



29 September 2025

PLANNING COMMITTEE - 8 OCTOBER 2025

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 8 October 2025 in the Council Chamber at the Town Hall, Rugby.

Members of the public may view the meeting via the livestream from the Council's website.

Dan Green
Chief Executive

Note: Councillors are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Councillor must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Councillor does not need to declare this interest unless the Councillor chooses to speak on a matter relating to their membership. If the Councillor does not wish to speak on the matter, the Councillor may still vote on the matter without making a declaration.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meetings held on 10 September 2025.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Footpath Diversion R235 Dipbar Field Dunchurch
7. Delegated Decisions – 21 August – 17 September 2025

Membership of the Committee:

Councillors Sandison (Chair), S Edwards, Freeman, Gillias, Harrington, Karadiar, Lawrence, Picker, Russell, Simpson-Vince, Srivastava and Thomas.

If you have any general queries with regard to this agenda please contact Lucy Kirbyshire, Democratic Services Officer by emailing lucy.kirbyshire@rugby.gov.uk. Any specific queries concerning reports should be directed to the listed contact officer.

The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website (<https://www.rugby.gov.uk/w/have-your-say-on-a-planning-application#speaking-at-planning-committee>).

Planning Committee – 8 October 2025

Report of the Chief Officer for Growth and Investment

Applications for Consideration

Planning applications for consideration by the Committee are set out as below.

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R24/0976	Retrospective application for 1 pitch for Gypsy and Traveller use, including 1 tourer, the siting of 2 mobile homes, a storage building, gravel hardstanding, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing at 17 Top Park, Top Road, Barnacle, CV7 9FS.	3
2	R24/0977	Retrospective application for 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. kitchen/bathroom outbuilding, a gazebo, gravel hardstanding, vehicular access off access track and pedestrian access of Top Park access road. Retention of gates across both accesses and fencing around boundary at 18 Top Park, Top Road, Barnacle, CV7 9FS.	55
3	R24/1166	Construction, operation and decommissioning of a Battery Energy Storage System with vehicular and internal access, landscaping, boundary treatment and associated works and infrastructure at Bungalow Farm, Smeaton Lane, Coombe Fields, CV23 0PS.	104
4	R25/0360	New electricity substation including transformers, creation of a temporary access via the Homestead Link Road and associated fencing, landscaping and drainage at Land at Windmill Farm, Northampton Lane, Dunchurch.	139

Reference: R24/0976

Site Address: 17, Top Park, Top Road, Barnacle, Coventry, CV7 9FS

Description: Retrospective application for 1 pitch for Gypsy and Traveller use, including 1 tourer, the siting of 2 mobile homes, a storage building, gravel hardstanding, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/40120>

Recommendation

Application R24/0976 be approved on a temporary permission until June 2028 subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives as outlined in the draft decision notice.

1.0 Introduction

- 1.1- This application is being reported to planning committee for determination under paragraph 5.2.3 (b) of the councils Scheme of Delegation owing to the fact that the Chief Officer for Growth and Investment considered that the application should be determined by the Local Authority on such basis.

2.0 Description of site

- 2.1- This application relates to a single plot known as Plot 17, which is located on land within a larger Gypsy and Traveller site (hereafter '*Top Park*'), situated northwest of the village of Barnacle. To the north, south and east of the plot lies the wider Top Park site including a main internal access road serving various aspects of the site. To the west of plot 17 is a further access track, beyond which is an open field that separates the site from development along the B4109 highway. Further to the north, Top Park is flanked by a highway verge, beyond which is the Top Road highway. On the opposite side of Top Road is open pastureland bounded by low field hedges.
- 2.2- The plot is currently enclosed on the sides by timber fencing reaching approximately 1.5 metres in height. At the time of the application submission, there was one static caravan on site along with two tourer caravans. There are two matching single storey amenity buildings erected adjacent to the eastern boundary of the plot which both serve as a kitchen and utility space. In the north-western corner of the plot there is a small timber playhouse and a single storey storage building. The majority of the plot is surfaced with loose stone.
- 2.3- Whilst access to most of the plots on Top Park is via an established and formalised access off Top Road, Plot 17 uses a separate vehicular access via the existing access track located on the western boundary of the Top Park site. The occupants of the plot utilise a

formal gated vehicular access directly off this access track. There is also a pedestrian access on the eastern boundary of the plot.

3.0 Description of proposals

- 3.1- The proposal is for retrospective consent to formally change the use of the land to a Gypsy and Traveller pitch. This includes the siting of 1 tourer, a total of 2 mobile homes, a storage building, gravel hard standing, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing.

4.0 Planning History

4.1- The application site (Plot 17);

R22/0665- Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. tourer caravan, dog kennels, 1no. shed, gravel hardstanding, vehicular access off access road and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 2no. existing tourer caravans with 2no. static caravans, and removal of 1no. existing shed. **Refused- Appeal D: APP/E3715/W/23/3328399- Dismissed**

- 4.2- **Web link:** <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328404>
(Please also see Appendix 1 within this report).

- 4.3- APP/E3715/W/23/3328399- This appeal was made by Mr Adolphus Buckland against the decision of Rugby Borough Council. The application Ref R22/0665, was refused by notice dated 15 May 2023.

4.4- Affecting the wider Top Park site (Plots 14-16, 18 & 19);

- 4.5- Below lists the relevant application history from plots 14, 15, 16, 18 & 19 which were submitted alongside application R22/0665 concerning plot 17 and were all included in appeal decision APP/E3715/W/23/3328399.

4.6- (Plot 14)

R22/0772- Retention of 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. timber dog kennel, block paved parking area, gravel pathway, red brick walls and metal gates to front boundary, timber fencing to side and rear boundaries, and vehicular and pedestrian access off Top Park access road. Proposed erection of a brick outbuilding with a tiled roof.

4.7- (Plot 15)

R22/1055- Retention and 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. stable, 1no. brick outbuilding, a gravelled parking area, a block paved pathway, walls and gates along the front boundary, fencing along the side and rear boundaries, and vehicular access off Top Park access road.

- 4.8- (Plot 16)
R22/0664- Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. tourer caravan, 1no. utility building (timber), 1no. shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 1no. existing tourer with 1no. static caravan and siting of a second static caravan.
- 4.9- (Plot 18)
R22/0666- Retention of 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. wooden shed, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary. Erection of a utility building.
- 4.10- (Plot 19)
R22/0637- Retention and occupation of 2no. mobile homes and use of the site as 2no. Gypsy and Traveller pitches. Retention of 2no. sheds, 1no. outbuilding for use as a sensory room, fencing and gates, vehicular access via the existing access track, and surfacing of the plot with gravel. Siting of 2no. touring caravans.
- 4.11- *Temporary approval (5 years);*
- R15/2017-** The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference 15 March 2023 APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18 January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010). Variation of Condition 1 of R10/2298 refused on 6 April 2011 and allowed on appeals 11/2153638, 11/2154137 and 11/2153749 dated 27 August 2013 to provide a permanent permission onsite at Top Park, Top Road, Barnacle.
- 4.12- Application R15/2017 concerned the adjacent part of the overall Top Road site (eastern side) and not that concerning the land for Plot 17.

5.0 Relevant Planning Policies

- 5.1- As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2- The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined in paragraph 5.5 below.
- 5.3- ***Rugby Borough Local Plan 2011-2031, June 2019***
- 5.4- The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan

policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

5.5- **Relevant development Plan policies;**

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

DS2: Sites for Gypsy, Travellers and Travelling Show people

HS5: Traffic Generation and Air Quality, Noise and Vibration

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and enhancement

SDC1: Sustainable Design

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Drainage

D1: Transport

D2: Parking Facilities

5.6- **National Planning Policy Framework, 2024 (NPPF)**

5.7- **The Planning Policy for Traveller Sites 2024 (PPTS)**

5.8- **Material considerations;**

- Appeal A: APP/E3715/W/23/3328399 (please see paragraph 4.2 within this report and Appendix 1).
- National Planning Practice Guidance (NPPG)
- Climate Change Sustainable Design and Construction SPD (2023)
- Air Quality - Supplementary Planning Document July 2021
- Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA) September 2022.
- Gypsy and Traveler, Travelling Showperson and Houseboat Accommodation Assessment 2025

6.0 Technical consultation responses

WCC Highways – No objection subject to condition.

WCC Ecology - No objection.

WCC Fire and Rescue - No objection.

RBC Environmental Health - No objection.

RBC Work Services- No objection

7.0 Third party comments

Shilton & Barnacle Parish Council- Objection on the following grounds;

- The application is considered inappropriate development in the Green Belt, is out of keeping to the open nature of the surrounding area and as a consequence, detrimental to the appearance of the area. The application fails to demonstrate or provide any evidence of any very special circumstances which could justify any development on a site in the Green Belt, in accordance with national and local planning policy.
- The development is not sustainable as there are no public transport links or any safe walking routes. There are no footpaths along the 50mph stretch of Coventry Road towards Bulkington or Mile Tree Lane towards Coventry.
- The development will be clearly visible from the 'Coventry Way' public footpath, which is a well-used public footpath allowing walkers to enjoy the countryside and its views. These views will be impacted by increasing development.
- The impact of light pollution that the development will have on the area is significant, given that it is visible from considerable distances in every direction. This has a harmful effect on the rural character of the area, emphasising development within the Green Belt.
- There is inadequate drainage on this site as it comprises hardstanding throughout, leading to potential environmental and health hazards.
- There is a significant number of other gypsy and traveller sites in the immediate area and across the wider parish, which has resulted in a significant over-concentration of sites. The parish council has concerns over the cumulative effect of even more sites and the impact this will have on the settled community. There is concern that if further sites are granted planning permission, this will have a disproportionate effect on the settled community, possibly leading to tension between the two communities.
- The application is misleading and inaccurate as it implies that there were discussions held with Rugby Borough Council officers prior to commencement of the works to develop this site. The site was developed in March 2020 on land that had a High Court injunction on it preventing any development without prior planning permission. There is no evidence of any such discussions before the commencement of the original works on this site. Planning officers have previously indicated that they were unaware of the unauthorised development prior to it occurring.
- The application is not for the 'retention' of any building or structure. No planning permission currently exists, nor has ever existed for development on this site.
- The works on this site were undertaken with the full knowledge that there was a High Court injunction on this land which was intended to prevent any such development. This shows a blatant disregard for a ruling of the Court and lack of respect for the law, rules and regulations which are designed to protect the countryside and Green Belt.

