or the most important policies for determination are out of date, then the application will be determined in accordance with the presumption in favour of sustainable

development. The second part sets out a series of matters which all development proposals are required to meet. These include ones where a proposal must integrate with the natural and historic environment and that they must positively improve the environmental quality of an area. The final part requires relevant infrastructure to be sought when it is related to the development through Section 106 Agreements amongst other means.

- 2.16 Policy LP2 identifies a settlement hierarchy through which the location of new development is to be delivered. The status of a settlement in this hierarchy is governed by the level of services and facilities within each respective settlement. New development is to be distributed in proportion to the position of a settlement within the hierarchy. Warton is defined as a Category 4 settlement in that hierarchy. In such settlements, development will be supported within identified settlement boundaries. However, development directly adjacent to these boundaries may also be acceptable. The policy continues by saying that all developments will be considered on their merits having regard to other policies in the Plan, provided that such development is proportionate in scale to the relevant settlement. As such, it could cater for windfall housing, but in the case of Category 4 settlements, usually on sites of no more than ten units at any one time, depending on viability, services and infrastructure deliverability.
- 2.17 Policy LP5 sets out the minimum amount of new development that the Plan is to make provision for over the plan period – 9598 new dwellings, the plan period being 2011-2033.
- 2.18 Policy LP9 says that all major developments for green field sites will deliver 40% on-site provision of affordable housing. That may be reduced depending on evidence of viability amongst other things.
- 2.19 Policy LP14 says that within the landscape character areas as defined by the Landscape Character Assessment of 2010, development should look to conserve, enhance and where appropriate, restore landscape character.
- 2.20 Policy LP15 says that the quality, character, diversity and local distinctiveness of

the historic environment will be conserved or enhanced.

- 2.21 Policy LP16 says that quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced. Net gains for bio-diversity will be sought.
- 2.22 Policy LP21 says that all major developments must consider the impact on the provision of services and facilities and where there is an impact, this must be addressed including financial contributions and there is a cross reference here to the final part of Policy LP1 above.
- 2.23 Policy LP22 says that development proposals will be expected to provide a range of new on-site and open space recreational provision.
- 2.24 Policy LP27 says that all developments should consider what improvements can be made to encourage safe and fully accessible walking and cycling.
- 2.25 Policy LP29 sets out a number of requirements expected from all development proposals. Number 6 requires safe and suitable access for all users and point 9 requires developments to avoid and address unacceptable impacts on neighbouring amenities.
- 2.26 Policy LP30 sets out that new development should respect the existing pattern, character and appearance of its setting.
- 2.27 Policy LP33 Water and Flood Risk Management sets out policies relating to surface water and fluvial water.
- 2.28 Policy LP34 Parking expects that adequate vehicle parking will be provided as guided by the Council's standards, but greater emphasis will be placed on provision in areas not served by public transport.
- 2.29 Policy LP35 Renewable Energy and Energy Efficiency expects new development to be energy efficient including the provision of on-site renewables providing 10%

operational energy.

2.30 Policy LP36 Information and Communications Technologies requires compatible high speed broadband infrastructure for new development.

2.31 A copy of the settlement boundary for Warton is attached at CD4.14.

Polesworth Parish Neighbourhood Plan (PPNP)

2.32 The PPNP was made in June 2025 following examination and a referendum, it is therefore up-to date. The policies in the neighbourhood plan are consistent with both the NWLP and the NPPF and therefore carry full weight. The appeal site sits within the PPNP, the extent of this area is shown in figure 1 (CD-4.3 page5). The plan includes Birchmoor, Polesworth to the south and Warton within the north-east of the area.

2.33 In terms of the PPNP (CD-4.3 page 9-10) this includes a key vision and objectives of the plan, the policies are then based on this vision and objectives. The Community Vision (page 9) for the PPNP provides the following Vision:

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

2.34 The plan indicates that the area lacks a doctors surgery in Polesworth with the nearest being 2 miles away in Dordon (CD4.3 para 3.2 page 11) and respectively indicates the lack of bus services to medical facilities from Warton.

2.35 The plan provides a portrait of Warton and this indicates at CD4.3 para 3.3 page 11, that:

“Since 2015 there have been five new housing developments and a sixth is in construction. This is significant development pressure on a small village and

beyond planned allocations. Warton has a primary school, one shop, a club and a public house but has few other facilities, residents having to travel for butchers, greengrocers, hairdressers, all other household purchases. There is no public transport to the doctors' surgery in Dordon."

- 2.36 Policy PNP3 sets out a criterion-based policy that will be used to encourage development that positively contributes to and enhances the character of the neighbourhood area and its settlements. Policy PNP3 (CD.4-3 page 28) in terms Sustainable Design and Construction states the following:

Development will not be supported where it is of poor design that has an adverse impact on the character of the area. To ensure good design is achieved development should be designed to take account of, and will be assessed against, the following criteria, where relevant:

Relevant elements are as follows in respect of the punitive reasons for reasons:

- (a) It promotes or reinforces local distinctiveness of Polesworth, Warton and Birchmoor.*
- (b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern.*
- (i) It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible in accordance with the tests relating to planning obligations*
- (j) It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area*

- 2.37 PNP4 (CD.4.3 page 32) relates to Conserving and Enhancing the Landscape echoing LP14 of the Local Plan, this requires the development should conserve, enhance and where appropriate, restore local landscape character subject to a number of criteria.

Emerging North Warwickshire Draft Local Plan

- 2.38 On 1st July at the Local Development Framework Sub-Committee meeting, members considered a report looking at the policies to be reviewed as part of the

review of the Local Plan. Draft Issues and Options (Regulation 18) will be considered at the LDF meeting on 17th November with a Regulation 19 Draft Local Plan by spring 2026. A call for sites was made in 2024 and sites are currently being assessed for consideration and possible inclusion into the Draft Local Plan.

Other Material Considerations

2.39 There are a raft of other relevant material considerations, such as the NPPF, the PPG, housing strategies, appeal decisions, reports etc. I do not list all these here. But needless to say there are many different factors relevant to this decision.

a) The National Planning Policy Framework: December 2024 - (the “NPPF”)

2.40 Section 2 of the NPPF sets out the presumption in favour of sustainable development. For decision-making this is explained in para 11. Where development proposals accord with an up-to-date plan, then it should be approved. If the most important policies for its determination are out of date, then permission should still be granted unless either, the application of policies that protect areas or assets of particular importance provide a strong reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A footnote explains that where a five-year supply of deliverable housing sites is not shown, or the Housing Delivery Test indicates delivery substantially below 75%, then the corresponding policies in the Plan on housing delivery will be treated as being out-of-date.

2.41 Section 5 outlines that the overall aim should be to meet an area’s housing need, including with an appropriate mix of housing types for the local community. To this end, strategic policies should be informed by a local housing need assessment using the standard method set out in national planning practice guidance in order to determine the minimum number of houses needed. Planning policies should identify a supply of specific, deliverable sites for five years as well as developable sites or broad locations for growth, for subsequent years. Local Planning Authorities should identify and update annually, a supply of deliverable sites, sufficient to provide a minimum five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing

need where strategic policies are more than five years old. In order to maintain supply, Authorities should also monitor progress in building out sites through the Housing Delivery Test.

- 2.42 Section 12 says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to the development process. To this end, amongst other things, planning decisions should ensure that developments function well and add to the overall quality of the area; are sympathetic to local character and history including the surrounding built environment and landscape setting, as well as to establish a strong sense of place.

b) The North Warwickshire Landscape Character Assessment 2010 (CD4.13)

- 2.43 This Assessment divides the Borough into a number of Landscape Character Areas. The appeal site is within the “No Mans Heath to Warton – Lowlands” area. This area is characterised by a “distinctly rural landscape, with a well-ordered agricultural landscape and scattered farmsteads and nucleated hill-top villages with visually prominent church spires”. The Assessment identifies the need to conserve and strengthen the rural character and dispersed settlement pattern, and one of the landscape management strategies is to “reinforce the existing settlement pattern”.

- 2.44 The full Assessment of this Area is at Core Document CD4.13/CD4.13.1 along with a plan defining the Area.

c) The Annual Monitoring Report

- 2.45 The latest published Report is dated 31 March 2024 and showed a 5.1 year housing land supply (CD.10.1). The submission of a five years supply position statement indicates that the Council has at this point in time a provision of between 1.5-2.2 years (CD10.6).

d) The Settlement Sustainability Assessment 2018 (CD4.11) and 2023 (CD4.12)

- 2.46 The settlement hierarchy within Local Plan policy LP2 was further evidenced with

an update to the Settlement Sustainability Assessment which had been used in the 2006 Local Plan, the 2014 Core Strategy. The evidence was further reassessed for the Examination in Public for the NWLP in the form of an Updated Settlement Sustainability Assessment dated 2018 (USSA). That resulted in Warton being designated within Category 4 of the hierarchy.

2.47 This Settlement Sustainability Assessment (SSA) was further updated in December 2023 edition is at Core Document (CD4.12) within this Warton remains within Category 4. A further update will be considered by the LDF Sub-committee on 17th November 2025.

e) Supplementary Planning Document (SPD): Planning Obligations for Sport, Recreation and Open Space – January 2023

2.48 This SPD was adopted in early 2023 and is used to calculate contributions for sport and recreation provision consequential to new development proposals.

h) Infrastructure Delivery Plan 2020

2.49 This was submitted to the Local Plan's Examination in Public as evidence to support the inclusion of contributions towards infrastructure provision as a consequence of the Plan's allocations.

3. Effect on the Settlement Hierarchy of North Warwickshire Borough Council

- 3.1 In planning policy terms, the settlement hierarchy (policy LP2) is the mechanism that involves identifying and grouping together settlements that perform similar roles. It identifies the functions of settlements in terms of their housing, economic and commercial offers, as well as the scale of services and facilities already present within settlements. The settlement hierarchy helps to inform the spatial strategy for the Local Plan by ensuring that levels of growth reflect the sustainability of settlements. The establishment of a settlement hierarchy follows the approach to development distribution taken in the North Warwickshire Local Plan 2006. This has been followed through from the 2006 Local Plan to the Core Strategy 2014, the current adopted NWLP and to the current review of the emerging Local Plan. A Settlement Sustainability Assessment has been an underpinning piece of evidence used to review the settlement hierarchy and to ensure consistency of this Strategic policy.
- 3.2 The Inspector's report on the examination of the Local Plan (CD4.9) included an assessment of the spatial distribution of development in the plan (CD4.9 page 45-48 para 193-207). The Inspector considered the issues and robustness of the evidence used to support the Settlement Hierarchy policy LP2. At para 199 the Inspector stated that *"It is inherently challenging to capture precisely the varying and changeable, scale, form and role of different settlements in a settlement hierarchy."*
- 3.3 At para 201 he indicates that there is clear difference in the amount of development from Category 1 settlements to Category 3 settlements. Even further he indicates at para 202 (page 47) *"There is a relatively clear step-down in scale and the availability of services and facilities between 'category 3' and 'category 4' settlements."* In this instance it is clear the Category 4 settlements are clearly not comparable to Category 1-3 settlements. Settlements like Warton are not sustainable for large scale unplanned development without respective improvements in service provision. He also indicated that North Warwickshire has large areas of employment, and this is key to the sustainability of settlements.

