

Summary Proof of Evidence: Planning

Appeal reference: APP/R3705/W/25/3371526

Land South of Warton Recreation Ground,
Warton

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SUMMARY OF PROOF OF EVIDENCE

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Summary of Proof of Evidence

1. I am Neil Cox. I hold a Bachelor of Arts Degree (with Honours) in Town Planning from the University of Newcastle (1999) and a Masters Degree in Town Planning (2004). I am a Chartered Member of the Royal Town Planning Institute and have been since 2007.
2. I am currently a Director at Evolve Planning & Design, establishing the Planning Team in 2021. I have over 25 years' experience working within both the public and private sector.
3. This section forms my Summary Proof of Evidence and explains why I consider the appeal proposals represent sustainable development. There are no harms which outweigh the significant benefits of the scheme.
4. My evidence is structured having regard to the following main issues of this appeal:

Issue 1 The effect of the proposed development on the settlement hierarchy of the borough.

Issue 2 The effect of the proposed development on the character and appearance of the area, with particular reference to the surrounding landscape, the design and layout of the proposal, and its spatial integration with existing development.

Issue 3 Whether future residents of the proposed development would have appropriate access to facilities and services.

Issue 4 The effect of the proposed development on the supply of agricultural land.

5. I have also considered other matters raised by third parties as well as undertaking an assessment against relevant planning policies. Finally, I conduct the overall planning balance.
6. My main findings can be summarised as follows:

Issue 1: The effect of the proposed development on the settlement hierarchy of the borough.

7. Policy LP2 of the adopted Local Plan [CD4.1] establishes a settlement hierarchy which has regard to the services and facilities available to residents with each settlement. The Policy seeks to distribute new developments in accordance with this hierarchy and is the key strategic policy relating to housing delivery.
8. Warton is identified within the policy as a Category 4 settlement, with evidence supporting the plan, including the Settlement Sustainability Assessment 2023 [CD4.12] which demonstrates there is a range of services and facilities within the settlement including a primary school, shop with post office, public house and community spaces. The village is also served by a regular bus service.
9. Policy LP2 allows for development adjacent to village settlement boundaries with such proposals being considered on their merits 'usually on sites of no more than 10 units'. The appeal site is adjacent to the village settlement boundary and therefore falls to be considered in light of Policy LP2 having regard to the availability of services and facilities.
10. The level of services and facilities within Warton has remained broadly consistent since the Settlement Sustainability Assessment in 2018 [CD4.11]. The available services and facilities are within easy walking distance of the appeal site, as demonstrated in Mr Parker's proof of evidence [CD8.12.4]. The application site is accessible to local bus services which provide access to nearby Polesworth and Tamworth and provide further opportunities for multi-model trips. The submitted Section 106 Agreement [CD8.10] provides financial contribution to improve the bus service by increasing the number of services between Monday and Saturday and providing an extension to the service to Ventura Park, Tamworth.
11. In the context of NPPF paragraphs 83, 110 and 115 the appeal site represents a sustainable location for housing.
12. The sustainability of Warton as a settlement has also been considered through the determination of several major housing applications. Whilst these applications were determined against the former North Warwickshire Core Strategy [CD4.15], the settlement hierarchy was broadly consistent with that set out within the adopted Local Plan [CD4.1] and included the same proportionate approach, including a degree of development at Warton.

The consideration and approval of those major housing planning applications further support the position that Warton has and still represents a sustainable location for housing growth.

13. The Council and local community have raised concerns in respect of the cumulative pressures on existing services and facilities. As set out at paragraph 8.5 of the Planning Board Report [CD3.1], the Council considers the appeal site *“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.”* The Council has not quantified, empirically, the ‘tipping point’ of local services and facilities.
14. The Appellant has agreed to a number of financial contributions in line with requests to provide improvements to services and facilities serving the village. It can be concluded that the development would, therefore, appropriately address the needs arising as a result of any cumulative pressures. Furthermore, additional development can also support and enhance the existing services and facilities by providing additional spend and patronage to support services such as the shop, public house and bus service. Therefore, I consider that the appeal proposals would serve to maintain and enhance to level of service provision within the village as is required by Policy LP2.
15. Main Issue 1 relates to the harm that would be caused to the settlement hierarchy. The spatial distribution of growth within the adopted Local Plan does not take a proportionate approach to a settlement’s placement within the hierarchy, rather it recognises other local drivers including the presence of Green Belt and infrastructure delivery when distributing growth.
16. By way of example, Warton is provided a greater level of housing growth as a Category 4 settlement than Coleshill (Category 1 Settlement) and the majority of Category 3 settlements within the adopted spatial strategy. This indicates that the Council accept Warton as a sustainable location for housing growth. The settlement hierarchy allows for growth at Warton and permits development outside but adjacent to settlement boundaries where the development would maintain or enhance the vitality of the community.
17. The delivery of the appeal proposals would not lead to the elevation of Warton within the settlement hierarchy or undermine those settlements within higher categories of the hierarchy. Whilst the appeal proposals would lead to a level of growth being delivered in

excess of other Category 4 settlements, it would not result in the category 4 settlements collectively delivering a greater level of growth than those settlements in higher tiers.