Objections were received from third-parties. The points raised are summarised below;

- This illegal development was commenced in March 2020 (when the whole country was compulsorily locked down) in full disregard of the rule of law.
- The development commenced in full knowledge that a court injunction prevented any development of this land – a serious criminal offence.

- The land in question is in the greenbelt and requires protection hence the court injunction and nothing has changed to warrant this being overturned.
- There is a public health issue with sewage contamination from overflowing cesspits into the surrounding farmland and the resultant foul smell.
- Top Road is narrow with no footpaths and a 60mph limit with vehicles exiting the camp showing no consideration for passing motorists resulting in many near misses or the complete blocking of the road for hours for the siting of caravans without obtaining the necessary police authority.
- This development is yet another visual eyesore and totally inappropriate to the character of the area.
- There is a massive light pollution problem emanating from this camp, which is detrimental to the area.
- Barnacle is overwhelmed by gypsy developments with 91% of illegal camps in this ward out of the whole Rugby area.
- These camps cause stress anxiety and mental health problems to the settled Barnacle community and their inability to take this on board is incomprehensible.
- Sewerage can be smelt strongly in the summer months and during heavy rainfall there is chance of an overflow which has got to be an environment issue.
- This planning application is on a lane, the lane is not suitable for the already heavy traffic that use it, more mobile homes will make more traffic making the lane more dangerous.
- There is no provision for pathways or streetlights in this lane making it dangerous to walk down the lane at night.
- Local farmers have said this is good fertile land, it is not waste land that nothing would grow on. It is grazing land.
- When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- Since travellers often rely on Human Rights arguments, it is worth pointing out that the European Convention on Human Rights (included in UK law by the Human Rights Act 1988) confers rights on the settled community as well as on travellers.
- The land proposed for this development is Green Belt land and as such is valuable wildlife habitat, as was the land already built on.
- The development is a departure from Rugby Borough Council's Local Plan.
- The site is visible from Top Road, Spring Road and the public right of way forming part of the Coventry Way It is overbearing and out of keeping with the surrounding countryside.
- This greater and greater encroachment into the countryside is merging Barnacle with Bulkington and contributing to urban sprawl.
- Development on the site leads to an inevitable increase of traffic on the narrow roads of the village creating an increased danger of accidents and noise.
- It will add to the overwhelming number of such sites already in the area surrounding the small hamlet of Barnacle.
- Increased Anti-social behaviour Pollution from site killing wildlife, this area is a greenbelt.
- Flood risks - flooding increase this past year, road flooding risks due to lack of ability for water to soak away after block paving has been used.
- Impact on traffic and residents if work is undertaken throughout the small village of Barnacle as already used as a rat run causing drivers from sites speeding though village, more static caravans and families.
- Disposal of extra waste and lack of detail around this issue, due to the apparent extra residents.

- No information in regards to correct caravan licensing requirements having been met.
- Electric connections for the site not noted.
- The proposed site is in part of the designated West Midlands Greenbelt. It is incompliant with the Planning Act in place to preserve the countryside. National guidelines also state traveller sites in green belt “are inappropriate” development. The site is located outside the boundary of Barnacle. Therefore it is contrary to planning guidance as the site is away from existing settled communities which do not contribute to community cohesion and Integration. The special conditions that have been documented for accepting development of this site, should not carry any weight as it is against National Policy, and the Inspectorate decision and instruction to restore the paddock to its original condition.
- The visual impact of the existing numerous large sites on Top Road have dramatically changed the character of the surrounding area overwhelming the hamlet of Barnacle. The impact is clearly seen from across the fields in Barnacle, the entire length of Top Rd from the Coventry Rd into Barnacle and across the fields travelling from Bulkington along the Coventry Rd. This is particularly extremely prominent across the fields at night as a result of the greatly increased light pollution from the sites.
- National guidelines state new additional sites should not overwhelm the next nearest settlement. There are in excess of 13 traveller sites, in very close proximity around Barnacle, a very small hamlet.
- The rapid change of use and development of these sites within the local area already creates a considerable adverse impact on the local infrastructure and amenities. This makes it challenging for the integration and acceptance of the traveller community within the local neighbourhood. There is an obligation that local authorities should ensure promote peaceful and integrated co-existence between the site and the local community.
- There was already an existing development injunction served on the site and in place which went unchallenged leading to further illegal dwellings and in clear breach of planning regulations.
- The planning policy statement issued with PPTS 2015 and confirmed by Ministerial Statement makes clear if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- The full resources of existing facilities e.g. Ryton Woodside and The Griff need to be fully utilised before new expansion development within green belt is considered. In addition RBC should be instructing any new housing developments they are sanctioning to allocate areas within the development for the Traveller Gypsy community in line with their development plan and not take the easy option to add on to an already saturated ward. It is unfair and discriminating to hold 47% of traveller authorised and unauthorised pitches/sites in Barnacle, Shilton, Wolvey ward when 12 other wards have no allocation from the 16 wards in total.
- The site has no safe walking route to schools, shops, doctors etc. It is good practise and desirable to position Traveller sites so that children can walk to school. The site is not compatible with safeguarding so many additional people walking around with no pavements. You will also be aware there is no access to public transport at this location.
- There are no footpaths for the majority of Top Road through the nearest local hamlet of Barnacle. Pedestrians are required to walk along the narrow roadways within the hamlet. In many area’s, the roadway is so narrow that it is only suitable for single file traffic to travel at greatly reduced speed.

- The volume and regularity of traffic from many temporary sites within the area has substantially increased the amount of passage through the hamlet. This has increased the level of hazard for pedestrians, and has an impact on their ability, particularly for elderly, children and the disabled, to walk safely around the hamlet.

8.0 Assessment of proposals

The key issues to assess in the determination of this application are:

- Section 9- Assessment of Strategic policies (including Green Belt considerations)
- Section 10- Visual impact
- Section 11- Residential amenity
- Section 12- Highways and parking
- Section 13- Biodiversity
- Section 14- Pollution
- Section 15- Community Infrastructure Levy
- Section 16- Other matters
- Section 17- Equality implications
- Section 18- Planning balance and conclusion

9.0 Assessment of Strategic policies (including Green Belt considerations)

- 9.1- The starting point for consideration of the merits of a proposal is the provisions of the development plan. Section 38(6) states that “if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 9.2- Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF 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.
- 9.3- Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy GP1 of the Local Plan (LP) set out a presumption in favour of sustainable development. The development plan in this instance consists of the adopted Local Plan (2019). Policy GP1 also states that when considering development proposals, a positive approach will be taken on development that improves the economic, social and environmental conditions of the area. Paragraph 8 of the NPPF sets out the same key objectives.
- 9.4- The Local Plan (2019) sets out the spatial vision for the borough and Policy DS2 sets out the required provision for Gypsy, Travellers and Travelling Showpeople. The evidence underpinning this policy was based on the Planning Policy for Traveller Sites (PPTS) 2015 which has now been updated within the PPTS 2024. Therefore, policy DS2 is out of date.

- 9.5- The Local Plan is now more than 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 9.6- Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 9.7- The Emerging Local Plan for 2024-2045 is at an early stage with the preferred options consultation being carried out. This currently carries limited weight in decision making.
- 9.8- Policy GP2 sets out the development hierarchy for the borough and states that in Green Belt locations, development will only be permitted if allowed by national policy. Therefore, this aspect of the policy concerning Green Belt development is considered up-to-date. For the purposes of the assessment of the scheme against Local Plan Policy GP2, the site is outside of a settlement boundary and upon designated Green Belt land.
- 9.9- Footnote 8 to paragraph 11 of the NPPF states that where a local planning authority cannot demonstrate a 5-year housing land supply then the most important policies for determining an application which involves the provision of housing are to be considered as being 'out of date'. Therefore paragraph 11(d) of the NPPF (the 'tilted balance') is triggered. Paragraph 11(d) states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

(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 clear 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."*

- 9.10- The only area/asset referenced within footnote 7 in relation to 11di for consideration within this application is the fact that the site is located within the Green Belt. Therefore, an

assessment is required as to the schemes assessment against Section 13 of the NPPF and whether the harm identified provides a 'strong reason for refusing the development proposed'. The key policies referred to in paragraph 11dii to which 'particular regard' is to given are referenced in footnote 9 as paragraphs 66 and 84 of chapter 5, 91 of chapter 7, 110 and 115 of chapter 9, 129 of chapter 11 and 135 and 139 of chapter 12. The planning balance will set out the conclusion of paragraph 11d of the NPPF.

Whether the proposal is inappropriate development;

- 9.11- Paragraph 142 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF states that the Green Belt serves five purposes as listed below;
- A. *to check the unrestricted sprawl of large built-up areas;*
 - B. *to prevent neighbouring towns merging into one another;*
 - C. *to assist in safeguarding the countryside from encroachment;*
 - D. *to preserve the setting and special character of historic towns; and*
 - E. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 9.12- Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Footnote 55 of the NPPF is relevant and states that when ensuring that substantial weight is attributed to any harm to the Green Belt, this shall be the apparent other than in the case of development on previously developed land or grey belt land where it is then not considered as inappropriate.
- 9.13- When determining whether the proposal is inappropriate development within the Green Belt, paragraph 154 of the NPPF is relevant. This states that development is inappropriate unless one of the listed exceptions applies (listed a-h). The proposal does not apply to the listed exceptions and is therefore inappropriate development under this paragraph. This is reinforced in the Planning Policy for Traveller sites (December 2024) under Policy E: *Traveller sites in Green Belt* paragraph 16 which states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the NPPF apply.
- 9.14- As the proposal is determined as inappropriate development in the Green Belt under paragraph 154, paragraph 155 of the NPPF is therefore relevant to the assessment for

the principle of the scheme. This states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the following criteria applies;

- A. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- B. *There is a demonstrable unmet need for the type of development proposed;*
- C. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- D. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.*

9.15- Paragraph 18 contained within Policy E of the Planning Policy for Traveller sites (2024) confirms that the Golden Rules set out in paragraph 155 (d) of the NPPF as detailed above do not apply to traveller sites.