However, these employment opportunities are not in easy reach of the appeal site in Warton and the village has limited employment opportunities and is almost entirely a residential village. Any employment opportunities in the vicinity of the site would be in Tamworth outside of the Borough to the west, Birch Coppice to the south some 4 km away or further afield.

- 3.4 The main modifications recommended by the Local Plan Inspector indicated important changes to the Settlement Hierarchy policy LP2 in main modification MM24 (CD4.10 main mods). These are key to the appeal, the changes are underlined below:

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

- 3.5 The Inspector clearly considered that development should be sustainable both in terms of day-to-day living and services. Any development should be of a commensurate scale to the service provision of the settlement. It is these that are key factors in the consideration of the appeal. It is such factors as these that inherently run through the Framework as a whole and the tensions between development and appropriate provision of facilities. This is key and a fundamental consideration of the site includes the **“proportionately” and “scale” test**. It is for this reason also that the weight attached to the policy LP2 Settlement Hierarchy is still substantial/significant as it reflects the Framework requirements of para 11d), 110, 115, 129, 135 and 139.

- 3.6 The spatial portrait of the Borough in the Local Plan indicates: “There are a number of other settlements, without a development boundary, that do not have the same range of services and facilities but provide significantly to community life within the Borough. With the emphasis in the past for development to be targeted at the main settlements (Atherstone/ Mancetter and Polesworth/Dordon, as identified by the Warwickshire Structure Plan, 1989) it put the smaller villages in a difficult position

in that they were losing services and facilities without the support of the planning policies, to recognise their importance to the rural nature of the Borough. (CD.4.1 para 2.22 page 10).

- 3.7 An important issue facing the Borough is that of access. It indicates “Access is an important issue in respect of both the physical means of accessing services and facilities, as well as accessing education, employment, debt/benefits advice/health services, leisure and recreation and housing provision and support.” (CD4.1 para 3.2 page 13)

Updated Settlement Sustainability Appraisal 2018 (CD4.11)

- 3.8 In preparing evidence for the adopted Local Plan (the North Warwickshire Local Plan 2021), the Council reviewed the settlement hierarchy by way of the Updated Settlement Sustainability Appraisal. The USSA was a requested update by the Local Plan Examiner, he indicated at para 54 of the Examiners report (CD-4.9) *“that the scoring in the USSA is broadly consistent with the January 2010 SSA. It provides a proportionate evidence base at a plan-making stage for determining how development might be distributed in working towards sustainable patterns of development.” (my emphasis)* This clearly indicates that the evidence in the appraisals holds significant weight in terms of robustness to allow a strategic assessment and comparison of every settlement in the Borough. It is also clear the interrogation through examination of the settlement hierarchy adds to the validity and weight of this evidence.
- 3.9 The USSA sets out the results of the Council’s review of the settlement hierarchy to ensure that it remains fit for purpose. This study took account of a range of characteristics from each settlement, including population, education, health, social infrastructure, shops & services, transport, employment, emergency services and other facilities.
- 3.10 In an exercise designed to rank the sustainable credentials of settlements across the Borough in relative terms, it is necessary to attribute higher values to some of the elements which make up a settlement than others. The outcome of this work

illustrates that whilst the precise characteristics of each settlement vary, they can be grouped into settlements which have broadly similar levels of services / facilities and therefore ability to accommodate new growth. It was therefore considered justified and effective to continue this policy approach.

3.11 Through the USSA review, it was ultimately concluded that Warton should remain as a Category 4 Settlement. The outcomes of the tables indicates that the existing facilities for Warton are poor and lack a significant amount of services and facilities to become a Category 3 Settlement with scores of 25 in 2010 and 17 in 2018. It is clear that smaller villages such as Warton are dependent on larger villages and towns for services especially tertiary services like higher education, financial services, employment hubs and or large supermarkets. However, not even Polesworth with Dordon have large supermarkets or financial services. The towns with these facilities are Atherstone and Tamworth (which is outside of the Borough). The nearest significant employment opportunities are at Birch Coppice (4km away), Amington Industrial Estate (4km away) or Atherstone Fed-Ex and Aldi (4.5km away). Warton possesses none of these facilities.

3.12 The table below from the USSA indicates that Warton had a score of 17 in 2018 (page 95-96 CD4.11) which had reduced from 25 from 2010. This was indicated by the reduction in bus services and facilities such as public houses, libraries and post offices (CD4.11 para 6.3). The threshold score for scoring for different settlements for Category 4 Settlements ranges from 11 to 39, this was indicated in table 3 of that study (below). It clearly indicates Warton had reduced in facilities and service provision since 2010 and it's indicative position in the hierarchy was at the lower end of the spectrum this is show in table on page 9 of the USSA.

Table 2: Scoring outcome for Settlement Sustainability Appraisal

SETTLEMENT	2010	2018
Warton	25	17

Table 3: Scoring Thresholds

Ranking Settlements	2006 LP	2014 CS	2018 LP
1	85 or more (Main Town Equivalent)	85 or more (Category 1/2)	85 or more (Main Town)
2	40 – 84 (Local Service Centres)	40 – 84 (Local Service Centres)	40 – 84 (Local Service Centres)
3	15 – 39 (Settlements with Development Boundary)	11 – 39 (Settlements with Development Boundary)	11 – 39 (Settlements with Development Boundary)
4	14 or less (Unplaced in the Hierarchy)	10 or below (Category 5)	10 or below (Category 5)

Settlement Sustainability Appraisal 2023 (CD4.12)

3.13 The USSA has since been updated and the current Assessment is dated December 2023. This explains how the settlement hierarchy has been defined and how settlements have been placed within it. Table 2 at paragraph 5.2 (CD4.12 page 7-8) illustrates the scoring outcomes for each settlement. It also shows changes over time – 2010, 2018 and 2023. Again, Warton has lost points over that time period but has not lost any since 2018 and still has a score of 17 matching the score since 2018. The 2023 score is fully detailed at pages 95 and 96. As a consequence, notwithstanding the lower score, the village would remain within Category 4 of the present hierarchy. As part of the emerging Local Plan this appraisal will be reviewed again.

The tests of LP2 Settlement Hierarchy

3.14 Policy LP2 sets out the strategic spatial approach to the distribution of new development within the Borough and thus sets out the definition of sustainable development as included in Policy LP1 and by the NPPF. It identifies a settlement hierarchy described in the paragraphs above through which that distribution will be determined. New development is to be located proportionally and in scale with the status of a settlement within that hierarchy. Warton is identified as being a Category 4 settlement and it has a defined development boundary. Within Category 1 to 4 settlements development within such boundaries will be supported in principle. Development directly adjacent to a boundary may also be acceptable

provided that it is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the Plan and national planning policy considered as a whole. In particular, in Category 4 settlements such as Warton, development within its development boundary will be supported in principle and it too may be acceptable when it is directly adjacent to its boundary. In such cases, this may also be for windfall housing usually on sites of no more than ten units at any one time, depending on viability, services and infrastructure deliverability. It is agreed that the appeal site is directly adjacent to the Warton development boundary and thus it follows from LP2 that development here might be acceptable. The first test is to have regard to other policies in the 2021 Plan. There are several relevant ones to be assessed and this evidence focusses on those that are referred to in the refusal reason. I will not visit those here, but these relate to landscape, character and appearance, BMV and the other matters referred to by the Inspector in the CMC notes.

- 3.15 The second test is that the development should enhance or maintain the vitality of rural communities provided that such development is proportionate in scale to the relevant settlement. In the case of Warton, this is “usually of no more than ten units at any one time depending on viability, services and infrastructure deliverability”. In this case the proposal is for 110 units and thus it would appear that the proposal would not meet this test. However, this figure is not prescriptive and the important assessment to be made is to examine the condition within the Policy. It is conditioned such that the development should depend on service and infrastructure deliverability. In other words, the development should be in proportion to the status of the settlement within the settlement hierarchy, as indicated previously the services in the USSA and SSA indicate that they have reduced over the few years.
- 3.16 The key theme running through the NPPF is the promotion and delivery of sustainable development. This is reflected in the Local Plan in the identification of the settlement hierarchy set out in Policy LP2. Warton is a Category 4 settlement in that hierarchy. So, the issue here is whether the proposal accords with the spatial strategy set out in LP2 and particularly the place of Warton within it.

- 3.17 There has been growth recently in the village and there are outstanding permissions that have yet to be taken up. Together these amount to some 310 additional dwellings since 2016. These were all permitted prior to the adoption of the Local Plan in September 2021. That Plan has now been found to be sound and thus carries full weight. As a consequence, further development on the scale now proposed could result in growth which goes beyond the capacity of local services and facilities and cause harm to the development strategy for the Borough. It is considered that this is indeed the case here.
- 3.18 As indicated the position of Warton in Category 4 was adopted through the Local Plan in 2021. Since the publication of that Appraisal, Warton has lost one of its public houses the Fox and Dogs. Whilst this may not lead to a demotion in the place of Warton in that hierarchy, it lends support to the need to ensure that new development after the adoption of the Local Plan, remains proportionate to a settlement's place in the hierarchy. As a consequence, further development even on the scale as now proposed in the current application – 110 dwellings – results in growth which goes beyond the capacity of local services and facilities and thus causes harm to the development strategy for the Borough. The proposal is not proportionate to the status of Warton in the hierarchy and is thus unsustainable development. This is a similar view as the Inspector for the appeal at Curlew Close Warton paragraph 8-10 (CD6.11) indicated that the proposal would conflict with policies LP1 and LP2 of the NWLP and would also fail to accord with the NPPF in respect of achieving sustainable development. That development was for 28 dwellings where this appeal sites will be nearly 400 per cent larger in scale and size than the Curlew Close appeal.
- 3.19 Added weight is given to this conclusion through three other matters. The first is the contributions sought by Infrastructure Agencies – see section 7 related to section 106 matters of the Planning & Development Board Report (CD.3.1). The George Elliot NHS Trust, Warwickshire Police and Warwickshire County Council all consider that the proposal has impacts which need to be mitigated, as local facilities do not have the capacity to accommodate the growth. Moreover, apart from the Early Years and Primary School provision, these contributions are all for

improvements to facilities outside of the village and these rely on private transport for access. Additionally, the contributions for the enhancement of indoor recreation services are to locations outside of the village.

- 3.20 The second is that some weight needs to be given to the argument that affordable housing should ideally be located in settlements which have ready access to local services and facilities, which is not the case here and somewhere where there is not the reliance on private transport. The proposal here will provide up to 44 affordable dwellings.

Proportionate and Scale

- 3.21 Referring back to Policy LP2, it says that in respect of Category 1 to 4 settlements, development may also be acceptable directly adjacent to settlement boundaries, provided that amongst other things, it is “proportionate in scale to the relevant settlement.” The main issue here is thus one of scale. The Policy deliberately refers to development in proportion to the settlement’s status within the hierarchy. In the case of Warton as a Category 4 settlement, the guide is that it would be “usually of no more than ten units”. The appeal proposal is for up to 110 – thus almost a 1100% increase over the guide figure.

