

Rebuttal Evidence: Planning

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

Land South of Warton Recreation Ground,
Warton

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1. Introduction

- 1.1 My name is Neil Cox MRTPI. This Rebuttal Evidence is provided in response to the Proofs of Evidence of both Andrew Collinson of the Local Planning Authority [CD8.12.6] and Laurie Phipps of the Warton Residents Association (Rule 6 Party) [CD8.12.7]. This statement should be read alongside my Proof of Evidence (PoE) [CD8.12.1] and other evidence submitted to this inquiry on behalf of the appellant (Richborough, Michael Ensor Caton and Andrew Nortman Caton).
- 1.2 In accordance with the Procedural Guidance for Planning Appeals and the Inspector's guidance, as set out within the Inspector's Case Management Conference (CMC) summary [CD9.3], this rebuttal statement does not seek to introduce new issues, rather simply provides a response to points raised by the other parties.
- 1.3 This rebuttal statement has been structured to firstly consider the evidence of Mr Collinson, dealing in turn with matters relating to the provision of services and facilities within Warton; the Settlement Sustainability Studies and their scoring and other related matters (Section 2). It then considers the harm alleged by Mr Collinson to Policy LP2 and other harms (Section 3); before moving on to consider the planning balance and the presumption in favour of sustainable development (Section 4). The final section of this rebuttal statement turns to the Proof of Evidence of Mr Phipps (Section 5). I have not responded to those sections which overlap with Mr Collinson's evidence, but only addressed separate issues not raised in the Council's evidence by Mr Collinson.
- 1.4 This statement does not cover every point raised by Mr Collinson or Mr Phipps. Where I do not reference a particular point raised by those parties that should not be taken to indicate my agreement.

2. Response to Collinson Proof of Evidence: General Matters

Access to Services and Settlement Sustainability

Collinson, Sections 3, 5 and 6 Generally

- 2.1 Mr Collinson asserts that Warton is not a sustainable settlement. This is on the purported basis there is a “*limited range*” of facilities within the village which fail to meet the “*day-to-day needs*” of residents. Additionally, he states that where these services do exist, they are unlikely to be able to cope with further growth of the village’s population.

Collinson, [3.2], [3.8] and [3.13]: The Settlement Sustainability Assessment 2025 and Issues and Options Document

- 2.2 Mr Collinson refers to the evidence which informed the adopted Local Plan, including the Settlement Sustainability Assessments published in 2010 and 2018 [CD4.11] and the subsequent 2023 update [CD4.10]. At paragraph 3.13 of his Proof of Evidence Mr Collinson notes that the Settlement Sustainability Assessment will be further reviewed and updated.
- 2.3 On 11th November 2025 (after the exchange of Proofs of Evidence on 5th November 2025), the Council published an updated Settlement Sustainability Assessment 2025 [CD4.17] and a draft Issues and Options document [CD4.18], appended to a report to the Local Development Framework (LDF) Sub-committee. The report and both documents were considered by members of the Council’s LDF Sub-Committee on 17th November 2025. These documents set out the Council’s most up-to-date position in respect of their assessment of the sustainability of settlements and the possible future direction of growth for the Borough.
- 2.4 At paragraph 3.2, Mr Collinson states “*the Inspector considered the issues and robustness of the evidence used to support the Settlement Hierarchy policy LP2.*” At paragraph 199 (IR199) of that Report (dated 20 July 2021) [CD4.9] 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,*”. The Publication Local Plan was subject to a main modification to apply flexibility, with the Inspector stating (with my emphasis):

“Plan policy LP2 does not recognise the flexibility encouraged in the NPPF2012 and in the PPG towards housing provision beneficial to ‘rural communities’. Despite its proximity to several more populous areas, much of the Borough is rural in character and comprises small settlements dotted about the landscape.”

Furthermore, the PPG sets out how all settlements can play a role in delivering sustainable development. It guides that 'blanket policies' restricting development in some settlements, or preventing their expansion, should generally be avoided" [CD4.9 para 90].

- 2.5 At paragraph 3.8, Mr Collinson states that the Local Plan Inspector's Report [CD4.9] indicates that the evidence within the Settlement Sustainability Assessment 2018 [CD4.11] holds significant weight in terms of robustness to allow the assessment of settlements. The Inspector's Report does not say this. On the contrary, it states (again, with my emphasis): *"proportionate evidence base at a plan-making stage for determining how development **might** be distributed"*. The Inspector's Report at paragraph 54 summarises that the 2018 Settlement Sustainability Assessment *"assesses the role and function of settlements by attributing scores to the presence of certain services and facilities. I accept that it contains some 'double-counting' in that respect."* Furthermore, the 2018 assessment has been updated on several occasions (in 2023 [CD4.12] and most recently in 2025 [CD4.17]). As such the 2025 Assessment represents the Council's latest assessment of the comparative sustainability of the Borough's settlements.
- 2.6 Warton has a good scale of services and facilities within the village which meet 'day-to-day' needs of residents. The Settlement Sustainability Assessment 2025 [CD4.17] assesses Warton as the third most sustainable Category 3 settlement (with Category 3 tier replacing the former Category 4 tier), with a score of 41 (the highest score in this category being 61, with other category 3 settlements scoring as low as 11). The assessment illustrates Warton has: (1) a Primary School & Nursery; (2) 1 Church; (3) 4 community halls/clubs; (4) 1x pub; (5) 1x convenience store; (6) 1 x post office (within the convenience store); (7) a frequent bus service; and (8) leisure/open space facilities. All of this represents a good level of services and facilities which, in my view, would meet the day-to-day needs of residents, including the future residents of the Appeal Site.
- 2.7 The 2025 assessment indicates that Warton has a higher level of services and facilities than almost all other Category 3 settlements. The appeal proposals will also provide contributions towards improvements to existing services and facilities and provide additional patronage to maintain the vitality and viability of existing services and facilities. This will further enhance the sustainability of the village services and facilities.
- 2.8 Furthermore, paragraph 6.15 of the draft Issues and Options document [CD4.18] refers to potential new settlements. The Council has identified a possible new settlement option to the

west of Warton to accommodate approximately 3,600 dwellings. The Issues and Options document states at paragraph 6.15 that such a proposal *“would need to provide a primary school, at least one shop and community building as well as play and open space.”* This clearly indicates that the Council considers a substantially larger amount of development than is currently present in Warton, would be sustainable with the provision of (1) a primary school, (2) one shop, (3) a community building and (4) play/open space. That is, of course, a level of provision which is currently exceeded by Warton as identified above.