9.16- Footnote 56 contained within Section 13 of the NPPF identifies that when assessing a scheme against Paragraph 155 (b), in the case of traveller sites means the lack of a five-year supply of deliverable traveller sites assessed in line with the PPTS. Footnote 57 identifies that when assessing a scheme against paragraph 155 (c), in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13.

Paragraph 155 (a):

9.17- When assessing the proposal against the three relevant criteria as contained in paragraph 155 of the NPPF (paragraphs a-c), the first point (paragraph a) is to determine whether the proposal site will utilise 'grey belt' land. When applying this to the application site, the definition of 'grey belt' is contained in annex 2 of the NPPF (2024), as detailed below;

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

9.18- For the purposes of decision-making, the site does not comprise of previously developed land owing to the intentional unauthorised development which has taken place. The matter of intentional unauthorised development on site was confirmed by the Inspector in APP/E3715/W/23/3328399 (see paragraph 4.2 and appendix 1). Therefore, this aspect is not satisfied as the site is not previously developed through planning consent. Turning to the second part of the 'grey belt' eligibility, this states that any other land which is not

previously developed must not 'strongly contribute' to any of purposes (a), (b) or (d) of the Green Belt as stated in paragraph 143 of the NPPF in order to classify as 'grey belt' land.

- 9.19- Taking the three points (a,b & d para 143) in reverse order, it is determined that the site does not preserve the setting and special character of historic towns and therefore does not strongly contribute to this purpose (d).
- 9.20- Moving to purpose (b), this is to prevent neighbouring towns merging into one another. Consideration is given to the terminology used in this section through the specific mention of 'towns' rather than 'large built-up areas' as noted in purpose (a). On such basis, an assessment is required to be made on this part with regards to the towns in the wider area of the site and whether the proposal would 'strongly contribute' to any merging into one another. The nearby settlements of Bulkington, Shilton and Barnacle are not towns. The nearest towns to the application site are Nuneaton, Bedworth & Rugby. Therefore, in the strict sense of this purpose, the proposal would not in itself 'strongly contribute' to the merging of neighbouring towns. However, the countryside and open land between towns is constantly under pressure from development and it is rarely the case that a single development, on its own, would cause neighbouring towns to merge. Moreover, the areas between towns can be lost incrementally. On this basis, whilst the proposal would not 'strongly contribute' it would still provide a level of harm to this purpose of the Green Belt. However, when concluding the assessment of this proposal under the 'grey belt' definition, it does not 'strongly contribute' to this purpose which the definition details. Therefore, it is concluded that parts (b) & (d) of the 'grey belt' definition are satisfied against this proposal.
- 9.21- With regards to purpose (a) of paragraph 143. The area of the borough in which the application site and wider Top Park site is located, is east of the M69 and north of Coventry and the M6. This area is important to check the unrestricted sprawl of Coventry with the nearby settlements to the north. For the purposes of the assessment against purpose (a) in paragraph 143, the contribution of the wider land parcel in this area north of Coventry is considered appropriate first and then the specific contribution of the application site to the wider land parcel will be evaluated thereafter in order to attribute the importance of the application site to the area of the Green Belt.
- 9.22- It is determined that the wider land parcel north of Coventry (west of the M69 and north of the M6) contributes strongly, in restricting the sprawl of this large built-up area northwards towards the nearby settlements. With regards to the application site. Prior to the overall occupation of the site, it contributed positively to the rurality and openness of the wider land. Although the application site is bordered to the east by development on the wider Top Park site (consented until June 2028), it is not within a settlement and is contiguous with other open fields surrounding. Accordingly, the site forms a positive component of land that contributes strongly to checking the urban sprawl of a large built-up area to the south (Coventry).
- 9.23- The openness of the parcel of land north of the M6 between the M69, Bedworth and Bulkington contributes strongly to restricting the urban sprawl of Coventry and thus the application site contributes to this. A recent appeal APP/E3715/W/24/3344241 concerning a Gypsy and Traveller site called Tree Tops, located to the southeast of Top Road is relevant in this assessment. The Inspector noted the same conclusion in their decision that the wider land parcel north of Coventry and west of the M69 strongly contributes to purpose (a) within paragraph 143 of the NPPF.

9.24- Owing to this, the application site cannot be considered as 'grey belt' land and paragraph (a) in 155 of the NPPF is not satisfied.

Paragraph 155 (b):

9.25- Moving to point (b) as contained within the criteria of paragraph 155. The Council cannot demonstrate its locally set target for Gypsy and Traveller provision across the borough and therefore the application proposal satisfies paragraph 155 (b). The previous published document on the matter is the Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA)(Sep 2022). This gave two projections for future need, one based on an "ethnic definition" (i.e. those who identity as ethnically Gypsies and Travellers) and the other based on the PPTS 2015 definition. The GTAA 2022 does not accord with the definition as defined in the Planning Policy for Traveller sites (2024) but was the most up to date evidence at the time of when the GTAA (2022) was published. According to the published Accommodation Assessment Study September 2022 (GTAA), there was a projected need for the provision of 79no. permanent pitches for Gypsies and Travellers by 2037 based on the ethnic definition.

9.26- During phase 1, the 5-year period between 2017-2022, there was an identified need of 35 pitches. A total of 20 pitches were granted permission by the LPA during this period to contribute to the requirement and as such there was a shortfall of 15 pitches. Moving to phase 2, three pitches were granted planning permission in the 2022-23 monitoring period. One pitch was approved during the 2023-2024 monitoring period. Since the 1st April 2017, a total of 24 pitches have been granted across the borough and confirms the shortfall of pitch provisions to contribute to the requirement as set out in the GTAA (2022).

9.27- However, the GTAA (2022) was updated in 2025. The Rugby Borough 2025 Gypsy and Traveller Accommodation Assessment (GTAA) provides the latest available evidence to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the borough.

9.28- The latest assessment concluded that there is a minimum requirement for 94 additional Gypsy and Traveller pitches across Rugby Borough over the period 2024/25 to 2041/42. Of this need, 35 are required in the first five years. Please see table 1 below;

Gypsy and Traveller pitch need 2024/25 to 2041/42;

PERIOD	PITCH NEED
5yr Authorised Pitch Shortfall (2024/25 to 2028/29)	35
Longer-term need	
Over period 2029/30 to 2033/34	16
Over period 2034/35 to 2038/39	28
Over period 2039/40 to 2041/42	15
Longer-term need TOTAL to 2041/42 (13 years)	59
NET SHORTFALL 2024/25 TO 2041/42	94
Annual net need	5.2

- 9.29- Recent appeal decisions namely APP/E3715/W/25/3359149 at Greenacres, Top Road, Barnacle, APP/E3715/C/24/3354520 at 11 Watling Crescent, Newton, APP/E3715/W/24/3344241 at Land adjacent to Treetops, Shilton Lane, Shilton & APP/E3715/W/24/3339499 at Land South West of Foxons Corner, Fosse Way, Monks Kirby have all been determined since the submission of application R24/0976. These appeals were allowed and have subsequently reduced the council's shortfall of provision during the first period to 29. Furthermore, as of 11th September 2025, a further three permissions for Gypsy & Traveller pitches were granted by the council. These were located at Top Park and neighbouring to Plot 17 and permitted a temporary permission for each of the plots until June 2028. These have subsequently reduced the councils shortfall to 26 at this current time.
- 9.30- The GTAA (2025) demonstrates the shortfall of provision across the borough and subsequently means that the application accords with paragraph 155 (b) of the NPPF.
- 9.31- The Council is working towards the adoption of a new local plan that would replace the current Rugby Borough Council Local Plan adopted 2019. However, the emerging document is at an early stage and the relevant policies only carry limited weight in decision making. Significant weight is attributed to the contribution this proposal would make to addressing a recognised need for more private Gypsy and Traveller sites at the local level.

Paragraph 155 (c):

- 9.32- With regards to the assessment against paragraph 155 (c) of the NPPF, the site is outside of any defined settlement boundary and would be in a location which would generally be resisted for new residential development. The location would represent a reliance on the private car and the lack of safe/suitable walking infrastructure to nearby settlements. It is important to note that Footnote 57 in the NPPF states that in the case of development involving the provision of traveller sites, particular reference should be made to PPTS (2024) paragraph 13.
- 9.33- APP/E3715/W/23/3328396 concerned Plot 17 following the refusal of application R22/0665. The Inspector concluded the following on the matter of sustainability;
- Bulkington, with its relatively wide range of day-to-day services, is quite close, while the edge of Coventry is not far away. However, the roads in the area tend not to have pavements, have limited lighting, and carry relatively fast traffic, and so walking to these services is unattractive and unrealistic. Therefore, to access them from these sites would require a reliance on the private car. These journeys though would not be long, and I consider they would not be sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches.*
- 9.34- This appeal assessment however was pre-dated to the latest revision of the NPPF & PPTS (2024) and detailed the Inspector's assessment as to the sustainability of the location for Gypsy and Traveller occupation generally and not specifically assessed against the criteria of 155 (c). It noted the wide range of facilities in Bulkington however highlighted the nature of the area and the lack of suitable footpath infrastructure making it unattractive and unrealistic to access facilities without the reliance on the private car.