- 3.22 The Local Plan did allocate land within the village for 128 units – known as site H16 and a minimum of 80 dwellings at the land off Barn End Road site H27 (CD4.10). H27 has been built out and H16 is now being built out. Other residential conversions and new development have been permitted within the village since the adoption of the Local Plan. If the proposed 110 units are added to these it can be seen that this would be a substantial increase over the guide figure of 10 in the policy. Indeed, the appeal site is nearly equivalent to the site deliberately allocated in the Plan.

- 3.23 Census figures in the table below, shows that the village did not dramatically increase in size in 2001 or 2011 and the development approvals predominantly around land off Barn End Road and Little Warton Road had started to increase the population of the village which had increased by 70 households and 120 people in

2021. The level of development approved since 2016 equates to around 310 dwellings in total in a relatively short amount of time, needs to ensure that existing services in the village catch up with the level of development which is still on-going. The table below clearly shows the significant growth of the village from 2011 to the projected growth with the appeal site.

Table 4 Census Data for Warton

Census Data	2001	2011	2021	Projected 2026 With 310 dwellings	Projected with appeal site
Population	1447	1441	1570	2185	2449
Households	512	520	590	830	940
% increase in dwellings (2001 baseline)	0%	1.5%	15%	62%	83%

3.24 Quantitatively since 2016 there have been 310 dwellings approved over the original base line of 517 properties in the village. The proposed development of an additional 110 dwellings to the village would increase the amount of approved properties in the village by an additional 13% and the population by around 264. Overall, the proposal would increase the size of the village to 940 dwellings, an 83% rise in the size of Warton since 2016.

3.25 Together the allocated sites and approved permissions amount to a significant number of additional dwellings equalling 310 dwellings in total. As a consequence, further development, even of the scale as now proposed in the current application would go beyond the capacity of the local services and facilities and cause harm to the settlement and to the standing of the spatial planning policy. Clearly, this represents a significant increase in the size of this settlement. It is thus not considered that the proposal is proportionate to the status of the village within the

settlement hierarchy in quantitative terms. Added weight is given to this through qualitative concerns raised in the USSA and SSA. In all of these circumstances, it is concluded that the proposal is not proportionate to the status of the village in the adopted settlement hierarchy and that this constitutes unsustainable development. This is because of the scale of the proposal; the limited functionality of the settlement's services and because the overall status of Warton. The degree of conflict with Local Plan Policy LP1 and LP2 is significant.

Relevant Appeal Decisions

- 3.26 There are a number of significant appeal decisions in the vicinity of this current appeal which are clearly pertinent to the determination of this appeal. One decision at the Fox and Dogs was decided before the NWLP was adopted, but the Curlew Close appeal was determined in June 2023.
- 3.27 The Fox and Dogs Appeal – Reference APP/R3705/W/19/3241218 Dated - 2nd April 2020, this proposal was for up to 25 dwellings. The appeal letter is attached at CD6.16 and it includes the location of the appeal site at CD6.16.1, and the proposed layout CD6.16.2. Paragraph 11 indicates “In recent years there have been a significant number of planning permissions in Warton. The figure of 45 additional dwellings for Warton, required by Core Strategy Policy NW5, has been significantly exceeded. According to the Council, recent planning permissions in Warton amount to close to 300 additional units. Whilst I acknowledge the need for the development boundaries to be updated to accommodate additional need, further development of a scale such as that currently proposed, which is not part of a planned strategy for the village, could result in growth which goes beyond the capacity of local services and facilities, and causes harm to the development strategy for the borough.” This is still the case now and the substantial amount of dwellings proposed further accentuates this issue.
- 3.28 The Curlew Close Appeal CD6.11 was determined in June 2023. This concluded “the proposal would be in conflict with Policies LP1 and LP2 of the North Warwickshire Local Plan (2021) (Local Plan). Amongst other things, these policies restrict development outside development boundaries and focus new development

within a defined settlement hierarchy, and seek to secure sustainable development with access to a range of services and facilities. In addition, the proposal would fail to accord with the National Planning Policy Framework (Framework) in respect of achieving sustainable development.

- 3.29 The Wulfric Avenue Austrey appeal CD6.13, this is in the next village to Warton, here the decision was May 2024. Austrey has a similar level of services provision as Warton with a shop, pub, church and primary school including the similar bus provision. The Inspector reasons at paras 6 to 14 discuss the proportionality and that the Inspector states comments such as “In my judgement, with over 100 houses having been permitted in recent years, the appeal proposal would exceed this point.” It was concluded “Para 14 For the reasons given above, I therefore find that the proposed development would result in a disproportionate increase in the size of Austrey. In the context of over 40 windfall dwellings having been granted planning permission in Austrey in recent years.”
- 3.30 There have been a number of appeals over the years that have been upheld and dismissed due to conflict with the Settlement Hierarchy, this policy steers most development to the main towns with a cascade approach to other settlement and with very little development directed towards the countryside. The scale of the proposal here and the limited functionality of Warton is such there is significant conflict with the Settlement hierarchy in this appeal.

4. Effect on the character and appearance of the area in particular the surrounding landscape, design and layout and spatial integration with existing development

Surrounding Landscape

- 4.1 Local Plan policy LP14 says that “new development should look to conserve, enhance and where appropriate, restore landscape character”, so as to reflect that as identified in the North Warwickshire Landscape Character Assessment of 2010 (CD4.13/CD4.13.1). This aligns with Local Plan Policy LP1, which says that development must “be supported by the required infrastructure”, “be consistent with the approach to place making” and “demonstrate a high quality of sustainable design that positively improve the individual settlement’s character and environmental quality of the area”. Policy LP30 also requires “that proposals should ensure that they are well related to each other and harmonise with both the immediate and wider surroundings”. This is all reflected in the NPPF at paragraph 135 where amongst other things, developments, “should be sympathetic to local character and history including the surrounding built development and the wider setting”.
- 4.2 Policy LP14 of the NWLP says that new development should look to conserve, enhance and where appropriate, restore landscape character so as to reflect that as described in the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 of NWLP which says that development must “*integrate appropriately with the natural and historic environment*”, and also with Policy LP30 which says that proposals should ensure that they are “*well related to each other and harmonise with both the immediate and wider surroundings*”. This reflect policy PNP4 of the PPNP.
- 4.3 The appeal site is in the LCA1 “No Mans Heath to Warton - Lowlands” (CD4.13 page 30-31) Landscape Character Area of the 2010 Assessment referred to above. This is described as “visually open mixed farmland located within a distinctive bowl landform”. It has “a well-ordered agricultural landscape with scattered farmsteads and nucleated hill-top villages each with prominent church spires” including Warton.

The villages, “include both vernacular buildings and more recent development, connected by a network of minor roads and lanes typically bordered by grass verges with some hedges”. In terms of landscape management, the assessment says that “any new development should reinforce the existing settlement pattern of rural villages”. In the case of Warton, this is a traditional rural settlement. The historic landscape character is the position of smaller scale pastoral fields that sit adjacent to Warton, these contribute to the historic landscape character and provide the landscape setting to the village. It is one of these fields that the development would develop. Further to this the historic core is clustered and nucleated, it has a distinct linear form in the vicinity of the appeal site with the majority of the built development located along the frontage to Austrey Road and Church Road up to the Church with a recreation field provide relief and transition further south-west. The evolution of the village can be seen from the maps showing the changes in the settlement from 1900 to present day (Appendix A).

- 4.4 The village has a strong architectural built form – a linear street with nucleated development and the relationship between buildings and open spaces means that the village maintains its essential rural nature. The Assessment identifies the need to conserve and strengthen the rural character and dispersed settlement pattern recommending that new developments should reinforce the existing settlement pattern of the existing villages. With Warton in general terms being nucleated, the proposal would introduce a “depth” of new built development as an adjunct or appendage to Warton. This “depth” of development would extend well beyond existing built form into open countryside. It would reduce the openness of the area by fact and by degree. This would be most visible and apparent from the east from Red Marl Way and Orton Road where the land is lower, but views are relatively open up towards Church Road, where currently the field is open and untouched. The impact of the development is clearly seen from the aerial photographs most notably from 2021 and 2025. It clear shows the distinct separation from the Red Marl Way estate and the appeal site, if this appeal were to be allowed the development would be an awkward adjunct to the settlement.
- 4.5 The land within this parcel is sloping, low in the south-east rising to towards the existing playing fields to the north-west. The proposals will introduce not only

significant building but it will be visible from the surrounding road network. The land will be clearly visible from the east from Red Marl Way and Orton Lane. The open nature of this area means that the scheme will be seen as an appendage and as an add-on to the village. Currently, this is seen as an agricultural field that is naturally open and visible, it is not seen as part of the urban edge of the village. The proposal will screen and reduce the views across and from within the parcel, thus altering the perception of openness and separation on the edge of the village. Due to the approval of Barn End Road site during the Local Plan process, the development provided a landscaped area next to the appeal site beyond which accentuates the openness of appeal site.

- 4.6 It is agreed that the proposal's wider landscape impact would be local in extent and impact, not affecting the overall character of the Landscape Area. However, in this case it is the nature of that local impact that is harmful. The proposal represents a substantial expansion of the village well beyond its existing defined settlement boundary. The site has limited connection towards the village. Access is via a single vehicular access, with two pedestrian accesses, one onto Church Road towards open countryside and another into the recreational fields to the north. It is to the extent that the proposal becomes spatially and visually isolated and divorced from the main community of Warton. This extension is not in character with the distinctive existing village characteristic of a nucleated settlement and transitional nature on this edge of settlement site, reflecting the historic landscape character.
- 4.7 The proposal would introduce a significant amount of development of two to two and half storey properties, including the provision of lighting, roads, pathways which would clearly lead to a significant change. The creation of the vehicular access of at least 11.5m wide with footpath, will further open up the development from Church Road. The proposal will cut back some of the existing vegetation to provide visibility splay, further opening up the site to new human and vehicular activity 24/7. This is a fundamental change as it introduces an urban influence within a presently agricultural landscape which is an ambient and quiet edge to the village. The proposal would introduce a strong new urban influence, which doesn't reflect the distinctive rural character of Warton. The changes that will be caused by the proposal will permanently alter the landscape character of the site and the area

surrounding it.

- 4.8 In terms of overall effects on landscape character, harm from the scheme would be limited as the proposal has limited impact on the wider landscape due to the lack of intervisibility. There is however harm from the proposal due to the introduction of development on an agricultural field on the undeveloped edge of a settlement. A permanent change to the landscape character of the area would result as the agricultural field make a positive contribution to the rural landscape and the landscape setting of around Warton. Whereas the significant proposal of up to 110 dwellings will be visible from the road network in the vicinity of the site along Orton Road where the footpath is elevated and from Church Road. This does weigh against the scheme in the overall planning balance.