- 2.9 In summary, Warton is a sustainable settlement and a sustainable location for growth. The Council’s most up to date evidence, as set out in the Issues and Options document and the SSA work, shows that the level of services and facilities offered in Warton are sufficient to meet residents’ needs, and indeed could meet the needs of a larger population than are currently present in the village.

Collinson, [5.7]: Bus Services

- 2.10 At paragraph 5.7, Mr Collinson states that the bus services in Warton *“are hugely limited and do not provide a convenient accessible service to all”* and at summary paragraph B.10 Mr Collinson further states that the *“bus services are not sufficient to provide day to day convenient travel.”* The Settlement Sustainability Assessment 2025 contradicts these statements by identifying the bus service that serves Warton as *“frequent”* [CD4.17, page 64], affording Warton the highest score for this criterion within the assessment. I refer to the Proof of Evidence of James Parker which describes the existing services and the improvements which will be delivered through this scheme.

Collinson, [2.34]: Polesworth Doctor’s Surgery

- 2.11 Paragraph 2.34 of Mr Collinson’s evidence refers to the adopted Neighbourhood Plan and an assertion that there is not a doctor’s surgery in Polesworth. This is not the case, as is accepted by Mr Collinson at paragraph 5.9 of his Proof of Evidence.

Collinson, [3.18]: Capacity

- 2.12 At paragraph 3.18, Mr Collinson states that the Appeal scheme of 110 dwellings *“results in growth that goes beyond the capacity of local services and facilities and thus causes harm to the development strategy for the Borough.”* The Council has not presented any evidence to demonstrate that the development will create a demand that goes beyond the capacity of

local services and facilities, especially given that mitigation is secured through the S106 Agreement. Contributions are proposed to education, health, public transport, indoor and outdoor sport and recreation to mitigate any impacts arising from the Appeal scheme and the viability and vitality of existing commercial facilities in Warton will benefit from the additional patronage. **[NPPF para 83]**.

- 2.13 No objections have been received from any of the infrastructure providers including WCC Education, the NHS or WCC Highways and all contributions sought to mitigate any impacts arising from the development have been agreed.

Collinson, [3.19]: Enhancements to Services/Facilities Outside the Village

- 2.14 At paragraph 3.19, Mr Collinson states that the contributions requested towards the enhancement of indoor recreation facilities/services would be towards enhancements outside of the village. Such contributions are entirely normal and appropriate. The Council's 2025 Settlement Sustainability Assessment **[CD4.17, para 4.5]** makes clear that certain facilities require a larger catchment and therefore it would not be appropriate to expect every settlement regardless of size to host certain types of facilities. In such instances contributions towards facilities located elsewhere, which are accessible to the community, are entirely appropriate and valuable to residents. Many of these facilities will be within the 2km acceptable distance for walking and cycling where the route will be improved as a result of the Appeal scheme.

Collinson, [3.11]: Larger Settlements and Services

- 2.15 At paragraph 3.11, Mr Collinson states that settlements such as Warton are reliant on larger settlements, such as nearby Polesworth and Dordon for certain services and facilities, including secondary education, employment and large supermarkets. Firstly, this reflects the nature of a rural borough, where it would not be appropriate or feasible for each settlement to maintain all types of services and facilities. Mr Collinson states that there is no supermarket in Dordon or Polesworth. This is correct but there are several convenience stores within the settlements. Additionally, the lack of a 'large supermarket' has not prevented the Council identifying Polesworth and Dordon as a Category 1 settlement; the highest tier in the hierarchy. Mr Parker has already addressed in his Proof of Evidence how modern/contemporary online shopping trends have impacted the need for regular trips to the supermarket.

Collinson, [3.11]- [3.12]: Settlement Sustainability Assessment Scoring

- 2.16 At paragraphs 3.11 to 3.12 (inclusive of Table 2) of his PoE, Mr Collinson draws attention to the reduction in Warton's score between the 2010 and 2018 Settlement Sustainability Assessments. In my view, this statement is misleading when not presented alongside the comparative scoring of all settlements within the studies. Reference to the level of services and facilities in Warton over 15 years ago is not reliable nor relevant due to the significant passage of time.
- 2.17 As set out at Table 2 of the 2018 Assessment [CD4.11] the scores for most settlements decreased between the 2010 and 2018, with only 10 of 43 settlements recording slight increases in scoring across the same period. **Appendix A** to this rebuttal replicates Table 2 from the 2025 Assessment [CD4.17] and illustrates that between 2010 and 2018 most settlements saw a decrease in their score, with scores then maintained in the 2023 Assessment.
- 2.18 The 2025 Assessment [CD4.17] now applies an updated methodology which apportions higher value scores to specific services and facilities. The Council's latest study acknowledges that certain services require a larger catchment population to justify or enable their presence (CD4.17, paragraph 4.5). This recognises that settlements of differing scales/sizes will support various levels of services and facilities.
- 2.19 The 2025 Assessment [CD4.17] identifies an updated Settlement Hierarchy, which includes four categories, rather than five. The Settlement Hierarchy is replicated at **Appendix B** with Warton within Category 3. The extract below shows that Warton is the third highest scoring settlement in this Category and, therefore, the third most sustainable within this Category. The table below shows there is a significant difference in overall scoring between those settlements at the higher end of this tier than those at the lower end.

Hurley	67
Curdworth	51
Warton	41
Austrey	37
Ansley	35
Shustoke	35
Fillongley	33
Wood End	33
Newton Regis	21
Ridge Lane and Birchley Heath	21

Whitacre Heath	18
Shuttington	14
Piccadilly	11

- 2.20 The Council now clearly consider the sustainability of Warton to have increased. It is now the 11th most sustainable settlement of the 43 assessed in the Borough. The publication of the draft Issues and Options document confirms that the Council also considers a new settlement with a school, at least one shop, community space and open space to be sustainable and capable of supporting a population far in excess of that currently in Warton.