- 9.35- The Framework does not define what is meant by a 'sustainable location' but Paragraph 155 (c) particularly references Paragraphs 110 and 115 as policies to help guide this judgment. These policies are both found within the 'Promoting Sustainable Transport' chapter of the Framework and are concerned with prioritising sustainable transport modes. As a result, a 'sustainable location' for the purposes of Paragraph 155(c) is one where sustainable transport modes are prioritised, although it is necessary to take into account the type of development which can lead to a contrasting conclusion when assessing a scheme against paragraph 155 (c).
- 9.36- Paragraph 13 of the PPTS seeks to ensure traveller sites are sustainable economically, socially and environmentally. It therefore lists a broad range of factors that should be included in development plan policies. However, it is important to note that Paragraph 155 (c) of the Framework states *the development would be in sustainable location*. It does not say that development should be *sustainable*. The latter is a judgement reached after looking at all economic, social and environmental matters in a planning balance. However, for the purposes of paragraph 155 (c) of the NPPF, the sustainability of the location is only one factor feeding into a judgement as to whether a proposal is 'sustainable' or not.
- 9.37- Turning to the assessment of this proposal against paragraph 155 (c), given the volume and speed of traffic on Top Road, the occupants of the site are highly unlikely to walk or cycle anywhere. It would be unsafe to do so as Top Road carries a 60mph speed limit and there is no suitable and safe footpath provision. As such both active travel and public transport are not realistic options. There would be no ability to promote sustainable travel patterns to schools or health services. However, as noted in the decision APP/E3715/W/23/3328399, the Inspector concluded that the site was not 'sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches'.
- 9.38- Appeal- APP/E3715/W/25/3359149 (following the refusal of R23/0791) located at Land adjacent To Greenacres, Top Road, Barnacle, is a material consideration in the assessment of this application. This appeal site is located in close proximity to the application site in R24/0976 circa 150m to the east and is contained within the cluster of Gypsy and Traveller occupation on this part of Top Road. Regarding the assessment of sustainability for this appeal site, the decision stated the following;

Barnacle is the nearest village and a short distance from the site, although it contains only a few facilities. Slightly further away is Bulkington, which has some health facilities and a primary school as well as shops and other facilities. A broader range of services including secondary schools and hospitals can be found in Coventry and Bedworth. These are further away from the site than Bulkington but they would be a fairly short car journey away from the development.

It is unlikely the occupants of the proposed pitches would walk to the nearest facilities due to the separation distances and the lack of pavements on most nearby roads. Instead, it is reasonable to envisage that most trips to and from the site would be by private car, especially as there is no nearby bus services. However, LP policy DS2 does not preclude new sites away from settlements and the location of the development would provide occupants with good and fairly convenient access to services by car. Therefore, it would meet the requirements of LP policy DS2 and the aims set out in sub-paragraphs 13(b) and 13(c) of the PPTS. Furthermore, it is likely the development would lead to only a minor increase in car trips

to and from the site owing to the scale of the proposal. There is no evidence to show the level of traffic generated by the proposal would have any significant environmental effects.

The location of the development would not encourage walking or public transport use and in these regards it would go against the provisions of the Framework. However, the proposal would not represent a significant development and paragraph 110 of the Framework highlights that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Owing to the nature of the proposal and the lack of supply presented by the LPA, it would seem likely at the current time that any new Gypsy and Traveller site would be in a rural location where occupants would be reliant to a degree on private car travel.

- 9.39- This appeal decision concluded that the proposal would be in a suitable location for Gypsy and Traveller accommodation. In these respects, it would accord with LP policy DS2 and would not conflict with the provisions of the Framework on the location of development and promoting sustainable transport when read as a whole. However, paragraph 110 of the National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. That is highly relevant because PPTS does not prevent Gypsy or Traveller sites in rural or semi-rural areas and Travellers normally use private vehicles to work. Factors relevant to the sustainability of Gypsy and Traveller sites set out in PPTS paragraph 13 do not mention public transport or distance to shops and services. Instead, the PPTS references that there should be access to appropriate health services, ensure that children can attend school on a regular basis and provide a settled base that reduces both the need for long-distance travelling. As noted, Bulkington has health care facilities and a primary school as well as shops and other facilities. This nearby settlement is less than 1.5 miles from the application site (via road).
- 9.40- Paragraph 155 (c) specifically references with promoting active travel. However, it does state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making as well as Footnote 57 which references paragraph 13 of the PPTS. On this matter it is therefore concluded that the proposal would be in a sustainable location with regards to paragraph 155 (c) of the NPPF and the type of development proposed.

Conclusion against paragraph 155 of the NPPF;

- 9.41- Whilst the proposal complies with paragraph 155 (b) & (c), it does not utilise 'grey belt' land as stated in paragraph 155 (a). Therefore, the scheme is not compliant with all the criteria of paragraph 155 and constitutes inappropriate development in the Green Belt.
- 9.42- Therefore, as paragraph 153 of the NPPF states, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Local Plan Policy DS2:

9.43- Policy DS2 of the Local Plan specifically focuses on the provision and enabling of sufficient sites for use by the Gypsy and Traveller and Travelling Showpeople communities. This policy identifies key criteria for consideration when assessing Gypsy and Traveller site applications:

- *Does the site afford good access to local services such as schools and health facilities?*
- *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*
- *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*
- *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*
- *Does the development have appropriate vehicular access?*
- *Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?*
- *Is the development well laid out to provide adequate space and privacy for residents?*
- *Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?*
- *Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?*

9.44- The development will be assessed against each of these in turn;

9.45- *Does the site afford good access to local services such as schools and health facilities?*

The site is located relatively near to, a number of villages and suburbs that collectively have a range of local facilities. Regarding educational provisions, Wolvey Church of England Primary and St James' Church of England Academy in Bulkington are in close proximity. Public houses (in Shilton, Ansty, Wolvey, and the suburbs of Wood End, Neal's Green and Exhall in Coventry); places of worship (Shilton Baptist Church in Shilton; St James' Church of England Church in Ansty; Our Lady of the Sacred Heart Roman Catholic Church, St James's Church of England Church and Ryton Methodist Church in Bulkington); a dental practice (in Bulkington); medical practices (in Barnacle, Bulkington, Wolvey; grocery stores (in Shilton, Bulkington and Wolvey), and supermarkets (in the Walsgrave suburb of Coventry). The area is also covered by emergency and hospital care via St Cross Hospital in Rugby, The George Eliot Hospital in Nuneaton, and University Hospitals Coventry and Warwickshire's site in Coventry. The site is therefore in a position to benefit from a good access to a range of local services in the surrounding area.

9.46- *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*

The site is not within an identified flood risk zone and is not adjacent to any known hazardous land uses that could be likely to endanger the health of the occupants of the site.

9.47- *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*

This is one of a total of 19 plots currently comprising the wider Top Park site. The recent temporary planning permission granted for the established part of Top Park (to the east of the application site) means that this will continue to be a key development feature within the locality until 2028. There are also several other Gypsy and Traveller sites close by on Bulkington Road and Mile Tree Lane. Considering the scale and size of this plot compared to the scale and size of Top Park as a whole, it is not considered that the plot is excessive or inappropriate from this perspective.

9.48- *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*

At present, the boundary screening that encloses the site is sufficient to maintain the level of privacy for the site occupants. The neighbouring plots provide a similar degree of privacy. Due to the relationship between the plots within Top Park, if Members were minded to approve this application conditions have been recommended for inclusion that would tie the use of the plot solely to Gypsy and Traveller accommodation, preventing commercial activities, and preventing vehicles over 3.5 tonnes being brought onto site (to prevent conflicting uses that could detrimentally impact on neighbouring plots). These would be Conditions 3-5 (inclusive). A further condition would also be included making the permission personal to the applicant and their family (Condition 6).

In terms of implications for those living outside the Top Park site, there are no neighbouring residences in close enough proximity to experience a direct material impact on privacy from the Top Park site due to their distances from the site. The nearest settled dwellings in the villages of Bulkington, Barnacle, and Shilton are 250 metres, 580 metres, and 620 metres away respectively. It is therefore not considered reasonable or justifiable to place restrictive conditions relating to privacy or acoustic protection for these residents due to their significant distance from Top Park and from Plot 17 in particular.

9.49- *Does the development have appropriate vehicular access?*

The applicant exclusively uses the western access road which is only used by a small number of plots within the site however this track is now established for Gypsy and Traveller purposes albeit not lawful at this time. WCC Highways were specifically consulted on this application and have raised no objections to the continued use of this access as a primary means of direct vehicular and pedestrian access to Plot 17. The previous application on the site (R22/0665) was dismissed at appeal owing to the fact that the access road used by the plot and entrance from the public highway was not included in the red-line boundary of the site. This has now been amended within this current application and the issue has now been alleviated.

9.50- Does the development comply with Policy SDC1 in respect of design and impact on the surrounding area and the amenity of existing residents?

Prior to occupation nearby Plot 19, there was a limited degree of partial screening by virtue of a pre-existing mixed species hedge along the back of the highway verge and the presence of some semi-mature trees within it. However, it was still possible to view the land from the highway due to the existing side access road and the fact that both the hedge and the trees were deciduous. Soon after the occupants of nearby Plot 19 moving onto their own site, a section of the hedge was cut back and lowered to better facilitate the use of the secondary access road, leaving more of the frontage of Plot 19 exposed. This undoubtedly affected the visual characteristics of the wider site, although it had only a limited impact on Plot 17 specifically, as has the presence of the structures and tourer that currently occupy the site. However, the development that has been undertaken on and around Plot 17 is consistent with the more established development on Top Park, so whilst it may be the case that the level and type of development has had a visual impact on the wider landscape, it has not been one that is so at odds with the pattern and form of development in this part of Top Road.

Should Members be minded to approve the application, it is considered reasonable to tightly control the potential for further development of the plot to prevent the intensification of its visual impact. Therefore, it is considered reasonable to apply restrictive conditions that would prevent the further intensification or material alteration of the development of the plot (beyond the changes proposed) that could harm the appearance of the locality and detrimentally affect the character and openness of the Green Belt. To that end, it is recommended that conditions are included that require the prior written permission of the LPA for any additional structures, fences, gates, outbuildings or additional mobile homes and tourers above or beyond those subject of this application, and for the installation of additional external lighting (Condition 8, 9 & 11).

9.51- Is the development well laid out to provide adequate space and privacy for residents?

The existing provision is adequate to enable the family to maintain the degree of privacy that they prefer. They are content to share the site equally and all benefit from the various structures and open spaces within the plot.

9.52- Does the development include appropriate landscape measures to mitigate visual impacts to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?