Impact on visual amenities

- 4.9 As with the landscape character issue, it is agreed that visual amenity impacts would be local in extent. Both the amenity of residents and visitors travelling past the site should be addressed.
- 4.10 It is agreed that the number of “receptors” include the residential properties on the edge of Warton and the users of the network of the Public Rights of Way, vehicular users and those using the open space along Church Road. Pedestrians using the paths next to the site would experience adverse visual impacts because the proposal would be clearly visible as the paths adjoin or pass through the development. this also includes views from the development in Red Marl Way and from the east along Orton Road.
- 4.11 At present the appeal site and the surrounding area has some landscape qualities associated with it being undeveloped open arable land, with hedgerows and hedgerow trees this is accentuated by it elevated position. The site itself is not accessible for people to see and enjoy, though it is visible form the views across this landscape from neighbouring areas mainly from the east of the village. Despite the landscape around the site, it does form a sizable part of a visually undeveloped fringe to the village, it is clearly undeveloped land and has limited activity on it and therefore plays an important role in the

quiet ambience of the area.

- 4.12 The visual harm of the proposal would be relatively localised in extent, but nevertheless important to those who will be affected, particularly the local communities who live adjacent to this stretch of undeveloped landscape.
- 4.13 It is the residual impacts and changes that will cause the harm – the built development, the road access and the lighting, as well as the permanent changes to the landform through the creation of blocks of residential development. The landscape and visual character and appearance of this wedge of land will materially change. As above, this would not accord with the requirements of Local Plan Policies LP1 and LP14 nor with Policy LP30 which says that development, “should harmonise with both the immediate setting and wider surroundings” and PNP3 and PNP4 of the PPNP.

Design and Layout including Spatial Integration

- 4.14 The proposal represents a substantial expansion of the village well beyond its existing defined settlement boundary. The design and layout is poor with its only connection to the village is actually to the playing fields to the north of the site. This is the only part of the access that links directly to the existing land uses within the village. The vehicular access and pedestrian access onto Church Road provide a link to the road network and via a single access, such that the proposal becomes spatially and visually isolated and divorced from the main community. There is no other vehicle or pedestrian access proposed. This substantial development of village is not in character with the distinctive existing village characteristic of a nucleated settlement. This can be clearly seen from the aerial photographs of the site (Appendix A). Attention is drawn to the appeal decision referred to at Curlew Close (CD6.11) and Newton Regis (CD6.12). The former appeal relates to a proposal for twenty-eight dwellings running alongside the rear of properties in Curlew Close. The Inspector indicated “The detached relationship would be a marked change from the existing built form fronting Austrey Road, and the existing cul-de-sac being accessed directly off Austrey Road. The proposal would therefore appear as an add-on to the village, rather than an integral component of it”

(CD6.11 para 13). In the Newton Regis appeal for 9 dwellings the Inspector concluded that, “The suggested layout of the houses bears little relationship to the spatial arrangement and density of the houses in Townsend Close which reinforces the sense of separation and would result in a development that would appear as an “add-on” to the existing settlement rather than as an integral part of it”. Additionally, “the development would not appear as a continuation of the existing houses, but as an appendage that encroaches into the countryside” (see paras 6 to 9 of CD6.12). The conclusions in both appeals should be given additional weight and substance because the current appeal proposal is for up to 110 dwellings - a 400% increase over the appeal case of 28 dwellings in Curlew Close – and cover a significantly larger site area. As such, the appeal proposal extends deeper into open countryside and would not be contained by existing built form and neither would it infill a gap within an existing built-up part of the village. The site’s undeveloped open nature is such that it is clearly not part of the village – it is in open countryside. As such it will not “add to the overall quality of the area”.

4.15 Moreover, the Inspector in the Curlew appeal case, also drew attention to the “separation” of that site from the village with its single access. As a substantial residential development integration into the existing village is key. With limited links it remains the case that the development would be separated, but in a more substantive way in the current appeal, meaning that in the terms of Section 12 of the NPPF, there is no strong “sense of place”, no integration through connectivity or linkage with the village and no social cohesion as required by Local Plan Policy LP1.

4.16 In terms of the proposed design and layout of the scheme the parameters plan submitted with the application indicates the land use of residential, open space and highway infrastructure. The extent of the residential element indicates off-set from adjacent development in Red Marl Way and no integration with direct pedestrian links. The development provides no integration other than that onto the existing road infrastructure. This is poor design and layout with no access from Red Marl Way.

- 4.17 The site is large, without substantial built development around it and with views both into and out of the site mainly from the east. Development from the Red Marl Way estate disperses and dissipates into the open space on the periphery of the scheme. The proposed development would be contained by the existing road layout. The proposal would not integrate with the existing built form. Furthermore, the site's undeveloped open nature emphasises a transition from the built form to the rural context beyond.
- 4.18 There is a harm here in terms of the impact on the character and appearance of the settlement and lack of continuity and links to the existing village. This development will lead to an isolated community with limited connections to the existing community and divorced from the Warton as a settlement. The site would be seen as an incongruous appendage to the village, there would be no strong "sense of place", no integration through limited connectivity or linkage with the village and no social cohesion as required by Local Plan policy LP1. The proposal will provide 40% affordable housing, on a site on the edge of the Warton with limited links to existing community. Such that the proposal is likely to fail to provide a strong sense of community cohesion, especially for the affordable housing elements of the scheme. This would not result in the effective integration of the development into Warton.
- 4.19 In terms of affordable housing the spatial integration of sites containing social housing is hugely important. In that if it is not integrated well into the existing settlement it lacks an accessible and inclusive layout in a settlement with limited services and facilities. There is some weight given to the argument that affordable housing should ideally be located in settlements which have ready access to local services and facilities, which is not the case here. It is therefore considered that the proposal lacks that cohesion with particular concerns for the up to 44 affordable houses proposed within the scheme.
- 4.20 All these matters above add weight to the non-compliance with Policy LP1, LP14 and LP30 of the adopted Local Plan by not proposing good quality development. There is no planning here for a "place" or a "community". The integration of the scheme to the existing village is poor and scheme lacks integration to the village

community visually, physically or spatially. The adopted Neighbourhood Plan adds further reinforcement to these local plan policies and policy PNP3 expects that development should promote or reinforces local distinctiveness of Warton, considering landscape setting and settlement pattern within this context. The Neighbourhood Plan also requires high quality residential design that respects local townscape and landscape character as part of policy PNP4. Here the development would be unrelated and unconnected to the village as a whole. The NPPF has an increased emphasis on planning for “places” and “communities”. This site is spatially, visually and physically unconnected to the village and its built form. Again, the recent Curlew Close appeal decision referred to above support this reasoning in paragraph 11-17 (CD6.11). It is thus considered that the proposal does not accord with Policies LP1, LP14 and LP30 of the 2021 Local Plan and policies PNP3 and PNP4 of the Neighbourhood plan as supported by the NPPF. The harm caused here is similar to that of the Curlew Close appeal and the current proposal is substantially larger than that cause, the degree of conflict is significant.

- 4.21 It is thus for all of these reasons that the proposal will cause unacceptable harm to the character and appearance of the area. It does not conserve, enhance or restore landscape character and neither does it positively improve the settlement's character and appearance. The proposal fails to integrate effectively into the settlement. The proposal is thus in full conflict with Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the PPNP as well as the design objectives on the NPPF. Given that this conflict led to the dismissal of the recent appeal and that the current proposal is substantially larger than that case, the degree of conflict is significant.

5. Whether future residents of the proposed development would have appropriate access to facilities and services

5.1 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – para 116. It is agreed that the proposal would not lead to highway harm or detriment in terms of road safety. Warwickshire County Council highway do not object to the scheme subject to conditions and obligations (CD10.8).

5.2 However, there is consideration required in terms of whether the intended residents would have access to facilities and services, evidence in this respect has been provided in respect of the Settlement Hierarchy. This again is an underpinning element of policy LP2 which considers a both quantitative and qualitative assessment of facilities in the area.

5.3 Under the Settlement Hierarchy element of the LP2 Sustainability of the settlement is important factor and certainly there is greater emphasis in the NPPF relating to this issue. Key to understanding this are the recent changes paragraph 11(d) of the Framework which was amended to the following (**amendment in bold**):

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination**'.

5.4 The amendment to paragraph 11d (ii) requires decision makers to have regard to

directing development to 'sustainable locations' with respect to paragraphs 110, 115, 129, 135 & 139 of the framework.

5.5 With relevance to this appeal and the issue of sustainability of paragraph 110 relates to promoting sustainable development and focusing development on locations which are or can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Council would contend that this amendment to the framework strengthens its argument that this site is not appropriate as a sustainable location for a development of this size in an area with limited services and limited active travel options. In fact, the Curlew Close appeal (CD.6.11) points to this very fact para 8-9 of that appeal from June 2023 indicates that occupants would be heavily reliant on the use of private motor vehicles. This is access to services and facilities as well as employment undermining the development strategy.

5.6 Under Chapter 9 (Promoting Sustainable Development) of the NPPF (2024), paragraph 108 has also been updated with the following additions in **bold**:

'109. Transport issues should be considered from the earliest stages of plan-making and development proposals, **using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:**

a) making transport considerations an important part of early engagement with local communities;

5.7 Paragraph 115 of the NPPF also amended to state that sustainable modes of transport are 'prioritised' for applications for development. The Council would argue that these amendments underline the importance of delivering development in sustainable locations that provide for a genuine choice of travel, and therefore supports the underpinning concerns in respect of sustainability of the settlement relating to the locational sustainability of the site and the lack of active travel options. The only choice for the majority of occupiers will be the reliance on the private motor vehicle. In terms of bus services and route these are set out in Appendix B. These are hugely limited and do not provide a convenient accessible service to all, in fact the existing bus stops are in excess of the recommended 400m maximum distance

from the site (response from WCC highways 26th Sept 2025 CD10.8), it is likely this would further reduce potential patronage.

5.8 As outlined in the officer's report, this proposal would not be in a sustainable location. Whilst the site adjoins a built area boundary of a Category 4 village, the Council contends that that this level of expansion is not appropriate to the scale and function of Warton. A population's ability to access services such as shopping, health and education is important for maintaining their quality of life. Long distance travel to access these services is undesirable because this inevitably involves increased car use and pollution, therefore services within the settlement will be considered when judging its sustainability as a location for significant growth. Convenience stores, primary schools, GP's and village halls/ community meeting rooms are classed as key services which a large proportion of residents will need to use on an almost daily or weekly basis, and which should ideally be located within walking distance to encourage active travel and minimise reliance on the private car.