Collinson, [3.14] and [3.17]: Scale and Proportionality

- 2.21 At paragraph 3.14, Mr Collinson states that the adopted Local Plan locates new housing growth proportionately in accordance with the settlement hierarchy. This is simply not the case, as set out in my Proof of Evidence [CD8.12.1]. The settlement hierarchy does not represent the spatial development strategy for the borough in isolation. Planned growth identified within the Local Plan does not proportionately distribute growth in line with the settlement hierarchy. Warton was apportioned a greater level of growth than all other settlements within Category 4 and all bar one of the settlements within the Category 3.
- 2.22 At paragraph 3.17, Mr Collinson references recent growth at Warton for 310 dwellings having been permitted prior to the adoption of the Local Plan [CD4.1]. This fails to acknowledge that the vast majority of those permitted relate to draft allocations identified within the Regulation 19 Local Plan which were supported by the Borough Council and represented ‘plan led’ growth. The examination of the North Warwickshire Local Plan took more than three years to conclude and as such applications for the proposed allocations in Warton had long reached determination by the time of the Local Plan’s adoption in 2021.

Collinson, [3.29]: Wulfric Avenue, Austrey Appeal Decision

- 2.23 The Wulfric Avenue, Austrey Appeal Decision [CD6.13] is cited by Mr Collinson (at paragraph 3.29) where the Inspector concluded *“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.”* This appeal decision was determined at a point in time when full weight was afforded to the Local Plan. Similarly to the Curlew Close appeal decision, the proposal did not provide infrastructure improvements of

the scale being delivered by the Appeal scheme. Austrey is not within walking and cycling distance of services and facilities in Polesworth, unlike Warton and the appeal site.

Collinson, [3.27]: Fox and Dogs, Warton Appeal Decision

2.24 The Fox and Dogs, Warton Appeal Decision [**CD6.5.6**] is cited by Mr Collinson at paragraph 3.27, and particularly paragraph 11 of the decision. This decision was taken in a vastly different context to that now present in respect of the appeal proposals. As set out within my Proof of Evidence [**CD8.12.1**] Policy LP2 is now out of date, the spatial strategy of the local plan has been overtaken by events including the withdrawal of funding for the 15 improvements which several larger allocations are reliant on taking place in order to come forward. The spatial strategy of the adopted local plan is therefore not delivering the homes the Borough requires now. This is further evidenced by the very significant shortfall in the Council's housing land supply.

2.25 As set out within my Proof of Evidence, and as accepted by the Council, the Presumption in Favour of Sustainable Development is engaged, and therefore it is my view that there will be no harm in relation to Policy LP2 which is out of date. I shall address this further in Section 3 below.

Collinson, [3.26, 3.27, 3.28, 3.39, 3.30] Cited Appeal Decisions

2.26 Mr Collinson refers to several appeal decisions at paragraphs 3.26 to 3.30. He states that these were dismissed in part due to conflict with the settlement hierarchy. It is important to stress that all of the appeal decisions cited at these paragraphs by Mr Collinson were taken in a very different national policy context and decision-making context to that which exists at present in respect of the appeal proposals.

2.27 At the time of those appeals the Borough Council was able to demonstrate a sufficient supply of housing land against its targets and therefore the 'tilted balance' was not engaged. Moreover, those appeal schemes did not include the same levels and type of contributions to support infrastructure as the current appeal.

2.28 As such it is my view, that the cited appeals are of limited relevance to the appeal proposals. The decisions are all materially distinguishable from the current situation and the specific circumstances of this case.

Collinson, [3.21]: Policy LP2

- 2.29 At paragraph 3.21 of his PoE, Mr Collinson directly refers to the scale and proportionality of the Appeal proposals in the context of Policy LP2. The Policy states that development may be acceptable directly adjacent to settlement boundaries where it is *“proportionate in scale to the relevant settlement”*. Mr Collinson considers that the Appeal proposals are not proportionate to the scale of Warton. I disagree with this view. Indeed, when determining the application for 100 homes on the site adjacent to the appeal proposals, the Council concluded that: *“It is not considered the development will appear as an alien or disproportionately large addition to the settlement in this context.”* [CD10.2, page 5/50]. In that instance the Council clearly determined that the proposals were proportionate to the scale and service provision within the village. The village has grown since that time and therefore the provision of 110 as a proportion of the existing settlement is entirely consistent with the level of growth that has previously been determined to be proportionate.
- 2.30 Mr Collinson, in my view, takes the wrong approach and conflates the settlement hierarchy with the overall spatial strategy of the Local Plan. They are not the same. As set out within my PoE [CD8.12.1] the level of growth apportioned to settlements within the adopted local plan is not consistent with the settlements’ respective position in the hierarchy.

Collinson, [4.19]: Affordable Housing

- 2.31 At paragraph 4.19, Mr Collinson asserts that the locating of 40% affordable housing on the edge of the village will fail to provide a sense of community cohesion. He provides no evidence as to why this provision would result in impacts on community cohesion. Indeed, the Council’s own adopted policy requires 40% of new homes on all such sites to be affordable to meet local housing needs and provide a mixed and balanced community.

Collinson, [5.3]: NPPF 11d(ii)

- 2.32 At paragraph 5.3, Mr Collinson references changes to paragraph 11 (d)(ii) of the NPPF in respect of *“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”* linking to NPPF paragraph 110. He states that this strengthens the argument against a proposal of this size in area with limited services and

limited active travel. I do not agree with this stance, and it is not a correct application or interpretation of current national planning policy.

- 2.33 The design of the proposals will be secured through a subsequent reserved matters application with the design principles clearly set out in the submitted DAS [CD1.8]. The proposals provide for a significant number of homes, including a policy compliant level of affordable homes in the context of a considerable housing land supply shortfall. As acknowledged by the Council in its latest Settlement Sustainability Assessment [CD4.17] and draft Issues and Options document, [CD4.18] Warton has access to a good level of services and facilities which would, in my view, provide for the day-to-day needs of residents.

Collinson, [5.9]: Services and Facilities

- 2.34 At paragraph 5.9 Mr Collinson states: *“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.”* As set out earlier, it is my view that Warton does benefit from a range of services and facilities which meet the day-to-day needs of its population. Other services and facilities, including secondary education and GP services are in higher order, larger settlements and are accessible from Warton. The Council’s latest assessment of settlement sustainability identifies a significant range of services and facilities within the village which are in excess of the level of services and facilities which the Council itself accepts would be required to support a new settlement of 3,500 dwellings.