There is little space to accommodate a significant degree of additional planting but again this is commonly the case for plots on Top Park and it is considered unreasonable to require the applicant to undertake this unless the expectation is to be applied to all plots within Top Park. Should this application be approved however, an informative note would be included guiding the applicants on ways in which they could incorporate a limited degree of additional biodiversity provision within the site through strategic planters and similar provision as recommended by WCC Ecology Department.

- 9.53- Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?

The application is for residential purposes only and does not include any non-residential uses that could cause these issues. Such non-residential uses would be restricted by way of a conditions in the event that Members approve this application. This would limit the development to the purposes set out in the development description. Such conditions would make the planning permission personal to the applicants and would also help to prevent conflicting operations that could be detrimental to the residential use of the plot (condition 3-6 inclusive).

- 9.54- Is there adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities?

The applicant has access to power and water already set up within the site, and they have registered for RBC domestic general waste and recycling collections services. Each plot on Top Park benefits from its own septic tank to manage sewage and grey water disposal, including Plot 17. Should this application be approved, in order to confirm this during the period of permission then condition 10 included in the decision notice will secure this.

Conclusion against Local Plan policy DS2:

- 9.55- Policy DS2 is considered to be consistent with the NPPF in relation to identifying the key assessment criteria for Gypsy and Traveller site applications when compared to that shown in the Planning Policy for Traveller sites (2024). In relation to the assessment of this policy as outlined above this therefore carry's significant weight in the planning balance. However, Policy DS2 is out of date in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites and therefore is afforded limited weight on this part.

Green Belt impact:

- 9.56- Turning to the impact of the proposal on the Green Belt, the Planning Practice Guide (PPG) explains that an assessment of openness can have both spatial and visual aspects. The disposition and arrangement of development can also be relevant in gauging the effect on openness as can the duration of the development, its remediability and the degree of activity.
- 9.57- The application site and wider Top Park are within a relatively flat, gently undulating landscape, that broadly comprises a scatter of villages and other development amongst an arrangement of fields, roads and lanes that tend to be bound by hedges. As a consequence, it has a generally open, rural character situated to the north of Coventry. This area of the Warwickshire Green Belt plays an important purpose in preventing Coventry merging with the settlements to the north.
- 9.58- Views of the developments from the east are limited as they are screened by the eastern side of the Top Park site (granted a temporary permission until June 2028), and this makes the individual impact of caravans and structures on the western side of the site (including

plot 17) difficult to distinguish. The plots on the western side of the site (including plot 17) can be seen to a greater or lesser extent over the intervening field when travelling eastwards from the B4109 down Top Road.

- 9.59- Until June 2028 Plot 17 would not be viewed in isolation but would rather be set against the remainder of the Top Park site. Of the wider Top Park site, as mentioned above, the eastern linear formation of pitches are consented until June 2028 with some of those on the western side (including this application proposal) are currently unlawful and part of a group of applications currently under consideration by the council. It is also considered that owing to the consented eastern side of the site, the positioning of Plot 17 means that the proposal alone would not block views eastwards on its own accord that would otherwise exist if the application site was not present. However, extending the Top Park site above that already consented on the eastern side would cumulatively serve to erode the sense of openness in the Green Belt and unacceptably detract from the rural character and appearance of the area. As a result, the proposal would constitute an encroachment into the countryside, diminishing to some degree the sense of separation between Coventry to the south and the other settlements to the north.
- 9.60- As the eastern side of the Top Park site is only consented until June 2028, should the eastern side of the site be removed after this date, Plot 17's impact on the openness, the character and appearance and the Green Belt purposes will be even greater. This is because the site will be far more noticeable from the east, unscreened by what is there now, and whether seen from that direction or from the west, it will interrupt and break what would otherwise be relatively long and open views across this landscape.
- 9.61- On this basis, the development would detract from the character and appearance of the area, in conflict with Local Plan Policies NE3 and DS2 (bullet points 6 & 8), which seek landscape protection. It is also concluded it would erode the sense of openness and undermine the purposes of including land in the Green Belt should this plot be consented on a permanent basis.
- 9.62- The Local Plan's approach to Green Belt development as contained in Policy GP2 aligns itself with Government guidance. The Framework states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness as identified above, and any other harm, is clearly outweighed by other considerations.

Personal circumstances:

- 9.63- Evidence of the personal circumstances of the applicants has been received and considered by the LPA. This evidence identified the following factors for consideration:-
- There are five children on the site.
 - Four are under the age of 10 and another is just over the age of 10.
 - Three of the children are in education within the local area. Two of which are at a local primary school and have been for a prolonged period. A third child is at a local nursery.
 - The applicant and their family identify as Romany Gypsies and were all raised in the practices of Romany culture.

- 9.64- In the opinion of the LPA, the applicant has provided sufficient evidence to establish that they would qualify as having Gypsy and Traveller status for the purposes of assessing planning applications.
- 9.65- In support of the third factor, the LPA have been provided with letters from educational establishments attended by the children. This evidence is deemed sufficient to support the applicant's assertions that there are several children living on their plot who need to remain in the locality in order to ensure consistent access to pre-school and primary education.
- 9.66- Due to the educational needs of the children, they are not able to continue a transient lifestyle as that would affect their ability to maintain the children's regular attendance at school and nursery. They therefore wish to reside on the site to enable them to remain within the community.
- 9.67- The lack of sufficient provision for Gypsy and Traveller sites is a key consideration in favour of this development and carries significant weight in planning terms as a material factor for special exceptional circumstances. Where the application to be refused and the applicant evicted, this family would be left with very few options available to them. Given the lack of formal provision in the Borough (as detailed in paragraph 9.24-9.26), it is likely that they would have to resort to an unauthorised encampment elsewhere. It would also jeopardise the family's access to medical and support services and local schools for the children on site. These are factors that weigh strongly in favour of this development on the grounds of very special circumstances.
- 9.68- Policies C and E of the PPTS 2024 cover sites in rural countryside locations and those in the Green Belt. Policy E in particular makes it clear that even Gypsy and Traveller provision in the Green Belt is considered unacceptable unless very special circumstances exist that would outweigh the harm. Whether very special circumstances are demonstrated which outweighs the harm identified will be weighted and determined accordingly in the planning balance when all planning matters have been appropriately addressed.
- 9.69- Levels of existing provision (and the lack thereof) are also a key consideration within Policy H of the PPTS 2024, being identified as a specific consideration in Paragraph 28 alongside the availability or lack of alternative sites and the personal circumstances of the applicants. Policy H also encourages the use of planning conditions as a means of overcoming concerns and objections regarding such developments. In this instance, the temporary permission proposed along with the recommended conditions which mitigate the harm on the wider area through amenity and visual impacts over and above that already identified can limit the level of long-term harm to the Green belt.

Intentional unauthorised development:

- 9.70- A Written Ministerial Statement (WMS) dated 31st August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The applicants have moved onto the site without permission thus resulting in the retrospective nature of the permission. In moving on to the site, an area with a lawful agricultural use in the Green Belt has seen operational development and a change of use take place.

- 9.71- As noted in APP/E3715/W/23/3328399 there is no evidence to consider those who laid out the sites did not know that they required planning permission, especially as an injunction already related to this area. It is therefore considered that the application proposal is intentional unauthorised development. Consequently, in accordance with the Government's *Planning Policy Statement* of August 2015 this is a material consideration.
- 9.72- However, the Written Ministerial statement is not punitive because the planning system does not prevent an individual undertaking works and then applying retrospectively. Instead, it is concerned with the harm that is caused when the development of land has occurred in advance of obtaining planning permission. The works have therefore gone well beyond what was needed to establish a temporary home pending the outcome of a planning application. Overall, the intentional unauthorised development weighs against the scheme.

10.0 Visual impact

- 10.1- Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well and add to the overall quality of the area over the lifetime of the development, are visually attractive, and are sympathetic to the local character.
- 10.2- Policy SDC1 of the Local Plan states that developments will only be supported where they are of a scale, density and design that responds to the character of the areas in which they are located. It also highlights key considerations for determination of such applications, including massing, landscape, layout and materials.
- 10.3- In objections received from local residents and the Parish Council, the visual impact of the Top Park site has been highlighted as a key concern. Objections share common themes relating to the contrast between the Top Park site and the rural landscape and the effect of external lighting increasing the impact.
- 10.4- In addition to considering the impact of the development on the character and appearance of the Green Belt, a key factor of any development is the impact it has on the visual character of an area. In this case, the site is located in an area away from the nearest villages of Shilton, Barnacle and Bulkington. There are however several Gypsy and Traveller sites in the locality. The surrounding undeveloped areas are farmland, with boundaries generally marked with field hedges. The general aesthetic of the area is therefore mixed natural landscape and Gypsy and Traveller development with sporadic areas of residential properties across the area.
- 10.5- When approaching the site from the adjacent highway (Top Road), one of the first things to notice are the two entrances now serving Top Park and the front perimeter fencing with the mobile homes lying beyond it. What is also evident is that the plot is surrounded by other Top Road plots that have been developed in a very similar way.
- 10.6- Further intensification would be controlled through a condition preventing the introduction of any more structures or mobile homes than those which are presently on the plot and requirement clauses in conditions 8 & 9. This is in order to prevent overdevelopment.

- 10.7- The LPA recognises local residents' concerns about the effect that external lighting can have on making the site more prominent in hours of darkness when there are no adjacent light sources (such as streetlights). There are many plots on the wider Top Park site that have some form of external lighting, and undoubtedly this does increase the prominence of the site in visual terms. Some external lighting is required for safety and security purposes given the lack of surrounding light sources in the public domain, so a degree of lighting is considered reasonable. Some of the mobile homes already come pre-fitted with low level illumination from inbuilt lights near the doors, and the LPA consider that this safety feature would fall within the reasonable requirements category. However, to prevent the installation of excessive or inappropriate additional external light sources in the future it is considered reasonable to restrict such installation through Condition 11.
- 10.8- Within the plot itself, there is currently a predominance of hard surfacing. Whilst more green relief within the plot would help to break up the gravel and block paving, the functional requirements of the open communal area means that options for introducing more landscaping are very limited. Given the limited landscaping provision on other plots within Top Park, it would be unreasonable to apply a requirement for landscaping on this plot. Even if this was the case then it would have a limited impact on the wider area owing to the backdrop of the wider site and the fact that Plot 17 is screened from the north and east from other plots.
- 10.9- Whilst there is an identified harm on the landscape owing to the cumulative development within the wider Top Park site, the appropriate conditions applied on this aspect and owing to the temporary permission which is proposed, Plot 17 will be commensurate with the wider site. Owing to this, the conflicts with aspects of policy SDC1 of the Local plan is not considered to warrant a refusal on this aspect alone. The use of the appropriate conditions in order to overcome objections or conflicts also conforms with the intentions of paragraph 28 of the Planning Policy for traveller sites (2024).