5.9 Attached as evidence are details about the journey times to facilities in the area, this focussed on car and walking to local facilities for every day essentials:

Table 5: Distance to Services and Facilities from the appeal site

Location	Distance and time by car and/or walking Kilometres
Tamworth – Aldi Glascote Road	6.6 Kilometres – 10 mins car
Atherstone Aldi and Tesco	9 Kilometres – 11 mins car
Warton shop	0.6 Kilometres – 1 min car 7 minutes walking
Polesworth Co-op	1.9 Kilometres – 3 mins car 27 minutes walking
Polesworth High Street	2.3 Kilometres – 4 mins car 31 minutes walking
Dordon Co-op	4 Kilometres – 8 mins car

Tamworth Train Station	9.2 Kilometres – 13 mins car
Polesworth Train Station	2.3 Kilometres – 3 mins car
(this station only has one train per day stopping on northbound platform)	2.6 Kilometres – 34 mins walking
Atherstone Train Station	8.9 Kilometres – 10 mins car
Dordon Doctors Surgery	4.3 Kilometres – 8 mins car

5.9 Polesworth with Dordon and Atherstone at the top of the hierarchy are expected to have a wide range of services such as banks, supermarkets, hairdressers, restaurants, Although, Polesworth does not have all these facilities, however Tamworth provides some of these which is further west. Polesworth does have a secondary school and doctors surgery, however these are not situated within the main local centre on Bridge Street, these are still some distance from the appeal site too as can be seen from Table 5 above. Villages are expected to have some or all of the key services such as convenience stores, primary schools, GP's and village halls or meeting rooms which will serve their residents. It is clear that Warton has significantly limited facilities.

5.10 Polesworth with Dordon is likely to have further development in the future through the development of H4 Land to the east of Polesworth with Dordon (delivery of a minimum of 2000 dwellings). This allocated housing site will provide a focal point for retail and health facilities and primary school. The NPPF indicates that whilst an appropriate level of housing provision can contribute to adding vitality and viability to rural services, paragraph 77 of the NPPF states that “significant extensions to existing villages and towns, provided they are well located and designed, and supported by necessary infrastructure and facilities (including as genuine choice of transport modes)”. Paragraph 77 further states that such developments should “b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development

itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;”.

- 5.11 Due to its location and scale, the proposal of up to 110 dwellings in Warton does not (and would not be able to) provide a genuine choice of transport modes and local residents will have to travel to larger towns like Polesworth with Dordon, Atherstone and Tamworth to access higher level services and facilities to meet everyday essentials. This also includes children travelling to Polesworth with Dordon to access the local secondary school provision.
- 5.12 Under Promoting Healthy and Safe Communities, paragraph 98 (NPPF, 2024), national guidance supports an approach to growth to provide the social, recreational and cultural facilities and services the community needs. As such, planning policies and decisions should: (e) ‘ensure an integrated approach to considering the location of housing, economic uses and community facilities and services’. This proposal will provide a purely residential scheme with no increase in employment, community facilities and services for the future occupiers.

Locational Accessibility

- 5.13 Policy wise the proposal does not comply with policy LP1 and LP2, it is clear in the preamble to the policy (or the reasoned justification) that the basis of LP1 is far reaching considering both social, economic and environmental implications of development. This echoed in refusal reason because there is concern that the residential development is situated in a village with limited facilities and services.
- 5.14 The Council has used “The Connectivity Tool” to assess the site in terms accessibility. The results of this are shown in Appendix C of this proof. The tool has been launched jointly by the Department for Transport (DfT) and the Ministry of Housing, Communities and Local Government. DfT consider it to be a fit-for-purpose tool ready to be applied in real world policy-making and decision-taking. This tool combines transport and land use data to generate a national measure of connectivity for any location in England and Wales. This Connectivity score measures people’s ability to get where they want to go. The Connectivity Tool has been explicitly designed for professionals working in transport and the built

environment. It assists plan-makers and decision-takers in locating development in the most sustainable locations and can help with planning for the transport infrastructure required to support it.

5.15 The Connectivity Tool evidence indicates that out of 100 the site is reliant via the motor vehicle and has a score of 81 out 100 on driving connectivity, cycling 51, public transport 35 and walking 29, when compared against the last table shown below, this clearly indicates that the site comes in bottom percentile of sites across England. For cycling the sites is somewhere between the 10th-20th percentile. For driving the site between 20th-30th percentile, for public transport it is in the lowest 10th percentile, and this is the same for walking too. This is another indication of the relatively unsustainable location of the site. This tool also indicates the predominance of the motor vehicle, as a mode of transport for the site and indicates the poor walking, cycling and public transport facilities for the site.

Table 6 - The Connectivity Tool – table showing percentile population scores for sites

By mode of transport

	Overall	Walking	Cycling	Public transport	Driving
10th percentile	38.9	33.7	48.4	40.7	74.6
20th percentile	52.1	48.0	58.1	53.5	79.8
30th percentile	58.6	55.5	63.1	59.7	82.6
40th percentile	63.1	60.7	66.7	64.2	84.5
Median	66.8	64.8	69.7	67.8	86.2
60th percentile	70.2	68.5	72.5	71.2	87.6
70th percentile	73.7	72.1	75.5	74.7	89.0
80th percentile	77.8	76.3	78.7	79.0	90.6
90th percentile	83.2	81.6	83.6	85.3	92.5

5.16 Notwithstanding this evidence above the Chartered Institute of Highways and Transportation (CIHT) provides a desirable, acceptable and preferred maximum distance for facilities in a document “Planning Journeys on Foot”. The table 7 below from the document indicates acceptable distances that someone would walk, this indicates the site is too far to be able to walk to Polesworth. It also indicates

acceptable walking distances to bus stops or shops. In addition, the pedestrian route to Polesworth is limited due to the undulating and unlit route along Orton Road and Stipers Hill.

Table 7 - CIHT – Suggested Acceptable Walking Distance

REF.4 ACCEPTABLE WALKING DISTANCES – PUBLIC TRANSPORT

15. The Chartered Institution of Highways and Transportation (CIHT) publication "Guidelines for Planning for Public Transport in Developments" states

"Guidelines, not Standards; These Guidelines attempt to set out best practice. It is recognised that it will not always be possible to meet these criteria and that compromise must sometimes be made...It is the task of the professional planner, designer and engineer to decide if a lower standard is acceptable in given circumstances or if another approach would be more beneficial."

16. The above publication does state that the preferred walking distance to a bus stop is 400m, however, it further continues to state:

- "it is more important to provide frequent bus services that are easy for passengers to understand than to reduce walking distances to bus stops by a few meters"; and
- "The bus services should NOT be distorted to satisfy this criteria [400m]".

ACCEPTABLE WALKING DISTANCES [CHARTERED INSTITUTE OF HIGHWAYS AND TRANSPORTATION]			
<i>Walking Distance</i>	<i>Local Facilities *</i>	<i>District Facilities**</i>	<i>Other</i>
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m
* Includes food shops, public transport, primary schools, crèches, local play areas			
** Includes employment, secondary schools, health facilities, community / recreation facilities			

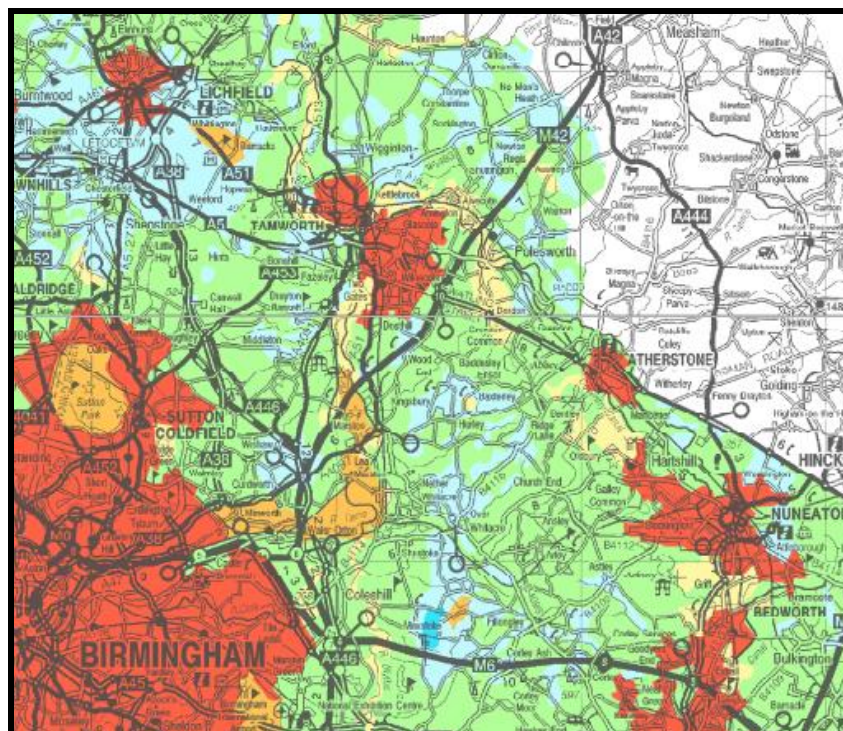
Figure h
Acceptable Walking Distances [CIHT Guidelines]

- 5.17 Whilst some highways matters have been agreed with WCC Highways, it must be remembered that if allowed this would be through the development of an unsustainable site within the Category 4 Settlement that would be predominantly serviced by cars. It is clear the future residents would not have appropriate access to facilities and services as it is Category 4 Settlement. It is clear that the village lacks appropriate facilities and services to meet every day needs.

6 Effect on loss of the Best and Most Versatile Agricultural land;

- 6.1 Paragraph 187 of the NPPF recognises the importance of protecting soils, with a specific focus on the best and most versatile land (BMV). The glossary to the NPPF defines BMV as soil of Grades 1, 2 and 3a. Both the NPPF and the development plan were prepared with the benefit of understanding the general grading of agricultural land across the country having regard to the DEFRA Agricultural Land Classification (ALC) Maps. National policy has nonetheless been designed to safeguard BMV agricultural land across the country, irrespective of the degree to which it is prevalent in a local area.
- 6.2 The ALC strategic scale mapping, the Council acknowledges cannot be used for site specific appraisals, it does however provide the best available information on agricultural land quality and a starting point for more detailed consideration. The extract below shows this as an overview and a further plan (Appendix D) shows that the land is within the BMV classification.

Figure 1 - Extract from West Midlands - Agricultural Land Classification map (broad location of site indicated by blue circle) (Blue – grades 1 & 2, green – grade 3, yellow – grade 4)



- 6.3 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. The NPPF says that planning decisions should contribute to and enhance the natural and local environment amongst other things by protecting and enhancing soils and recognising the economic and other benefits of the best and most versatile agricultural land – para 187 (a and b). Where significant development of agricultural land is demonstrated to be necessary, the NPPF also states that areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land for food production should be considered alongside other policies in the NPPF, when deciding what sites are most appropriate for development – footnote 65.
- 6.4 A Soils and Agricultural Land Report says that the soils within the survey area comprise a sandy clay loam topsoil overlying a similarly-textured upper subsoil. The field is grade 2 (72%) and grade 3a (26%) with the remainder being other land. This shows that 98% of the site is graded as BMV agricultural land with the remainder being non-agricultural land. Natural England has published guidance in respect of development and agricultural land quality. This development would likely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is irreversible.
- 6.5 In this instance, it is clear that the proposal would lead to permanent and loss of 5.7 hectares of BMV agricultural land. This would lead to a permanent change, not just temporary loss, of this agricultural land and therefore weight is required to be attributed to this. The adverse impact of this loss is a material consideration that weighs against the proposal and needs to be weighed in the planning balance. It is also to be noted that that the Government has sought to place more emphasis on the importance of retaining BMV and on the importance of agricultural production.
- 6.6 In the assessment of the application, the Council's position, in the absence of any

further information submitted by the appellant to demonstrate otherwise, was that the majority of the site comprised of Grade 2 (Very Good) Best and Most Versatile (BMV) agricultural land based on Natural England's Agricultural Land Classification Maps. BMV land is graded 1-3a (Annex 2 of NPPF).