Collinson, [2.38]: Review of the North Warwickshire Local Plan

- 2.35 At paragraph 2.38, Mr Collinson refers to the emerging review of the North Warwickshire Local Plan, including the publication of an Issues and Options document which was to be considered by members at a meeting of the Councils Local Development Framework Subcommittee on 17th November 2025. A report and various appendices was published ahead of this meeting and includes the draft Issues and Options document [CD4.18] and the updated Settlement Sustainability Study [CD4.17]. Mr Collinson states that a Regulation 19 Draft of the plan will be prepared by the spring of 2026.
- 2.36 The Officers Report accompanying the draft Issues and Options document seeks to commence consultation from 18th November 2025 until the 14th January 2026. Also appended to the

report is an updated Local Development Scheme which estimates Regulation 19 consultation taking place from April 2026, a plan being submitted for examination in September 2026 and being adopted in December 2026.

- 2.37 The timetable suggested by the Council is not realistic. It anticipates progression of a local plan through all required stages, including consultation and examination in approximately 13 months. It is far more likely that a new local plan for North Warwickshire will need to be prepared under the new plan-making system to be introduced by Government.
- 2.38 The draft plan is only at the very first stage in the plan-making process. The Issues and Options document is a high-level consultation document which sets out a range of potential options that the Council could consider. Many of these options will require significant further testing and assessment against an evidence base which is still to be completed. By way of an example, several of the possible spatial options within the Issues and Options document [CD4.18] face significant issues, for example new settlements would require significant infrastructure prior to any housing delivery, several spatial options are constrained by existing highways issues with the A5 as noted within my Proof of Evidence [CD8.12.1].
- 2.39 Given its very early stage of preparation the emerging review of the North Warwickshire Local Plan can be afforded no weight in decision taking, for the purposes of paragraph 50 of the NPPF.
- 2.40 It is clear, given the Council's significant housing land supply shortfall, and the likely timescales for the preparation of a new local plan that the plan-making process will not address the significant housing shortfall which is present now. The Council must grant permission for new developments just like the Appeal scheme to assist in meeting that significant housing shortfall.

Collinson, [4.4], [4.14] and [4.16]: Integration of Proposals and Community Cohesion

- 2.41 At paragraph 4.4, Mr Collinson states there would be no integration of the Appeal proposals into the village due to limited connectivity and linkages with the settlement. I do not agree. The Appellant proposal will be well-connected to all of the services and facilities within the village via the primary access onto Church Road.
- 2.42 The Appellant has not indicated there will be a footpath to Red Marl Way. As set out in my evidence a vehicular access to Red Marl Way can be provided from September 2026, but it is

not necessary to make the proposal acceptable. There is no need to provide a secondary access. No objections have been raised by WCC Highways to the proposed access proposal on Church Road. That access onto Church Road provides the most direct and convenient route for residents to access the vast majority of village services and facilities, as set out in my Proof of Evidence and also the evidence of Mr Parker, providing opportunities for social interaction and enhancing the vitality of the village.

2.43 At paragraph 4.14, Mr Collinson states that the design and layout of the proposals is “poor” with the only connection to the village being through the recreation ground. Layout and internal access are reserved matters and can be addressed through the detailed reserved matters stage should the Appeal proposals be allowed.

2.44 At paragraph 4.16, Mr Collinson states that the development layout indicates new dwellings will be set back from the existing properties on Red Marl Way with no pedestrian links or no integration other than that onto the existing road infrastructure. As I have noted above, design, layout and internal access are reserved matters. Whilst no formal footpath connection is proposed between the Appeal Site and Red Marl Way, the parameters plan demonstrates the provision of public open space to the boundary of the adjacent Cornfields development. This adjoins existing public open space secured through the Cornfields Section 106 Agreement **[Appendix C]**. There are no physical barriers present and therefore informal movement between the two developments would not be restricted.

3. Response to Collinson Proof of Evidence: Harms to Spatial Strategy/Settlement Hierarchy and Other Harms

Harms to Spatial Strategy/Settlement Hierarchy

Collinson, [3.5]: Policy LP2

- 3.1 At paragraph 3.5, Mr Collinson refers to the Local Plan Inspector's Report [CD4.9] and Main Modification MM24 [CD4.10] relating to the settlement hierarchy. Mr Collinson states that the main modification indicates that the inspector *"clearly considered that development should be sustainable both in terms of day-to-day living and services."* He states that this indicates a 'proportionate' and 'scale' test in terms of sustainability and why he affords substantial/significant weight to Policy LP2. As set out within my PoE, and within the Statement of Common Ground [CD8.11.1], the Council is unable to demonstrate a five year supply of deliverable housing land. In this context I do not consider it appropriate to afford 'substantial/weight' to any potential conflict with Policy LP2. As set out within my PoE, I afford such a factor only limited weight.
- 3.2 The main modifications were necessary as the Inspector considered *"the restrictive approach to enabling development only within established settlement boundaries defined pursuant to policy LP2 is inconsistent with national policy. It would also undercut Plan policy LP8, which accords in-principle support to windfall development of 60 dwellings per annum ('dpa'). An uplift in housing delivery in the Borough over recent years has, in large part, resulted from permitting development outside of settlement boundaries. Warton, in particular, illustrates that trend"* [CD4.9 para 91-92]. He also considered main modifications were necessary *"for appropriate flexibility enabling all settlements to play a role in delivering sustainable development"* [CD4.9 para 93].
- 3.3 At paragraph 3.27, Mr Collinson cites earlier appeal decisions to support his assertion that the appeal proposals would cause harm to the development strategy of the borough. I do not agree with this position. The site is located adjacent to a sustainable settlement, where the local plan accepts development adjacent to settlement boundaries may be appropriate. The proposals have suitable access to local services and facilities and will provide additional and improved infrastructure and connectivity to enhance sustainability. As set out within my Proof of Evidence, and above: the titled balance is engaged, the proposals are sustainable in this context, and there is no harm to the settlement hierarchy.