11.0 Residential amenity

- 11.1- Several objectors have raised concerns over the cumulative impact of the level of Gypsy and Traveller accommodation in the locality on their access to services and facilities, but none have raised particular concerns that directly relate to a material impact on their individual residential amenity as a result of the occupation of Plot 17 on its own merits.
- 11.2- In summary, the applicant has sufficient privacy and space to meet their needs without compromising the amenities of those living on adjacent plots on Top Park, and the nearest settled residents are a sufficient distance away from the site so as not to be materially impacted upon in terms of loss of amenity resulting from Plot 17 alone.
- 11.3- The nearest settled residential properties are 250 metres away. Whilst some noise may be arising from the site, the LPA considers that it would be unlikely to be to such an extent as to warrant supporting a refusal on amenity grounds given the significant distance between the surrounding community and Top Park. It would be difficult to discern noise coming purely from Top Park and Plot 17 in particular from adjacent development. Environmental Health have advised that it would not be necessary to require the undertaking of a full noise assessment. This was particularly considered in relation to adjacent plots on Top Road, and if the noise levels for those plots have not been deemed to be of concern, then the same must be true for those settled residents living much further

away too. Conditions 3,4,5,8,9 & 11 will help to protect those living on adjacent plots within Top Park from further built development or replaced structures within Plot 17. Condition 11 will help to ensure that external lighting is controlled, and as such should help to protect against the level light pollution on the surrounding area and landscape.

- 11.4- For the reasons set out above, the nature of the development proposed and with the appropriate conditions applied on this aspect of the assessment, this development complies with Policy SDC1 of the Rugby Borough Council Local Plan 2011- 2031 that relate to residential amenity. It also accords with guidance set out in Section 12 of the NPPF 2024.

12.0 Highways and parking

- 12.1- Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Policy D2 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development.
- 12.2- Section 9 paragraph 115 of the NPPF states that it should be ensured that under paragraph (b) a safe and suitable access to the site can be achieved for all users and that under paragraph (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 12.3- Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 12.4- WCC Highways were consulted on the application and raised no concerns or objections in terms of impact on the road network resulting from the proposal and therefore paragraph 115 (d) of the NPPF is complied with.
- 12.5- Turning to paragraph 115 (b) of the NPPF, it is considered important to note the assessment on this part from the appeal ref APP/E3715/W/23/3328399. The Inspector noted that Plot 17 was to be served by the track which lies on the western boundary, however it was not included within the red-line boundary of the application submission. Consequently, it was determined that this had implications for the outcome of the appeal. For context, this access on the western boundary serving Plot 17 has not been granted permission for Gypsy and Traveller use prior to this application submission and it remains with its original agricultural use however it is consistently used for Gypsy and Traveller purposes at this current time which serves a small number of Plots within the Top Park site.
- 12.6- As the access road was not included within the red-line boundary of R22/0665, it had not been demonstrated that all relevant owners of this road had been notified of the proposal, with the consequent effect on their potential engagement in the application process. Therefore, it was concluded that there was not an appropriate access from the plot all the way to the public highway and in doing so would mean using land where the required consultation hadn't been carried out prior to the determination process. On such basis the

Inspector concluded that it had not been shown that a reasonable and appropriate access to the highway is possible in conflict with Local Plan Policies D1, DS2 and paragraph 115 (b) of the NPPF.

- 12.7- In this current application submission, the site location plan provided in DRAWING No. 0001 Revision No 00, shows the western access road as part of the red-line boundary for Plot 17. This extends all the way from the plot to the Top Road Highway. Subsequently, this change has included a certificate B signed within the application form with the relevant landowners notified of this proposal. This has therefore alleviated the issue relating to access as noted in APP/E3715/W/23/3328399. It is also important to note that the Inspector determined the below when assessing the safety of the track on the western boundary when accessing onto Top Road;

'...the gateway to the track and the visibility at its junction with Top Road seemed adequate to allow its safe use..'

Paragraph 29 from APP/E3715/W/23/3328399

- 12.8- WCC Highways were consulted as part of this application process and offered a stance of no objection. In order for a safe access to the site to be apparent however, they requested that a condition be applied in the event of an approval regarding works to the access gates (Condition 7) and recommended informative notes re surface water run-off to prevent excessive water running onto Top Road. Therefore, paragraph 115 (b) of the NPPF is satisfied as Plot 17 as a safe and suitable access onto the Top Road highway is achieved. Furthermore, in the event of an approval the access track will also be conditioned to serve plot 17 until a period until 1st June 2028 where it will then return to its former agricultural use (condition 13).
- 12.9- Regarding the parking and manoeuvring of vehicles within the site, whilst Appendix 5 of the Local Plan doesn't set a specific recommended level for parking provision for Gypsy and Traveller sites.
- 12.10- The communal area has been deliberately left free of structures to allow for adequate vehicle turning space and the parking of vehicles. The applicant and their family can park their own vehicles within the site, and the area is large enough to be considered to be sufficient to meet both the parking need of the site and enable turning within the plot even when vehicles are already parked.
- 12.11- Owing to the above, this scheme complies with Local plan policies D1 & D2 and Appendix 5 of the Rugby Borough Council Local Plan 2011-2031 and previous matters as raised in APP/E3715/W/23/3328399 relating to highway safety have now been addressed. Furthermore, the scheme is also in compliance with paragraph 115 of the NPPF.

13.0 Biodiversity

- 13.1- Policy NE1 of the Local Plan focusses on protection of designated biodiversity and geodiversity assets, supporting the aims and objectives of Section 15 of the NPPF. As part of this, both local and national planning policy details the need to consider biodiversity as part of the planning process, with the aim to seek opportunities to protect and enhance biodiversity and protected specials through all types of development whenever possible.

- 13.2- Policy NE1 also states that development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Paragraph 187 (d) of the Framework explains the development should provide net gains for biodiversity. The site prior to its occupation for Gypsy and Traveller purposes was open countryside designated as the Green Belt and was used for agricultural purposes. Therefore, the intentional unauthorised development which has been carried out has resulted in a net loss for biodiversity which is contrary to Local plan policy NE1 and paragraph 187 (d) Section 15 of the NPPF.
- 13.3- WCC Ecology were consulted on this application and have provided a stance of no objection and no conditions or informatives have been recommended in the event of an approval.

14.0 Pollution

- 14.1- The environmental implications of development must be carefully considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2024.

Air Quality:

- 14.2- This site does not lie within the Air Quality Management Area, and the type of development applied for does not meet the triggers for requiring conditioned mitigation under Policy HS5. An informative would be applied in the event of an approval to guide the applicant on ways they can reduce their environmental impact.
- 14.3- In terms of air quality mitigation, Environmental Health have raised no significant concerns and did not identify the need for any controls or conditions with regards to this. They have however recommended inclusion of an informative note in the event of an approval to guide the applicant on possible options to reduce their impact on air quality through mitigation and/or aiming to achieve air quality neutrality.

Land Contamination:

- 14.4- The Environmental Protection team were specifically consulted on this application and have recommended the application of a condition relating to previously contamination which would be applied as Condition 12 in the event of an approval. The condition sets out a phased approach to be undertaken in the event that previously unidentified contamination is found within the site. Given the fact that no further development is proposed on Plot 17 that would disturb the ground or sub layers however, whilst this condition would be applied it would not require any response from the applicant at this stage. It should be noted that the LPA are not currently aware of any contamination issues in this area, and this condition is intended as a safeguarding measure rather than confirmation that there is already a contamination issue.
- 14.5- Environmental Health have also recommended environmental based informatives regarding drainage and implications of adjacent activities.

- 14.6- For the reasons set out above, the development complies with the environmental directions of policies GP1 and HS5 of the Rugby Borough Council Local Plan 2011-2031 with regards to air quality and some aspects of environmental impact. In so doing, it would also meet the standards and guidance set out in Sections 2 and 15 of the NPPF 2024.

15.0 Community Infrastructure Levy

- 15.1- The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010. Owing to the nature of the development proposed, the scheme is not liable for a CIL contribution.

16.0 Other matters

- 16.1- An injunction order was imposed on the wider land in June 2008 which comprises the wider Top Park site and the plot under consideration in this application. Paragraph 3 of the order dictates that any building or engineering operations (including, but not limited to, the erection of any building, fence or other structure, or the creation of any hardstanding, road or track) shall not be carried out on the land without the relevant planning permission. In the absence of planning permission, the injunction order warns that the carrying out of building or engineering operations on the land is prohibited, with the consequences of such breach could result in the offenders being found guilty of Contempt of Court which could result in a prison sentence, assets being seized or a fine. It is important to note however that the injunction order specifically states that planning permission can still be granted on the land whilst the order is still in place. Appeal decision APP/E3715/W/23/3328399 on the plot made reference to the longstanding injunction on the site and stated that although in the presence of an injunction on the land, this does not prevent applications being submitted to the Local Planning authority for consideration where a proposal will then be assessed against all relevant planning matters.