18. It is therefore my view that the appeal proposals are broadly consistent with Policy LP2, they would provide residential development adjacent to the existing village settlement boundary and would provide new and improvements to existing social infrastructure for the village which enhances the sustainability of the settlement and is therefore consistent with Policy LP2. The proposal is therefore in accordance with the development plan in this respect for the purposes of s38(6) PCPA 2004.

Issue 2: The effect of the proposed development on the character and appearance of the area, with particular reference to the surrounding landscape, the design and layout of the proposal, and its spatial integration with existing development.

19. The Council contend that the appeal proposals conflict with Policy LP14 of the Local Plan [CD4.1] and Policy PNP4 of the Neighbourhood Plan [CD4.3] and would result in an “unacceptable intrusion into the open countryside” that would give rise to landscape and visual harm” (RfR2). As set out within the SoCG [CD8.11.1] it is agreed by the parties that the landscape impact would be local in both extent and impact and not affect the character of the Landscape Area.
20. A LVIA [CD2.10] has been undertaken and concludes that the site could successfully accommodate the proposed residential development with only minor adverse impacts. The evidence of Mr Bullock [CD8.12.3] finds that the level of visual and landscape harm is localised, and not inappropriate given the context of the site on the village’s edge. The appeal proposals would not lead to landscape harm to the wider open countryside and within the setting of the village there would be a long-term minor, adverse effect.
21. The Council consider the appeal proposals would read as an “*adjunct to the settlement, rather than integrating with the settlement*”. Mr Bullock’s evidence demonstrates that the site lies adjacent to the residential built form of the settlement, located between two roads leading into the village. The application site does not read as part of the open countryside to the north, south and west of the site and more readily relates to the village.
22. Reference is also made to harm to the settlement morphology of Warton in the context of the linear nature of the settlement. As set out within Mr Bullock’s evidence, this linear

pattern has now diminished and lost within the southern half of the village where the character is no longer linear in form.

23. In light of the above, I consider that the proposal conforms to Local Plan Policies LP1, LP14 and LP30 and Neighbourhood Plan Policies PNP3 and PNP4 and find no basis on which to refuse the proposal on landscape or design grounds.

Issue 3: Whether future residents of the proposed development would have appropriate access to facilities and services.

24. National Policy (**paragraph 83**) recognises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of those communities. Villages should be provided with opportunities to grow and thrive, especially where this will support local services. Additionally, it is acknowledged that development in one small settlement may support services in a nearby village.
25. The appeal site benefits from being closely located to several nearby facilities within the village within a reasonable walking and cycling distance. The evidence of Mr Parker [**CD8.12.4**] considers the accessibility of the services and facilities and concludes that the appeal proposals accord with the guiding principles of the NPPF.
26. Policy LP1 requires the delivery of infrastructure which is necessary, directly related to the development and is fair and reasonably related in scale and kind. Policy LP2 states that development directly adjacent to settlement boundaries should also meet a qualitative test to *“enhance or maintain the vitality of rural communities.”*
27. The level of services and facilities has remained broadly consistent within Warton since 2018 as evidenced within the Settlement Sustainability Assessment 2023 [**CD4.12**]. Indicating the level of services and facilities remains appropriate for the village and at the level the Council previously determined appropriate to allow for the further growth of the village.
28. The appeal proposal is accompanied by a draft Section 106 Agreement [**CD8.10**] which identifies a range of financial obligations to support existing services and facilities within the village. These contributions would ensure that the services and facilities would not only be maintained, but in some cases enhanced to the benefit of the wider residents within Warton, providing compliance with Policy LP2 and the relevant section of Policy LP1.

Issue 4: The effect of the proposed development on the supply of agricultural land

29. The Council contend that the appeal proposal conflicts with Policy LP1 (Sustainable Development) and paragraph 187 of the NPPF as the proposed development of the site would result in the permanent loss of an area of approximately 5.6ha hectares of best and most versatile agricultural land (RfR5). The evidence of Mr Kernon [CD8.12.5] has identified the economic benefits from the appeal site from an agricultural land perspective are limited. The land does not contribute directly to human food consumption and the provides generally poor yields for the farmer. The site represents only 2% of the farm housing and the economic benefits of a land parcel of this size are limited with an economic benefit of approximately £1,200 per year.
30. The soils on the appeal site have no statutory status, and as a soil resource has no identified quality in the development plan I consider there is no conflict with the NPPF or the development plan on this matter.