- 3.4 The reference to ‘*usually 10 dwellings*’ within Policy LP2 for developments adjacent to the settlement boundary cannot, in my view, be afforded any weight. This is due to the failure of the spatial strategy to deliver the identified allocations and the scale of the deliverable housing land supply shortfall. This issue is further compounded by the constrained nature of the Borough, notably the Green Belt designation constraints and the highways constraints, which limit opportunities for development in higher tier settlements. Therefore, my view is that this aspect of the policy should be afforded no weight and the delivery of homes adjacent to the settlement boundary of the third most sustainable tier 3 settlement accords with LP2.
- 3.5 At paragraph 3.5, Mr Collinson attaches substantial/significant weight to Policy LP2. I do not agree with this given the scale of the deliverable housing land shortfall and the inability of higher tier settlements to deliver significant development due to policy and/or infrastructure constraints as set out in my Proof of Evidence.
- 3.6 In addition, the flexibility afforded by the identification of reserve sites in the Local Plan, have not provided a boost to the housing supply position. The Issues and Options Consultation Document identifies that all three sites face significant challenges. Reserve Site RH1 has “*issues in relation to highway requirements*”. Reserve Site H2 has issues associated with access. Reserve Site RH3 has “several constraints (including lying part within Flood Zones 2 and 3)” which make it a difficult option to bring forward for immediate development [CDX paras 43.2-43.4].
- 3.7 In light of the above, significant/substantial weight, should not be afforded to Policy LP2. In my view, limited weight should be afforded.

Other Harms

Collinson, [7.13(iv)]: Best and Most Versatile Agricultural Land

- 3.8 At paragraph 7.13(iv), Mr Collinson [CD80.12.6] accepts that there will be limited harm in respect of the loss of best and most versatile agricultural land (BMV) by reference to conflict with Policy LP1. This is a matter addressed in the Proof of Evidence [CD8.12.5], and subsequent rebuttal statement of Mr Kernon [CD8.12.11]. Within my Proof of Evidence [CD8.12.1] at paragraph 16.31, when setting out my approach to the planning balance, I attributed limited harm in respect of the loss of BMV.

- 3.9 Subsequently, when summarising the benefits and alleged harms at paragraph 16.39, I state the weight attributed to this harm is moderate. For the avoidance of doubt this reference at paragraph 16.39 is a typographical error. As is set out at paragraph 16.31 of my PoE, and the table directly above paragraph 16.39, I attribute limited harm in respect of BMV within my overall planning balance.

4. Response to Collinson Proof of Evidence: Planning Balance & Presumption in Favour of Sustainable Development

Collinson, [7.1]-[7.3]: Scale of Weight and Benefits of Housing

- 4.1 Mr Collinson and I use a different scale for considering benefits and harms associated with the Appeal Proposal. Mr Collinson applies a 5 part scale with the highest 'substantial'. I have applied a 4 part scale with the highest 'significant' recognising that 'substantial' and 'significant' all fall within this highest 'significant' definition. I afford the delivery of homes, in light of the scale of the shortfall, and the delivery of affordable homes, in light of the shortfall and the current waiting list, the highest weight. Using a 5-part scale, I consider that both of these benefits should be afforded 'substantial weight.'
- 4.2 Mr Collinson alleges that the benefit afforded to the delivery of affordable housing is reduced due to the location within a Category 4 Settlement. The approach taken to weighting is incorrect. The benefit of providing affordable homes to households in need is substantial and it is not appropriate to subsequently reduce weight because it is considered an unsustainable location. The locational sustainability is a matter of harm, not a reduction to a benefit and this already identified within Mr Collinson's weighing of the harms of the Appeal Proposals.

Collinson, [7.5]: Highway Benefits

- 4.3 Mr Collinson affords negligible weight to the highway and public transport improvements by referring to these improvements as necessary mitigation. Whilst the package of contributions provides mitigation for additional impacts arising from the Appeal Proposal, the bus service contribution and contribution to improving the pedestrian/cycle infrastructure between Warton and Polesworth undoubtably provides a wider benefit to the community as a whole. Mr Collinson fails to recognise the benefits that an improved bus service (additional service and extended route) would have to the wider community of Warton and other settlements along the bus route. In addition, the provision of upgraded pedestrian and cycle infrastructure between Warton and Polesworth significantly increases active travel opportunities for Warton residents to access additional services and facilities within Polesworth.

Collinson, [7.9] Harms and Weight

- 4.4 Turning to harms, Mr Collinson's conclusion that the Appeal Proposal would lead to significant landscape and visual harm is not consistent with his conclusion that the Appeal Proposal's

landscape impact would be local in both extent and impact, not affecting the overall character of the Landscape Area.

- 4.5 Mr Collinson affords significant harm to a lack of social cohesion and effective integration of the development into the village. The Appeal Proposal would fully integrate into the village of Warton and therefore social cohesion and integration is simply not a harm that should weigh in the planning balance.
- 4.6 Mr Collinson concludes that there will be limited harm in respect of the loss of best and most versatile agricultural land (BMV). This, in my opinion, is at the very lowest level of 'limited' of my 4 part scale in line with the evidence of Mr Kernon. Under Mr Collinson's 5 part scale, this would be negligible.

Collinson, [7.8] and [7.10]: Cumulative Weights

- 4.7 The approach taken by Mr Collinson in cumulatively weighing up the benefits and harms of the Appeal Proposal is also incorrect. His cumulative assessment downgrades two significant benefits to overall moderate weight. When the benefits are properly considered together, this cannot be correct. On the contrary, the benefits are substantial.

5. Response to Phipps Proof of Evidence (on behalf of Warton Residents Association)

- 5.1 This section of my Rebuttal Statement will consider the Proof of Evidence of Mr Phipps [CD8.12.7]. A number of Mr Phipps's submissions are similar to those made by Mr Collinson, for the local planning authority. I have not sought to duplicate reference to those matters below, and I rely on my Rebuttal comments above.

Phipps, [Section I] Social and Community Effects

- 5.2 Section I of Mr Phipps' evidence refers to a range of statements from members of the community setting out several existing 'social and community effects' which are perceived to have arisen as a result of more recent housing growth within the village. This rebuttal statement will not deal with all those statements in turn. All of the issues raised have already been directly addressed in my Proof of Evidence [CD8.12.1] or in the other Application material. The main issues raised within the community statements can be summarised under several broad themes as follows:

- Parking issues relating to users of Warton Recreation Ground (addressed by Mr Parker)
- Traffic volumes, congestion and road safety (Addressed by Mr Parker)
- Access to health care and health facilities
- Increases in antisocial behaviour and crime as a result of new development

- 5.3 In respect of issues accessing health care facilities, the Appeal proposals would make provision, through a financial contribution, towards improvements to health facilities to cater for the needs arising for the development.