17.0 Equality Implications

- 17.1- Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

- 17.2- Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

- 17.3- The equality implications arising from this application relate to persons with protected characteristics as identified within the Equality Act 2010. This has been addressed in the assessment of the application by having regard to the National Planning Policy Framework (December 2024), the Planning Policy for Traveller Sites (2024), and other National Guidance. Equality implications relating to residents of the surrounding villages and hamlets has also been considered. This is addressed within the assessment of the application through the relevant policies and the NPPF.
- 17.4- The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

18.0 Planning Balance and Conclusion

- 18.1- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 18.2- Policy DS2 is out of date in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites across the borough and therefore is afforded limited weight. However, in relation to identifying the key assessment criteria for Gypsy and Traveller site applications, Policy DS2 is consistent and is afforded significant weight. All other policies which are considered most important in the determination of this application are considered to be consistent with the Framework. Local Plan Policy GP2 when concerning Green Belt development states that proposals will only be permitted if they are compliant with national policy.
- 18.3- In relation to the basket of policies most important for determining the application it is therefore concluded that in this instance the basket of policies is out of date and therefore the 'tilted' balance in paragraph 11(d) of the Framework applies. Therefore, permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 18.4- Paragraph 11d of the NPPF states that 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 either paragraphs (d) (i) or (ii) are engaged. Paragraph 11 d(i) states that policies in the NPPF that protect areas or assets of particular importance as listed in footnote 7, provides a 'strong reason' for refusing the development proposed. Green Belt is listed in footnote 7 and therefore the harm to the Green Belt identified has to provide a 'strong reason' for refusing the development in order for paragraph 11 (d)(i) to be engaged and the tilted balance then being disengaged.

- 18.5- Section 9 of this report, identified the harm to Green Belt arising from the application proposal, through inappropriateness and the scheme's effect on openness and the purposes of including land in the Green Belt. Local Plan Policy GP2 aligns itself with Government guidance. The NPPF states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances which is also echoed in Policy E of the PPTS (2024). These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore concluded that in accordance with government guidance, the harm to the Green Belt is substantial and the proposal is contrary to Local Plan policies GP2 and NE3 which seeks landscape protection.
- 18.6- With regards to the unmet need in the borough, it is accepted that there is a shortfall which has been ongoing for a period of time and is evidenced in the GTTA (2022) and then in the most recent revision in February 2025. This has been evidenced in detail in section 9.24- 9.29 of this report. Therefore, the council does not have a 5-year supply of deliverable sites at this time. However, it is important to note that the new Local Plan should be adopted by 2027 which should resolve this current issue. Until then however, the only means of addressing the identified shortfall will be through windfall proposals being assessed against the criteria-based Local Plan Policy DS2 and other relevant policies and considerations.
- 18.7- The occupation of the site has taken place without planning permission and has resulted in intentional unauthorised development. In moving on to the site, an area with a lawful agricultural use in the Green Belt has seen operational development and a change of use take place. This is also the case for the western access road which has also changed use unlawfully and serves Plot 17. The intentional unauthorised development is a factor which weighs against the scheme.
- 18.8- Turning to the personal circumstances demonstrated. The proposal will provide a settled base and a home for its occupiers, and the alternative would highly likely be a roadside existence for the applicants or 'doubling up' on other pitches across the borough. Under the Public Sector Equality Duty (PSED) regard has been had to the 3 aims given in The Equality Act 2010 to eliminate discrimination, to advance equality of opportunity between those who share a protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The applicant and their family identify as Romany Gypsies and were all raised in the practices of Romany culture. They therefore wish to reside on the site to enable them to remain within their community and continue to practice their cultural behaviours. The proposal provides the applicant and their family with a home which carries substantial weight in favour of the application.
- 18.9- As detailed, there are five children present on site, four of which are under the age of 10 at the time of the application submission. A settled base would benefit them all, as it would allow them security, and consistent access to general health care and to social groups. It would also enable them to have a stable education as it has been demonstrated that some of the children on the site are already at school within the area. This carries substantial weight in favour of the application.

- 18.10- However, the personal circumstances taken with the identified unmet need, are not sufficient to justify occupancy of plot 17 on a permanent basis when weighed against the harm identified to the Green Belt. As such, very circumstances are not demonstrated as to outweigh the harm on the Green Belt for a permanent period. This is because the temporary nature of the neighboring appeal decision (2023) and the required removal of the eastern Top Park site means that after 2028 the proposal of Plot 17 would no longer be set against an existing and more extensive array of caravans and associated paraphernalia.
- 18.11- If a permanent permission was granted for this proposal it would permit the plot indefinitely in an open, prominent location, visible from both the east and the west. For these reasons it would not safeguard the countryside from encroachment and would therefore undermine purpose (c) of the Green Belt as well as purpose (a).
- 18.12- Turning to a temporary permission to authorise the use of plot 17 until the same date arising from the 2023 decision, namely June 2028. It would still be inappropriate development during this period and this should continue to be afforded substantial weight as it would still harm the openness, and the purposes of the Green Belt. However, the presence of the wider Top Park site over that period and the limited timescale for which the scheme would be present would together serve to limit the duration and extent of these harms. This therefore has a bearing on how the harm for a temporary period is balanced against the other considerations.
- 18.13- Furthermore, by such date the new Local Plan should be adopted. This would give opportunity for the applicant to seek alternative accommodation by making use of whatever approach the new Local Plan facilitates for Gypsy and Traveler development, while at the same time allowing a period for the applicant to seek alternative means of addressing their children's needs to be secured if necessary. Such factors would, mean that for a temporary period until June 2028 the various other considerations would outweigh the total harm to the Green Belt and the weight afforded to the intentional unauthorized development during the specified period.
- 18.14- Turning to highway safety, there are no concerns on this part and WCC Highways department offered a stance of no objection. The previous matter relating to a suitable access being including within the applicants red line boundary extending all the way to the Top Road highway has now been alleviated and appropriate land ownership notifications have been carried out. A suitable and safe access to Top Road is therefore apparent. Should the application be approved for a temporary period, the western access road will be consented for the same timeframe in order to serve the plot.
- 18.15- The development does not detrimentally impact on the residential amenity of residents living outside Top Park to a level which warrants a refusal on this aspect alone, and the relationship and level of residential amenity for both the applicant and those living on adjacent plots on Top Park is considered acceptable to all parties affected.
- 18.16- When attributing weight to matters, the absence of amenity and highways issues, these are matters that would be expected in all new development in any event, and so are afforded neutral weight in the balance.

- 18.17- Local Plan policy NE1 states that development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Paragraph 187 (d) of the Framework explains the development should provide net gains for biodiversity. The site prior to its occupation for Gypsy and Traveller purposes was open countryside used for agricultural purposes. Therefore, the intentional unauthorised development which has been carried out has resulted in a net loss for biodiversity which is contrary to Local plan policy NE1 and paragraph 187 (d) Section 15 of the NPPF. This weighs against the scheme. As the recommendation for this proposal is one for a temporary period, an informative note will be applied in the event of an approval to advise the applicant of options they may be able to explore to increase biodiversity opportunities and provisions within their plot during the period.
- 18.18- On balance, protecting the Green Belt is a matter of great importance. As the recommendation for this proposal is one for a temporary period, the cumulative considerations of personal circumstances and the council's unmet need would clearly outweigh the harm identified on a temporary basis until June 2028. Accordingly, the very special circumstances necessary to justify the development for this time period have been demonstrated. It has been concluded that should the proposal be granted on a permanent basis then the harm identified would not be outweighed by other considerations and 'very special circumstances' would not exist.
- 18.19- Condition 3 will tie the use of Plot 17 to Gypsy and Traveller accommodation only and prevent commercial use. Condition 4 will prevent commercial activity including storage of plant, machinery and materials and the transfer or burning of materials. Condition 5 will prevent the bringing onto site and storage of vehicles over 3.5 tonnes. Condition 6 will make the permission personal to the applicant, their spouse, children and grand-children.
- 18.20- Condition 8 will prevent the erection of any additional structures (including fencing, gates or other means of enclosure) and the installing of any additional mobile homes without the prior written agreement of the LPA.
- 18.21- Condition 9 will prevent the bringing onto site of any additional mobile homes without the prior written agreement of the LPA.
- 18.22- Condition 11 will prevent the installation of any additional external lighting without the prior written agreement of the LPA.
- 18.23- Condition 13 will also tie the use of the western access track to the site for Gypsy and Traveller purposes until 1st June 2028.
- 18.24- The conclusions and overall assessment as contained within the appeal decision (APP/E3715/W/23/3328399) provides a strong basis for the assessment of application R24/0976. The Inspector concluded the inappropriate nature of the development within the Green Belt and whilst national policy has changed since this previous appeal decision, section 9 of this report has come to the same conclusion when assessed against Section 13 of the NPPF and the Planning Policy for Traveller sites (both 2024). The appeal stated that Plot 17 (if approved) would not be seen in isolation until 2028 as it would be set against the wider consented Top Park site.

18.25- The Inspector concluded that temporary permission would have granted for plot 17 in APP/E3715/W/23/3328399 as the personal circumstances and providing a settled temporary base for the applicants coupled with the Councils unmet need outweighed the temporary harm to the Green Belt until June 2028. However, the reason for the permission and appeal not being granted and the appeal therefore being dismissed was due to the fact that the western access road was included in the red-line boundary in the application submission. This had implications strong enough for the appeal to be dismissed. Please see below;

I am unable to grant a temporary permission for any of those schemes as the above considerations would not outweigh the issues that remain with the failure to demonstrate that each site would have a suitable access that could be used in connection with the development.

Paragraph 53 of APP/E3715/W/23/3328399

18.26- This has now been amended and the correct consultation process being carried out with no implications arising from this process. To conclude this matter, there has been no other considerations which have arisen since this appeal which would alter the temporary permission recommended. The Councils unmet need for Gypsy and Traveller provision is still apparent and has been ongoing.

19.0 Recommendation

Application R24/0976 be approved on a temporary permission until June 2028 subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives as outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R24/0976

DATE APPLICATION VALID:
05-Nov-2024

APPLICANT:

MR Adolphus Buckland, 17 Top Park Top Road, Barnacle, Warwickshire, CV7 9FS

AGENT:

Ms Emily Temple, ET Planning, 200 Dukes Ride, Crowthorne, RG45 6DS

ADDRESS OF DEVELOPMENT:

17 Top Park,
Top Road,
Barnacle,
Coventry,
CV7 9FS

APPLICATION DESCRIPTION:

Retrospective application for 1 pitch for Gypsy and Traveller use, including 1 tourer, the siting of 2 mobile homes, a storage building, gravel hardstanding, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

The use hereby permitted is until the 1st June 2028. At the end of this period the use shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the permitted use shall be removed, and the land restored to its agricultural use and condition before the development first took place within a 6-month period following the 1st June 2028.