Social Cohesion

31. The Council's Planning Board [CD3.1] report states there is harm due to "the lack of continuity and links to the existing village." This development will lead to an isolated community with limited connections to the existing community" (RfR3).
32. Connectivity with the village is provided in the form of a principle access to Church Road which provides footway connections to Church Road and, with further footway and cycle connections to the adjacent Warton Recreation ground to the west of the site to support active travel.
33. Primary access onto Church Road was introduced following pre-application discussions and feedback from the local community directly addressing the concerns of the highways authority and local residents.
34. The proposed access strategy provides safe, direct and logical pedestrian routes to the services and facilities within the village from the application site. These services and facilities represent the key locations to foster social interaction and cohesion within the local community. It should also be noted that a contribution to expand the village primary school and nursery is proposed to ensure children arising from the development are integrated into the local school.

35. In respect of social cohesion, the Council through RfR4 raise concern that the residents of the proposed affordable housing will fail to integrate into the village and the proposals, therefore, do not create a balanced and integrated community. It is unclear how the Council have reached such a conclusion, particularly having regard to the proposals provision of a policy compliant level of affordable housing and tenure mix adjacent to the village.

Other matters raised by third parties

36. Several matters have been raised by third parties in relation to the appeal proposals, with many of these relating to the main matters identified by the inspector. However, there are several matters raised which are beyond the main issues identified by the Inspector.
37. Warton Residents Association (WRA) has raised concerns that the extent of recent development has impacted the community's ability to integrate new households into the community [CD8.4] with new residents having limited opportunity to integrate through local groups, associations and facilities. WRA state that many of the community groups and facilities are operating at close to full capacity which contains the ability of new residents to integrate into the community. Rather than indicating a lack of community cohesion, it is considered this indicates that there is a range of opportunities and places for new residents to integrate with existing residents and shows there is a vibrant community within the village.
38. Further to this WRA indicate that there has been a perceived increase in crime and antisocial behaviour as a result of recent development. Whilst there is no evidence presented that this is a result of the new development, a contribution towards police recruitment, equipment, vehicles and office accommodation is to be provided to assist in addressing such impacts.
39. One further matter raised by WRA relates to parking issues as a result of those using Warton Recreation Ground, particularly local football teams [CD8.4]. WRA note that due to a lack of onsite parking, during match days, there is significant off-road parking on local roads including Church Road which restricts visibility, displaces pedestrians and creates issues for safety and residential amenity. Such issues, where they take place, relate to the existing users of the recreation ground, this is unlikely to be exacerbated by additional homes at the appeal site as residents would be likely access this by foot. Therefore, whilst such issues may be experienced it is not something which would be caused by the proposed development. A detailed Transport Assessment [CD1.9] and Transport Plan [CD1.10] has been provided and

assesses the transport impacts of the proposals. There is no objection in principle from the Highways Authority, subject to the imposition of conditions and planning obligations.

40. A further interested party, Mr O'Dell [CD8.9], raised concerns regarding the capacity of the water treatment facilities to deal with sewage and surface water. Severn Trent Water is responsible for water treatment facilities and has not commented upon the planning application, which would be the approach taken if there were an issue with the capacity of sewage treatment facilities.

41. In respect of surface water, a Flood Risk and Drainage Strategy [CD2.3.1] has been submitted and addresses comments from the LLFA and this sets out the proposed sustainable drainage strategy for the site. There is no objection in principle from the LLFA, subject to the imposition of conditions.

The overall planning balance

42. For the reasons explored in the Main Issues, the proposal is in accordance with the development plan in this respect for the purposes of s38(6) PCPA 2004.

43. Owing to the Council's inability to demonstrate a five year supply of deliverable housing land the appeal should also be determined in the context of the 'titled balance' as set out at paragraph 11d of the NPPF. This means the decision taker must consider whether any adverse impacts arising from granting planning permission would significantly and demonstrably outweigh the benefits. The proposals will deliver a range of economic, social and environmental benefits which can be afforded varying levels of weight:

Benefit	My position
Provision of open market housing of the type and size proposed in the context of a significant housing supply shortfall	Significant weight (positive)
Provision of affordable housing in Warton	Significant weight (positive)
Provision of new green infrastructure and improvement to existing infrastructure including bus service	Moderate weight (positive)
Additional economically active residents and expenditure of new residents into local economy,	Moderate weight (positive)
Contribution towards GVA, construction employment and supply chain benefits.	Moderate weight (positive)
Enhancements to on-site biodiversity.	Limited weight (positive)

Alleged Harm	My Position
Harm in respect of the Council's settlement hierarchy	Limited harm
Landscape and visual harm	Limited harm
Harm to social cohesion	No harm
Loss of best and most versatile agricultural land	Limited harm

44. I do not consider that the appeal proposals give rise to any adverse impacts which would significantly and demonstrably outweigh the above benefits in the planning balance.

Final Conclusion

45. In conducting the overall planning balance, I reach the conclusion that the proposals represent a suitable and sustainable form of development in this location. The proposals are in accordance with the Development Plan when read as a whole for the purposes of s38(6) PCPA 2004. There is only limited conflict with part of one policy: Policy LP2. That policy is considered out of date, for the reasons set out earlier.

46. As such the proposals are supported by paragraph 11d of the NPPF..

47. In light of this the Inspector is respectfully requested to uphold this appeal and grant outline planning permission for this development.