- 5.4 Several of the statements refer to the perception that the levels of crime and antisocial behaviour have increased in the village in recent years following the completion of new housing at several locations. There is no evidence that instances of crime and antisocial behaviour have increased as a direct result of new development and new residents moving into the village. National policy and guidance do not recognise perceptions of increased crime from earlier development as a basis for preventing new development to meet housing needs.

- 5.5 At Appendix D, I have included the publicly available data from Warwickshire Police. This indicates that there have been relatively few instances of crime reported within Warton and that levels of such have remained low and steady for a number of years. No objection was received by Warwickshire Police to the application.

Appendix A: Settlement Sustainability Assessment Scoring (extract from Settlement Sustainability Assessment 2025)



Settlement	2010 Assessment	2018 Assessment	2023 Assessment	2025 Assessment
Atherstone	114	120	117	369
Coleshill	93	93	78	239
Polesworth	56	62	62	117
Hartshill	52	50	50	153
Dordon	42	46	46	143
Kingsbury	43	48	42	143
Water Orton	42	40	40	110
Arley (New Arley)	18	19	15	40
Mancetter	30	27	30	73
Hurley	34	33	26	67
Grendon	23	17	20	63
Baddlesley Ensor	25	27	25	51
Curdowrth	26	20	20	51
Ansley Common	13	13	13	46
Warton	25	17	17	41
Arley (Old Arley)	18	19	15	40
Austrey	17	14	13	37
Ansley	32	27	18	35

Settlement	2010 Assessment	2018 Assessment	2023 Assessment	2025 Assessment
Shustoke	11	11	13	35
Fillongley	26	19	19	33
Wood End	17	16	16	33
Corley	13	12	12	23
Middleton	12	13	12	23
Newton Regis	17	11	13	21
Ridge Lane and Birchley Heath	11	8	8	21
Whitacre Heath	23	19	20	18
Shuttington	10	9	9	14
Baxterley	9	8	8	13
Birchmoor	6	6	6	11
Piccadilly	15	12	12	11
Seckington	4	3	3	10
Corley Moor	12	7	7	4
Wishaw	10	11	11	8
Furnace End	11	10	10	8
Nether Whitacre	10	11	13	8
Corley Ash	9	5	5	3

Settlement	2010 Assessment	2018 Assessment	2023 Assessment	2025 Assessment
Lea Marston	8	5	6	7
No Mans Heath	8	6	6	7
Alvecote	6	6	6	6
Bassetts Pole	10	7	7	6
Maxstoke	4	4	3	5
Caldecote	3	1	1	1
Freasley	0	0	0	0
Ranking of Settlements which read together as a single network of villages				
Atherstone & Mancetter	174	147	147	442
Polesworth & Dordon	98	108	108	320
Hatshill & Ansley Common	65	63	63	199
Baddesley Ensor & Grendon	48	44	45	114
Old Arley & New Arley	50	43	39	113

Appendix B: Settlement Hierarchy (extract from Settlement Sustainability Assessment 2025)



Main/Market Towns – Ranking 1 (Category 1 in LP2 NWLP 2021)

Atherstone/Mancetter	442
Polesworth/Dordon	320
Coleshill	239

Local Service Centres – Ranking 2 (Category 3 in LP2 NWLP 2021)

Hartshill with Ansley Common	199
Kingsbury	105
Grendon/Baddesley Ensor (together, as a single network of villages)	114
Old and New Arley (together, as a single network of villages)	113
Water Orton	110

Other Settlements with a Development Boundary – Ranking 3 (Category 4 in LP2 NWLP 2021)

Hurley	67
Curdworth	51
Warton	41
Austrey	37
Ansley	35
Shustoke	35
Fillongley	33
Wood End	33
Newton Regis	21
Ridge Lane and Birchley Heath	21
Whitacre Heath	18
Shuttington	14
Piccadilly	11

All Other Settlements/hamlets – Ranking 4 (Category 5 in LP2 NWLP 2021)

Appendix C: Cornfields Section 106 Agreement

"Open Market Value"	the value that the Dwelling could be expected to achieve if sold freehold and not subject to the terms of this Deed by a willing seller to a willing buyer
"Open Space Certificate of Final Completion"	means a certificate issued by the Council to the effect that any parcel of land comprised within the Open Space Land is finally complete and all defects which have become manifest since the issue of the Open Space Certificate of Practical Completion and all outstanding works identified in the Open Space Certificate of Practical Completion have been made good and completed or such a certificate is deemed to have been issued under paragraphs 2.3.2 or 2.3.3 of Part 1 of the Second Schedule
"Open Space Certificate of Practical Completion"	means a certificate issued by the Council to the effect that any part of land comprised within the Open Space Land is practically complete save for such minor outstanding works as the Council may agree or such a certificate deemed to have been issued under paragraphs 2.3.2 or 2.3.3 of Part 1 of the Second Schedule
"Open Space Land"	means the open space land to be located on the Site in the approximate positions shown coloured green on Plan 2 with the precise delineation of the Open Space Land to be determined as part of the reserved matters applications pursuant to the Planning Permission but not including any sustainable urban drainage system secured by way of a condition on the Planning Permission and provided that the quantum of any areas referred to above may be subject to such variation as may be proposed by the Owners and agreed in writing by the Council
"Open Space Scheme"	a scheme of works for the setting out of the Open Space Land in a Housing Parcel and the maintenance thereof to be agreed in writing between the Owners and the Council prior to the Occupation of a Housing Parcel
"Plan 1"	the plan attached to this Deed and marked "Plan 1"