- 6.7 Para 187 of the NPPF requires the recognition of the intrinsic character and beauty of the countryside and the wider benefits of the countryside. This requires a balanced consideration against other considerations and other benefits that the scheme could deliver.
- 6.8 In this instance, it is clear that the proposal would lead to loss of a significant amount of BMV agricultural land. The appeal if allowed this would lead to a permanent change, not just temporary loss, of this agricultural land and therefore weight is required to be attributed to this. The appeal site is not an allocated site and therefore its loss must be considered within the planning balance of the appeal rather than an allocated site which would be considered through the sustainability appraisal process.
- 6.9 There is significant pressure for development across the Borough, the proposals map (CD4.2) indicates pressure from the development of HS2 along the M42 and M6 corridor which is impacting the amount of agricultural land. There is also significant pressure for renewables, including solar development and battery energy storage systems across the Borough. Since 2021 this has led to 267 hectares of agricultural land soe of which is BMV permitted for renewables. Notwithstanding this there is significant pressure for big box logistics within the Borough predominantly around the strategic road network of the M42, M6 and A5 corridors.
- 6.10 Albeit the loss of 5.7 hectares of BMV is small, the sites flexibility for crops and proximity to agricultural farmsteads and more urban areas for sale of goods make the land important as an agricultural asset. It is clear the current farmer still

harvests the land as a commercially viable asset.

6.11 Unlike renewables development the proposal will lead to the permanent loss of the land and therefore weight should be attributed to this.

7. How any benefits and disbenefits of the proposed development should be considered in the overall planning balance.

7.1 In terms of the categorisation of conflict, and subsequently the benefits and harm of the Appeal proposal, the following weighting approach is used:

- Substantial
- Significant
- Moderate
- Limited
- No/Negligible

Benefits of the scheme

7.2 On this basis, the Council acknowledges that the delivery of up to 110 houses is a benefit of the proposal in light of the housing supply of 1.5 to 2.2 years. The Council would attribute significant weight to this benefit. The delivery of further housing provision is clearly a benefit here. However, in this case that contribution is not numerically significant – a maximum of 110 houses. It is not considered that this would materially improve the five year housing supply. As a consequence, this benefit is considered to be of **significant** weight.

7.3 Affordable housing - The appellant also says that has been an under provision of affordable housing completions in the last five years across the Borough. His proposal provides a policy compliant delivery on-site. It is acknowledged that this is a benefit of the proposal, but it cannot be afforded more than significant weight because of the assessment above in that it is contingent on a greater number of houses being provided and as again as assessed above, the site is not in a sustainable location. The benefit carries significant weight at most. It is acknowledged that the proposal includes a policy compliant delivery of 40% affordable provision on-site. However, there is a need for affordable housing and therefore it carries **significant** weight.

7.4 There would be an economic benefit in that local suppliers and contractors may become involved in the construction of the development. This would however be the case wherever this type of development occurs which reduces the weight to be attached to provision in this location. There would be an economic benefit in that

local suppliers and contractors may become involved in the construction of the development, but this is temporary in nature. On the other hand, an increased population may contribute to increased numbers at the school and patronage for bus travel, However, these are not guaranteed and may fluctuate over time. As such they carry **limited** weight.

7.5 Highway Improvements - The appellant will undoubtedly put forward other benefits of the scheme including the improvements to public footpath and cycleways, traffic calming, and provision of open space, but it must be remembered that the provision of this is to make the proposal acceptable in planning terms as required by the Development Plan. Such mitigation including off-site landscaping, enhanced public footpaths and cycleway routes, improved bus-provision, footpath improved towards Polesworth are all required to comply with improve accessibility as the proposal in not within or adjacent to the settlement as indicated by LP2 and is a requirement of local plan policy and the Framework. It is likely that such contributions are unlikely to have an impact on the patronage of any public transport improvements. There is therefore **negligible** weight attributed to these improvements.

7.6 The bio-diversity net (BNG) gain arrangements are of benefit, but the value of the open space and BNG within the scheme would have a limited extent to the whole community of Warton. This benefit carries **limited** weight.

7.7 I have attributed the following weights to these benefits;

- i) **Significant** Weight to the Delivery of Houses
- ii) **Significant** Weight to the delivery of on-site affordable housing
- iii) **Limited** Weight to the Economic Benefits
- iv) **Negligible** Weight to Highway Improvements
- v) **Limited** Weight to the Bio-Diversity Nett Gain

7.8 It is considered that the cumulative weight of these benefits is thus moderate in scale.

Harms of the Appeal Proposals

7.9 I have identified the following harms which conflict with the relevant North Warwickshire Local Plan policies and the Polesworth Parish Neighbourhood Plan.

- i) **Significant** Weight and harm due to conflict with Local policy LP1, LP2 and LP30 together with policy PNP3 of the PPNP and the NPPF in terms of the settlement hierarchy and sustainability of the settlement.
- ii) **Significant** Weight and harm due to the conflict with Local Plan policies LP1, LP14 and LP30 and PNP3 and PNP4 of the PPNP and NPPF in terms of landscape visual harms and harm to settlement morphology of Warton
- iii) **Significant** Weight due to the lack of social cohesion and effective integration of the development into the village conflicting with Local Plan policies LP1, LP14 and LP30 and PNP3 and PNP4 of the neighbourhood plan. Weight due to lack of effective integration of affordable housing into the Warton.
- iv) **Limited** - Weight due to the permanent loss of BMV agricultural land contrary to policy LP1 of the Local Plan.

7.10 It is considered that the cumulative conflict and harms here are thus significant.

The Final Planning Balance

7.11 The main issues in this case were identified in para 1.2 above. Assessment of these against the relevant policies of the Development Plan and the NPPF has led to the conclusion that significant harms would arise in respect of the first three issues raised – sustainability/proportionality, character/appearance and social cohesion and integration into the village - para 7.9.

7.12 On the other hand, there are acknowledged significant benefits arising from the development – particularly the delivery of new housing and affordable housing - para 7.7

7.13 The outcome of the final balance here is to be approached through para 11 (d) (ii) of the NPPF because of the acknowledged lack of a five year housing supply. In

this respect, it is considered that the harms caused, do significantly and demonstrably outweigh the benefits in this “tilted” balance, for the following reasons:

- i) Simplistically, the cumulative significant weight of the harms outweighs the moderate weight of the benefits.
- ii) The settlement hierarchy set out in the Local Plan is the Council's strategic approach to delivering sustainable development in the Borough. Still has considerable weight and does not conflict with the framework and the status of Warton in that hierarchy has been confirmed in updated evidence. A breach of this spatial policy weakens the weight of the overall hierarchy and thus the presumption in favour of sustainable development set out in the NPPF.
- iii) There are very real harms caused to the character and appearance of this part of the village and to its overall morphology, its social cohesion and its sense of place and community due to the scale of this proposal. This was found to be the case in the Curlew Close appeal decision (CD6.11), but with a far less amount of new development. These will be permanent harms on a much greater scale.
- iv) It is considered that there are other harms here in terms of loss of BMV agricultural land albeit limited harm.
- v) It is acknowledged that the weight to be given to the delivery of new housing has moved on since that appeal decision, but so too has the scale of the proposed development and thus the weight to be attributed to the combined harms.

7.14 On balance taking into account all of the factors for and against the proposal, I consider that the proposal would be clearly contrary to the Development Plan as a whole, and to the NPPF when taken together as a whole.

7.15 In conclusion, there is clear conflict with the Development Plan as a whole. Whilst there are benefits associated with the appeal proposal, as have been set out, I do not consider that those material considerations outweigh the identified conflicts with the Development Plan.

7.16 I also consider that the identified harm would significantly and demonstrably outweigh the benefits in this “titled” balance. The scheme would not represent sustainable development under the terms of either LP1, LP2, LP14, LP30 of the North Warwickshire Plan or PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan or the Framework.

7.17. I consider therefore that the Appeal should be dismissed.

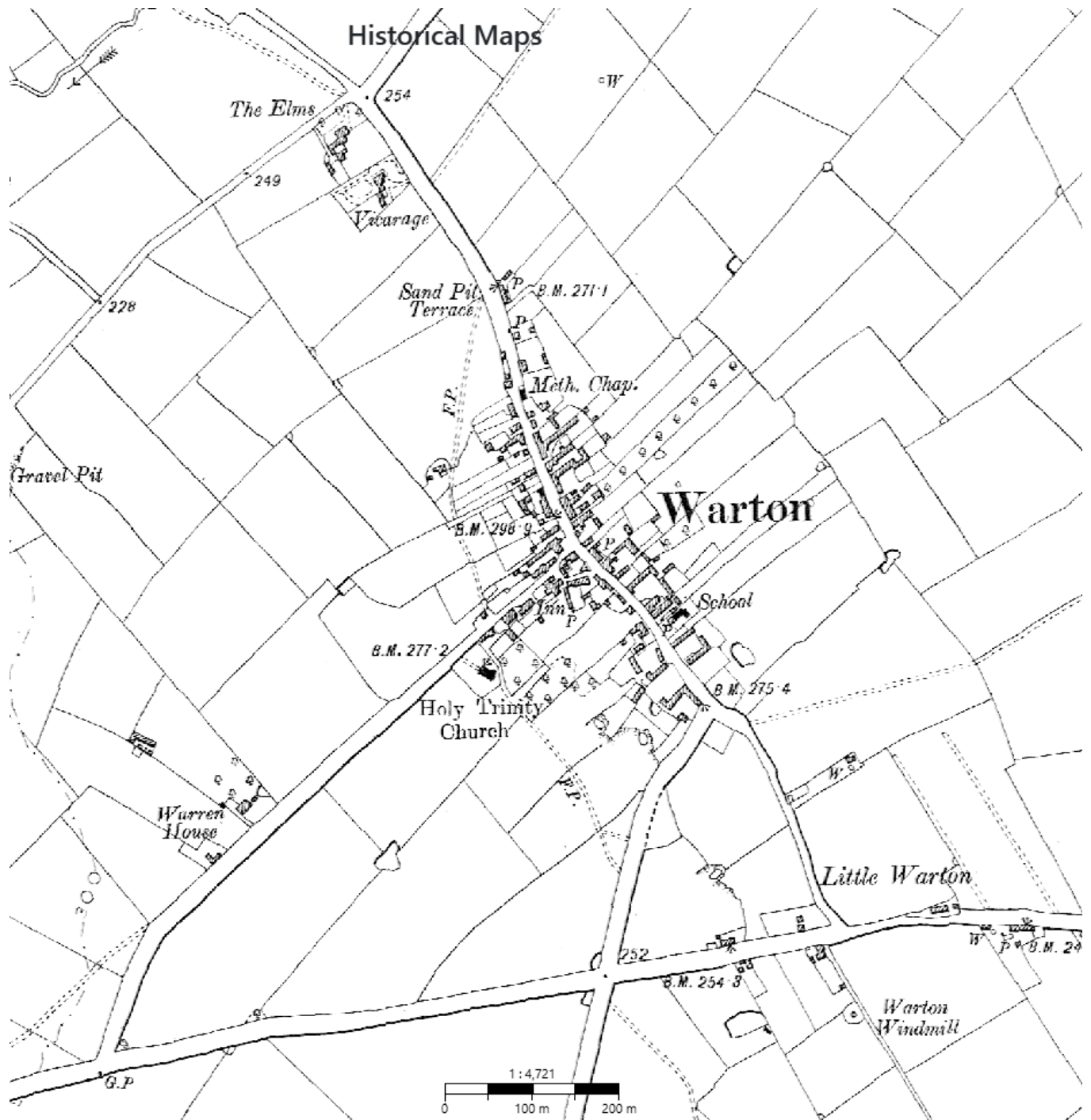
Appendix	Title
Appendix A	Historic Mapping of Warton 1900-2025
Appendix B	Bus Services -Warton Route and Timetable
Appendix C	The Connectivity Tool assessment for the site
Appendix D	Provisional Agricultural Land Classification for site