"Plan 2"	the plan attached to this Deed and marked "Plan 2"
"Planning Permission"	the planning permission subject to conditions to be granted by the Council pursuant to the Application in the form set out in the Second Schedule.
"Practical Completion"	issue of a certificate of practical completion by the NHBC or other body nominated by the Owners to inspect the Development for the purposes of compliance with building regulations
"Primary Contribution"	means the sum of £502.70 (five hundred and two pounds and seventy pence) per Dwelling to be applied towards the provision of additional places at Warton Nethersole Church of England Primary School
"Provide"	means complete save for very minor defects so that the relevant works can be used for the purpose and operate in the manner for which they were designed and "Provision" shall be construed accordingly.
"Retail Prices Index"	means the index of retail prices (RPI) for "All Items" published monthly by the Office of National Statistics
"Secondary Contribution"	means the sum of £4,605.49 (four thousand six hundred and five pounds and forty nine pence) per Dwelling to be applied towards the provision of additional places at The Polesworth School
"Shared Ownership Housing"	those Affordable dwellings to be made available as shared ownership housing as defined in Annex 2 of the National Planning Policy Framework 2012 or any successor provisions which may be introduced from time to time including for the avoidance of doubt change in policy to legislative provisions or changes thereto and in accordance with the HCA's model lease clauses for shared ownership housing as at the date of the grant of the lease
"Site"	the land against which this Deed may be enforced as shown edged red on Plan 1



SECOND SCHEDULE
Owners' covenants with the Council

The Owners covenant with the Council as follows:-

PART 1 – ON SITE OPEN SPACE

1. To Provide the Open Space Land in each Housing Parcel of the Development in accordance with the Open Space Scheme prior to the Occupation of more than 80% of the Dwellings within the relevant Housing Parcel of the Development or such other percentage of the Dwellings within a relevant Housing Parcel of the Development as may be proposed by the Owners and agreed by the Council.
2. Upon the completion of the laying out of each parcel of land comprised within the Open Space Land the Owners shall:
 - 2.1. Invite the Council in writing to inspect that parcel with a view to issuing an Open Space Certificate of Practical Completion in respect of that parcel and the Council may inspect each parcel within 28 days of receipt of the invitation and may issue a notice to the Owners within 14 days of such an inspection confirming whether or not that parcel has been laid out to the Council's reasonable satisfaction;
 - 2.2. if the Council issues a notice in accordance with paragraph 2.1 above which states that the parcel has not been laid out to the Council's reasonable satisfaction and which details the work required to reach that standard to use reasonable endeavours to complete the works specified in the notice as soon as reasonably practicable and invite the Council to re-inspect the requisite parcel;
 - 2.3. the procedure set out in paragraphs 2.1 and 2.2 shall be repeated in respect of each parcel of land comprised within the Open Space Land until such time as the Council either:
 - 2.3.1. issues an Open Space Certificate of Practical Completion in relation to that parcel; or
 - 2.3.2. fails to inspect the requisite parcel within the 28 days of receipt of a written invitation to inspect in which case an Open Space Certificate of Practical Completion shall be deemed to have been issued in respect of that parcel 28 days following receipt of the relevant invitation; or
 - 2.3.3. fails to serve within 14 days of their inspection a notice detailing any further works to be carried out in order for the requisite parcel to be laid out to their reasonable satisfaction in which case an Open Space Certificate of Practical Completion shall be deemed to have been issued in respect of that parcel 14 days following the date of the inspection

3. The Owners shall maintain each parcel of land comprised within the Open Space Land for a period of 12 months from the issue of the requisite Open Space Certificate of Practical Completion maintaining the Open Space Land and rectifying any defects as notified by the Council in accordance with paragraph 4 below which arise in the laying out of the Open Space Land.
4. The Owners shall notify the Council at the end of each period of 12 months referred to in paragraph 3 and invite the Council in writing to inspect the requisite parcel with a view to issuing an Open Space Certificate of Final Completion (and the provisions of paragraphs 2.3.1 to 2.3.3 shall apply mutatis mutandis) in respect of that parcel and to continue to maintain the parcel in question in accordance with the requirements of paragraph 3 until its transfer.
5. Upon an Open Space Certificate of Final Completion being issued or deemed to have been issued in respect of a requisite parcel the Owners shall transfer the requisite parcel of the Open Space Land to a Management Company and the Management Company shall thereafter maintain the Open Space Land in accordance with the Open Space Scheme

Appendix D: Extract of Warwickshire Police Crime Data

Month	Type of crime reported						Burglary	Other theft	All other	Total Number of Crimes Reported
	Vehicle	Public Order	Anti-social behaviour	Violence or Sexual	Criminal Damage or Arson	Drug				
October 2022	1	1		2					0	4
November 2022			1	2	1				2	6
December 2022	4			3					1	8
January 2023	2			4	3				3	12
February 2023		1	3	1						5
March 2023			1	3	1				1	6
April 2023			2	4	1				1	8
May 2023			1	3						4
June 2023			2	1		1				4
July 2023		2		2	1		1		2	8
August 2023			2	2				1	1	6
September 2023		1			1		1		2	5
October 2023	1									1
November 2023			1	2				1	2	6
December 2023				2	2		2		1	7
January 2024			1	7				1	1	10
February 2024			2	3			1		1	7
March 2024	2		3	3					2	10
April 2024	3		2	2					1	8
May 2024			2	1			1			4
June 2024		1	1	4					1	7
July 2024			1	2						3
August 2024				3	1		3		1	10

Month	Type of crime reported									Total Number of Crimes Reported
	Vehicle	Public Order	Anti-social behaviour	Violence or Sexual	Criminal Damage or Arson	Drug	Burglary	Other theft	All other	
September 2024	1						2		2	5
October 2024	4		3	2					1	10
November 2024	2			2	1				1	6
December 2024			1	4			1		1	7
January 2025	3	2		6					2	13
February 2025			3	6	2					11
March 2025			1	3		1			2	7
April 2025	2	1		2						5
May 2025			3	3				2	2	10
June 2025			2	3			1		1	8
July 2025		4	4	2					4	13
August 2025	3		2	3					2	10
September 2025			1	1					1	3

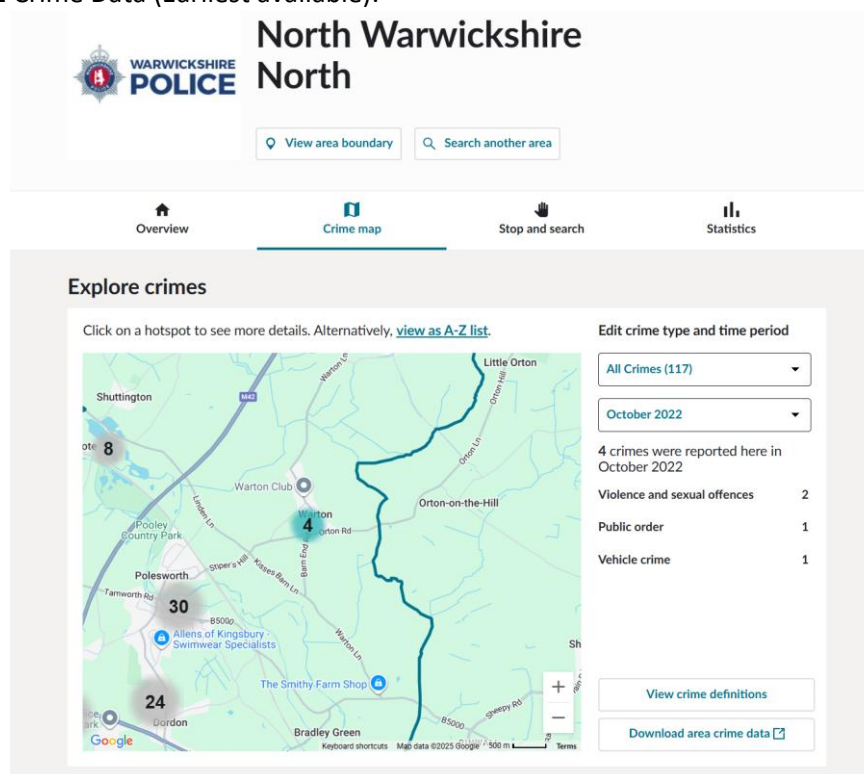
Table Source: <https://www.police.uk/pu/your-area/warwickshire-police/north-warwickshire-north/?tab=CrimeMap>

Rebuttal Evidence: Mr Neil Cox (Planning)

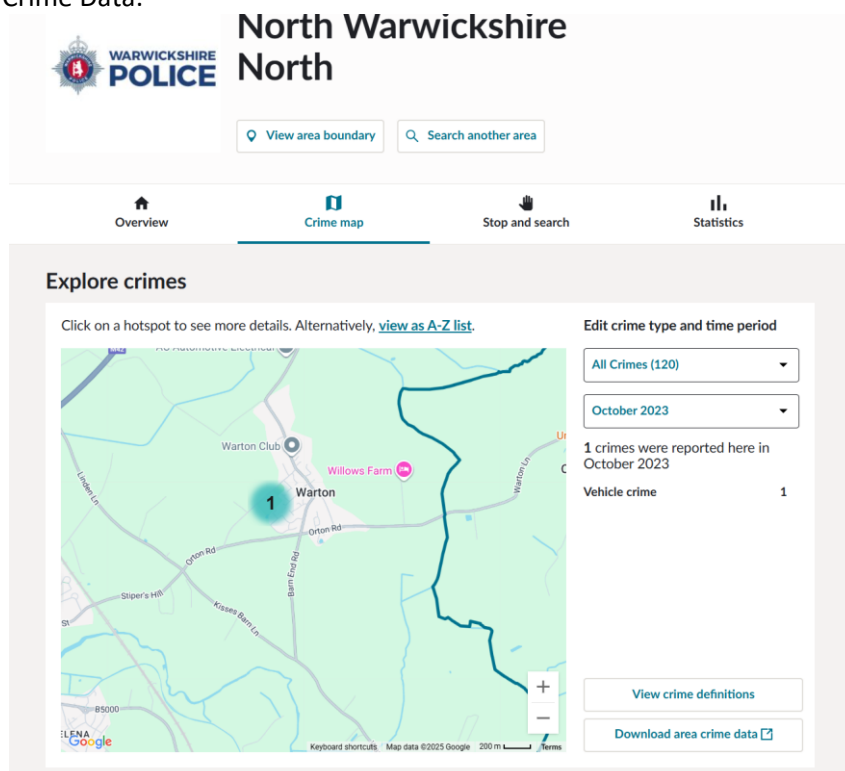
Appeal Reference: APP/R3705/W/25/3371526

Below are several examples of the data as indicated on the Warwickshire Police crime data map:

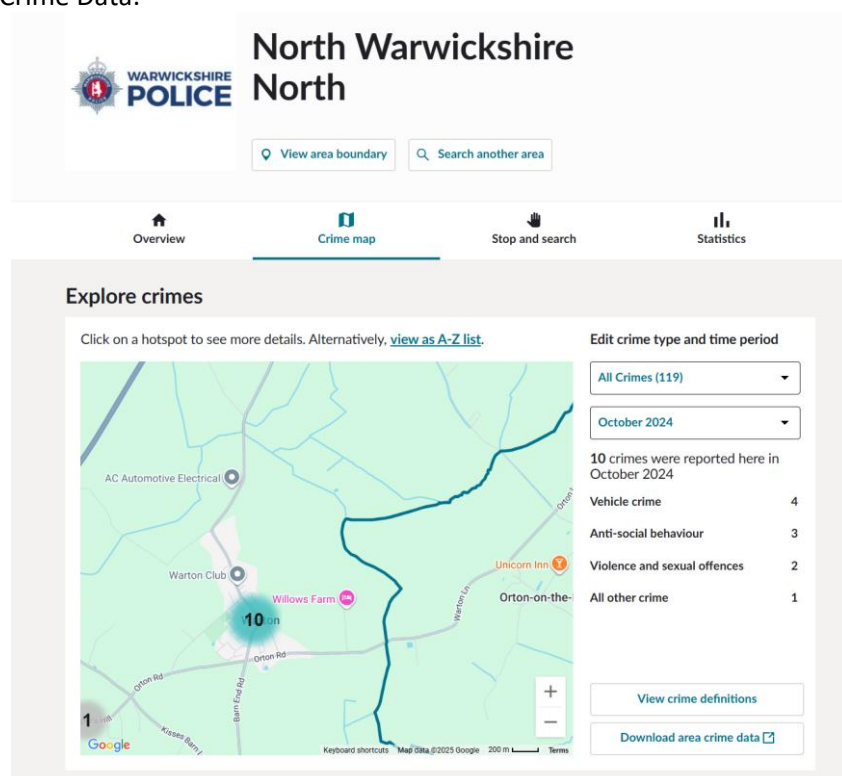
October 2022 Crime Data (Earliest available):



October 2023 Crime Data:



October 2024 Crime Data:



September 2025 Crime Data (Latest available):