Appendix A

Historic Mapping of Warton 1900-2025

Warton Village – 1900-1906	2
Warton Village – 1955	3
Warton Village – 1970-1979	4
Warton Village – 1990-1995	5
Warton – Aerial view 1999	6
Warton – Aerial view 2005	7
Warton – Aerial view 2021	8
Warton – Aerial view 2025	9

Warton Village – 1900-1906.



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE

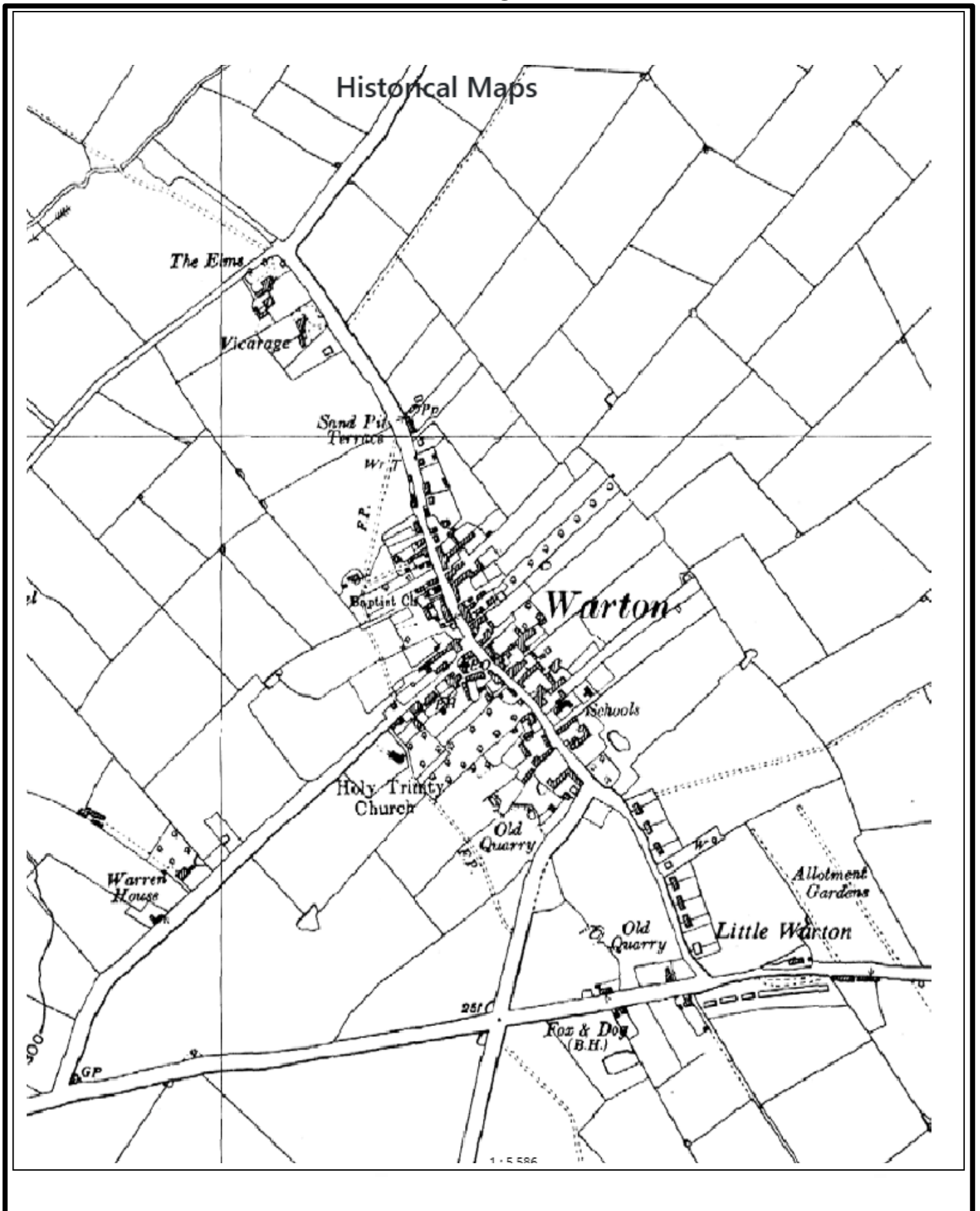


Date: 20 October 2025

Scale: N/A

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton Village – 1955



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE

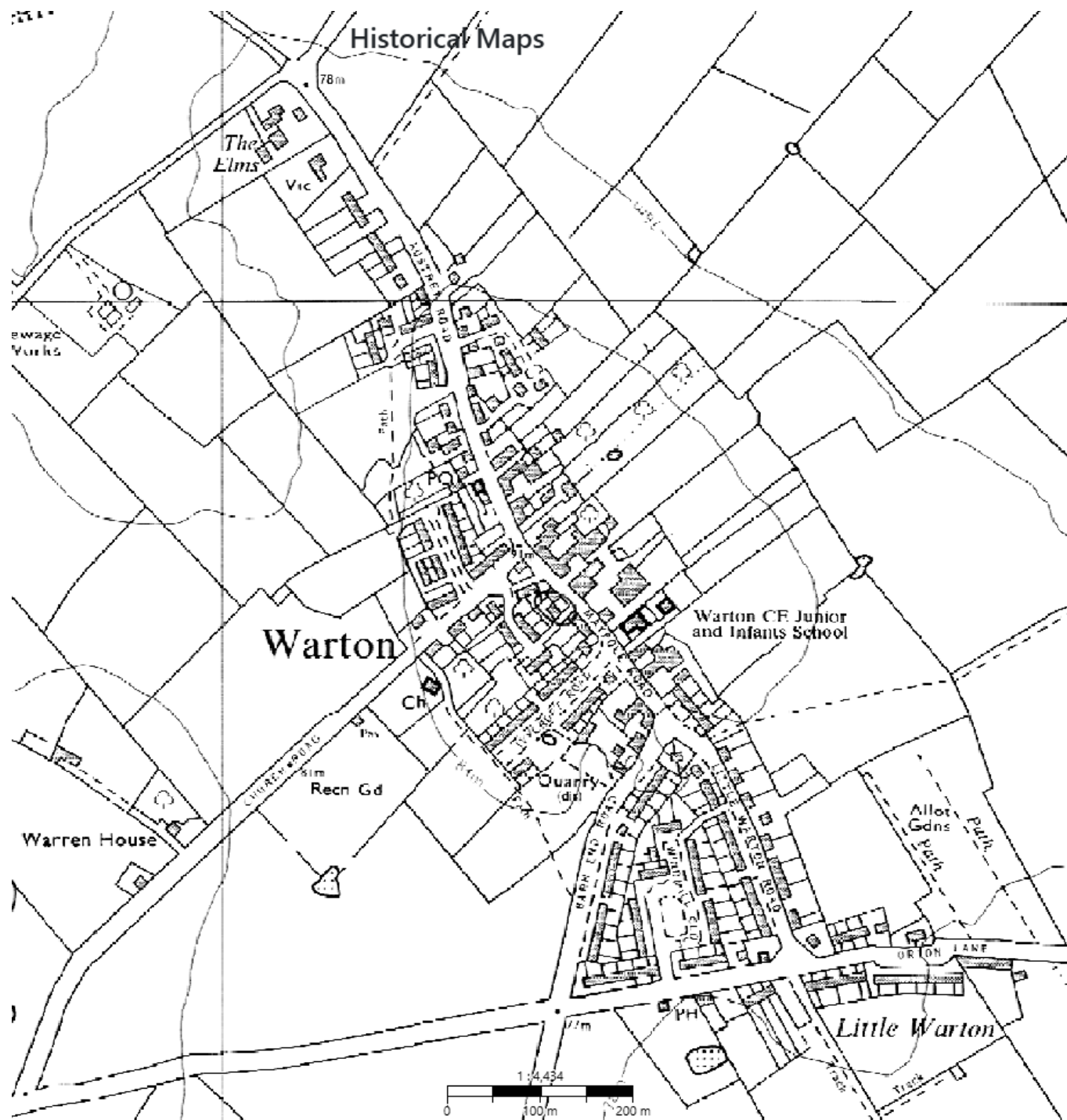


Date: 20 October 2025

Scale: N/A

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton Village – 1970-1979



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE

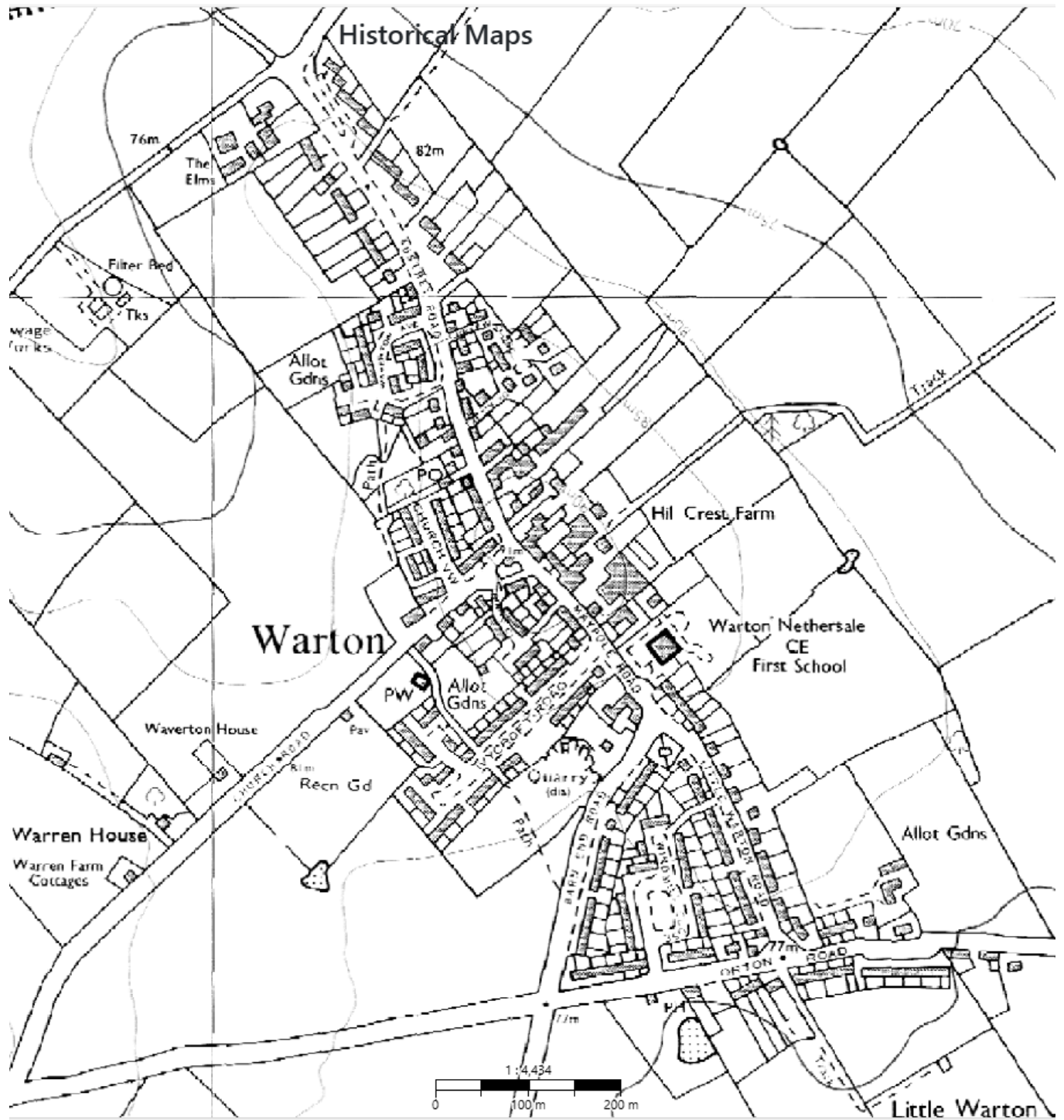


Date: 20 October 2025

Scale: N/A

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton Village – 1990-1995



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 20 October 2025

Scale: N/A

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton – Aerial view 1999



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 10 October 2025

Scale: 1:100

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton – Aerial view 2005



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 10 October 2025

Scale: 1:100

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton – Aerial view 2021



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 10 October 2025

Scale: 1:100

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Warton – Aerial view 2025



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 10 October 2025

Scale: 1:100

© Bluesky International Limited and Getmapping Limited 1999-2023
© Bluesky International Limited 2024 and onwards

Appendix B - Bus Timetable and route - Warton - Tamworth

785/786 Tamworth to Austrey

via Shuttington, Newton Regis, Warton and Polesworth - Valid from Saturday, February 1, 2025 to Tuesday, January 13, 2026

Monday to Friday - Tamworth Town Centre Corporation St

	786	786	786 ¹	786 ²	786	786
Tamworth Town Centre Corporation St	1040	1240	1440	1440	1620	1740
Amington Monks Way	1050	1250	1450	1450	1630	1750
Stonydelph Sandy Way	1057	1257	1457	1457	1637	1757
Dordon Polesworth School	--	--	1510	--	--	--
Polesworth Ankerside	1107	1307	1515	1507	1647	1807
Austrey Main Road	1122	1322	1530	1522	1702	1822
Shuttington Stores	1133	1333	1540	1533	1713	1833
Amington Monks Way	1140	1340	1547	1540	1720	--
Tamworth Town Centre Corporation St	1150	1350	1557	1550	1730	--

¹ Term Time Only ² Only During School Holidays

Monday to Friday - Tamworth Town Centre Corporation St

	785	785 ¹	785 ²	785
Tamworth Town Centre Corporation St	--	--	--	0920
Amington Monks Way	--	--	--	0930
Shuttington Stores	0655	0735	0750	0937
Austrey Main Road	0704	0749	0759	0947
Polesworth Ankerside	0716	0801	0811	1001
Dordon Polesworth School	--	0816	--	--
Stonydelph Sandy Way	0728	0823	0823	1013
Amington Monks Way	0735	0830	0830	1020
Tamworth Town Centre Corporation St	0745	0840	0840	1030

¹ Term Time Only ² Only During School Holidays

Saturday - Tamworth Town Centre Corporation St

	786	786	786	786	786
Tamworth Town Centre Corporation St	1040	1240	1440	1620	1740
Amington Monks Way	1050	1250	1450	1630	1750
Stonydelph Sandy Way	1057	1257	1457	1637	1757
Polesworth Ankerside	1107	1307	1507	1647	1807
Austrey Main Road	1122	1322	1522	1702	1822
Shuttington Stores	1133	1333	1533	1713	1833
Amington Monks Way	1140	1340	1540	1720	--
Tamworth Town Centre Corporation St	1150	1350	1550	1730	--

Saturday - Tamworth Town Centre Corporation St

	785	785	785
Tamworth Town Centre Corporation St	--	--	0920
Amington Monks Way	--	--	0930
Shuttington Stores	0655	0750	0937
Austrey Main Road	0704	0759	0947
Polesworth Ankerside	0716	0811	1001
Stonydelph Sandy Way	0728	0823	1013
Amington Monks Way	0735	0830	1020
Tamworth Town Centre Corporation St	0745	0840	1030



Appendix C

Connectivity Tool assessment

[Saved Schemes](#)
[Saved locations and sites](#)
[Guidance](#)

Explore the score

Square ID 427950_303350

Local authorities

Latitude 52.627195

Longitude -1.588515



Scores

Overall (except driving)

Overall 34

Education 37

Leisure 36

Health 17

Shopping 25

Cycling

Overall 51

Education 51

Leisure 50

Health 35

Shopping 47

Residential 60

Driving

Overall 81

Education 76

Leisure 77

Health 65

Shopping 79

Residential 90

Residential	45
Workplaces	35

Workplaces	50
------------	----

Workplaces	82
------------	----

Public transport

Overall	35
Education	42
Leisure	35
Health	20
Shopping	26
Residential	41
Workplaces	36

Walking

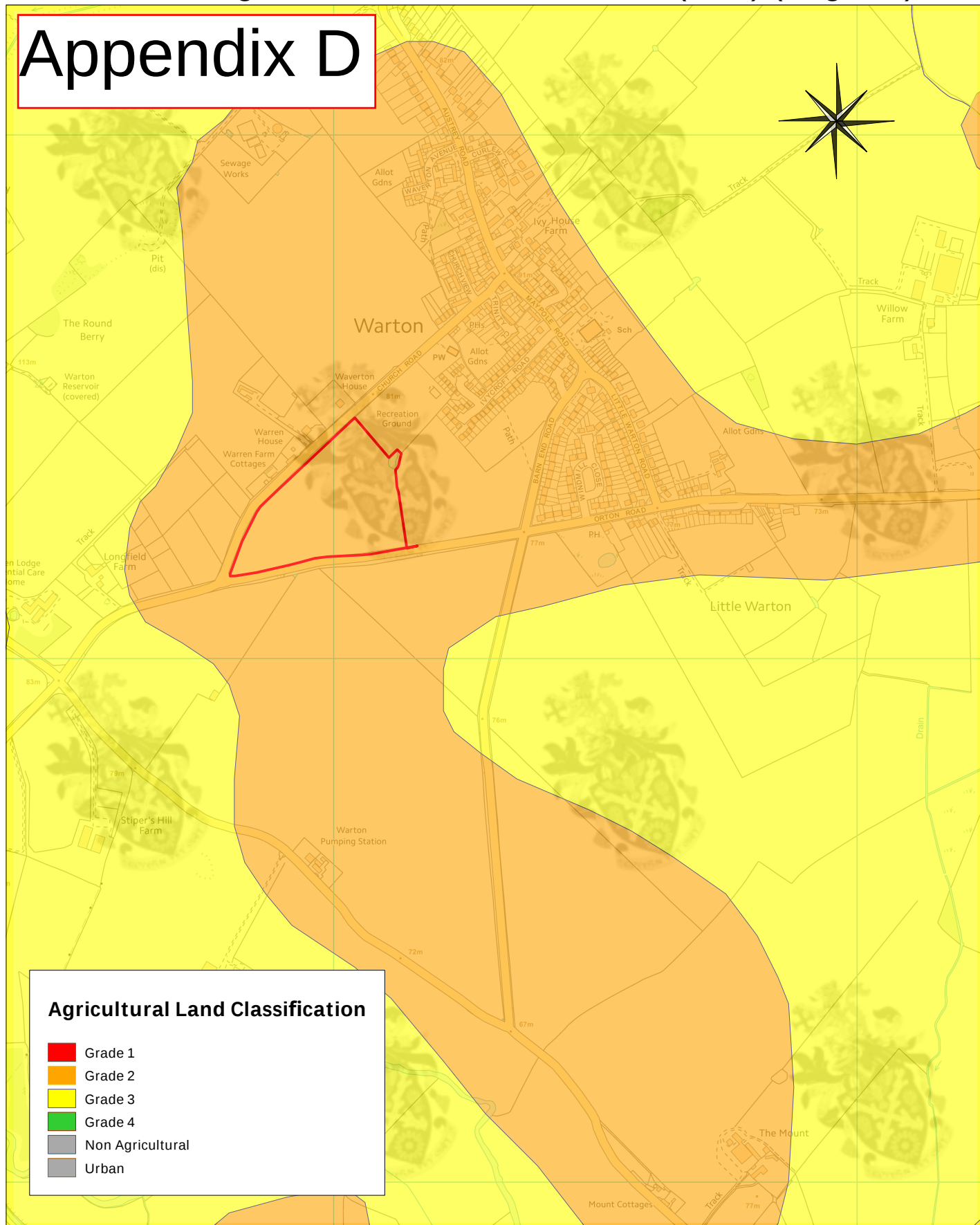
Overall	29
Education	31
Leisure	35
Health	12
Shopping	20
Residential	46
Workplaces	23

By mode of transport

	Overall	Walking	Cycling	Public transport	Driving
10th percentile	38.9	33.7	48.4	40.7	74.6
20th percentile	52.1	48.0	58.1	53.5	79.8
30th percentile	58.6	55.5	63.1	59.7	82.6
40th percentile	63.1	60.7	66.7	64.2	84.5
Median	66.8	64.8	69.7	67.8	86.2
60th percentile	70.2	68.5	72.5	71.2	87.6
70th percentile	73.7	72.1	75.5	74.7	89.0
80th percentile	77.8	76.3	78.7	79.0	90.6
90th percentile	83.2	81.6	83.6	85.3	92.5

Provisional Agricultural Land Classification (ALC) (England)

Appendix D



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE



Date: 31 October 2025

Scale: 1:10000

Data source: www.data.gov.uk

© Crown copyright and database rights 2025
Ordnance Survey AC0000823273