REASON 1:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 2:

The development shall be carried out in accordance with the plans and documents detailed below:

Location Plan Drawing No 001 Revision No 00 Scale 1:1250 (received by the Local Planning Authority on 27th July 2025)

SITE 17- Proposed Site Plan Drawing No. 178-31 (received by the Local Planning Authority on 10th October 2024)

SITE 17- Proposed Plans and Elevations Drawing No. 178-31 (received by the Local Planning Authority on 10th October 2024)

Outbuildings Drawing No 002 Revision No 00 (received by the Local Planning Authority on 27th July 2025)

REASON 2:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

The development hereby permitted shall only be occupied and used for the purposes of being a Gypsy and Traveller site and for no other purpose.

REASON 3:

To ensure the proper operational use of the site.

CONDITION 4:

No commercial activities shall take place on the land, including the storage of plant, machinery and materials and the transfer of materials.

REASON 4:

To protect the Green Belt from inappropriate development and in the interests of the amenities of the area.

CONDITION 5:

No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the site.

REASON 5:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 6:

The development hereby permitted shall be personal to Mr Adolphus Buckland, and the site shall only be used by Mr Adolphus Buckland, their spouse, their children, grandchildren and dependants.

REASON 6:

Due to the applicant's personal circumstances.

CONDITION 7:

Within six months of the date of this planning permission, both the main gates adjacent to Top Road and the vehicular access gates to the site shall be reconfigured so as to open inwards only. Any further gates installed at the vehicular access shall thereafter open inwards only and shall at no time open outwards toward the public highway.

REASON 7:

In the interests of public and highway safety and the amenity of other users of the access road.

CONDITION 8:

Other than those hereby approved, no additional structures or enclosures shall be erected within or around the site unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. This includes (but is not limited to) both temporary and permanent structures, fencing, gates, and outbuildings, as well as any additional mobile homes.

REASON 8:

To protect the Green Belt and in the interests of the visual amenities of the area.

CONDITION 9:

Other than the two mobile homes hereby approved as shown on the approved plans, no additional mobile homes shall be brought onto the site without the prior written approval of the Local Planning Authority. There shall be no touring caravan replaced with a mobile home unless the relevant permission is obtained from the Local Authority.

REASON 9:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 10:

Within 3 months of the date of this decision notice, details of drainage and wastewater disposal shall be submitted to and approved in writing with the Local Planning Authority. The details shall then be carried out and implemented in full within a 3 month period following the approval of the details and then shall remain as such until 1st June 2028.

REASON 10:

To ensure that risks to the future users of the land and neighbouring land are minimised, and to ensure that the development is carried out safely without unacceptable risks to neighbours, and other off-site receptors.

CONDITION 11:

No additional external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON 11:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality and the amenities of neighbouring residents.

CONDITION 12:

In accordance with the development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the Local Planning Authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the Local Planning Authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON 12:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property, and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other off-site receptors.

CONDITION 13:

The access track serving the application site from the Top Road highway, as shown in Drawing No 001 Revision No 00, shall only be used for residential purposes serving the plot throughout the time period for approval (until 1st June 2028). After this date the access track can be used for a further 6 month period in connection with the removal of all caravans, structures, materials and equipment brought on to the land, in connection with the use approved. After this 6-month period the access track will return to its former agricultural use.

REASON 13:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

INFORMATIVE 1:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidancecommercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE 2:

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE 3:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensorfinal-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE 4:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. Warwickshire County Council Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 5:

The development is within farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest. Noise may also be audible from nearby road and rail traffic.

INFORMATIVE 6:

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations, the Council's Standards of Amenity, Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 1983 (and subsequent Acts) as these may be applicable in terms of layout, spacing and fire precautions. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

INFORMATIVE 7:

The applicant/occupiers should consult with RBC Waste Services Team regarding waste collection proposal for the proposed development.

Appendix 1;

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Appeal Decisions

Hearing held on 30 January 2024

Site visits made on 29 & 31 January 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal A: APP/E3715/W/23/3328404

Plot 14, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant Planning permission.
 - The appeal is made by Darren Lee against the decision of Rugby Borough Council.
 - The application Ref R22/0772, undated, was refused by notice dated 15 May 2023.
 - The development proposed is the Retention of 1 Gypsy and Traveller pitch comprising 1 static caravan, 1 touring caravan, 1 timber dog kennel, block paved parking area, gravel pathway, red brick walls and metal gates to front boundary, timber fencing to side and rear boundaries, and vehicular and pedestrian access off Top Park access road. Proposed erection of a brick outbuilding with a tiled roof.
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Appeal B: APP/E3715/W/23/3328398

Plot 15, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Milo Lee against the decision of Rugby Borough Council.
 - The application Ref R22/1055, undated, was refused by notice dated 15 May 2023.
 - The development proposed is the Retention of 1 Gypsy and Traveller pitch comprising 1 static caravan, 1 touring caravan, 1 stable, 1 brick outbuilding, a gravelled parking area, a block paved pathway, walls and gates along the front boundary, fencing along the side and rear boundaries, and vehicular access off Top Park access road.
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Appeal C: APP/E3715/W/23/3328397

Plot 16, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Calladine against the decision of Rugby Borough Council.
 - The application Ref R22/0664, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including retention of 1 utility building (timber), 1 shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing, the replacement of 1 existing tourer with 1 static caravan and siting of a second static caravan.
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Appeal D: APP/E3715/W/23/3328399

Plot 17, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adolphus Buckland against the decision of Rugby Borough Council.
 - The application Ref R22/0665, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including retention of 1 tourer, dog kennels, 1 shed, gravel hardstanding, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing, the siting of 2 mobile homes, and removal of 1 existing shed.
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Appeal E: APP/E3715/W/23/3328396

Plot 18, Top Park, Top Road, Barnacle, CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Ann Marie Connors against the decision of Rugby Borough Council.
 - The application Ref R22/0666, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including 1 static caravan and 1 tourer caravan, 1 wooden shed, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road together with the retention of gates across both accesses and fencing around boundary and the erection of a utility building.
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Appeal F: APP/E3715/W/23/3328395

Plot 19, Top Park, Top Road, Barnacle, CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by John Lee against the decision of Rugby Borough Council.
 - The application Ref R22/0637, dated 29 June 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention and occupation of 2 mobile homes and use of the site as 2 Gypsy and Traveller pitches, together with the retention of 2 sheds, 1 outbuilding for use as a sensory room, fencing and gates, vehicular access via the existing access track, and surfacing of the plot with gravel.
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Decisions

Appeal A: APP/E3715/W/23/3328404

1. The appeal is dismissed.

Appeal B: APP/E3715/W/23/3328398

2. The appeal is dismissed.

Appeal C: APP/E3715/W/23/3328397

3. The appeal is dismissed.

Appeal D: APP/E3715/W/23/3328399

4. The appeal is dismissed.
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Appeal E: APP/E3715/W/23/3328396

5. The appeal is dismissed.

Appeal F: APP/E3715/W/23/3328395

6. The appeal is dismissed.

Procedural matters

7. The above descriptions are based on those given on the application forms but reflect the current intentions for each site.

Main Issues

8. For each of these 6 appeals, the main issues are
- a) whether it is inappropriate development in the Green Belt
 - b) its effect on openness, the purposes of including land in the Green Belt and the character and appearance of the area;
 - c) whether a suitable access has been demonstrated;
 - d) whether it would give rise to other harms and,
 - e) if harm would be caused by any or all of the above issues, whether this harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

9. In 2023 planning permission was granted for land to be used for 10 Gypsy and Traveller sites at what is known as Top Park (which I shall refer to collectively as the Top Park site) for a temporary period until June 2028 (the 2023 decision). The sites subject of that decision are arranged along the eastern side of an unadopted road that runs southwards at right angles from Top Road. This unadopted road is called the Top Park access road in the descriptions above but I shall refer to it as the service road.
10. These current appeals concern 6 separate individual plots, all roughly of the same size, on the western side of the service road. Together they fill a gap that was between Top Road itself to the north, and various buildings and structures further south, and are on land that was formerly part of a paddock. All the developments subject of these appeals have been implemented to a greater or lesser extent. On some the site is now as in its description but, on others, elements are still to be formed or put in place. I was told that each plot would be occupied by Gypsies and Travellers and I have considered the appeals accordingly.
11. In the *Rugby Borough Council Local Plan 2011-2031* (the Local Plan) Gypsy and Traveller provision is assessed principally against Policy DS2, which lays down as bullet points the criteria that such proposals need to meet to be supported. It does not refer to the Green Belt, but it was confirmed at the Hearing that this policy or compliance with its criteria does not override the approach to Green Belt development in Local Plan Policy GP2 concerning inappropriateness and other related matters.

Inappropriateness

12. Local Plan Policy GP2 states that only where national policy allows will development in the Green Belt be permitted.
13. Government policy in Policy E of *Planning policy for traveller sites* (PPTS) states that traveller sites in the Green Belt, whether temporary or permanent, are inappropriate development. As they lie in the midst of an area so designated, I therefore conclude each of these Gypsy and Traveller sites constitutes inappropriate development in the Green Belt.

Openness, Green Belt purposes and character and appearance

14. The appeal sites are within a relatively flat, gently undulating landscape, that broadly comprises a scatter of villages and other development amongst an arrangement of fields, roads and lanes that tend to be bound by hedges. As a consequence, it has a generally open, rural character. The *National Planning Policy Framework* (the Framework) states that there is a need to recognise the intrinsic character and beauty of the countryside while the PPTS says that new traveller sites in the open countryside should be strictly limited. Moreover, this area of Green Belt plays an important purpose in preventing Coventry merging with the settlements to the north.
15. Each of the developments subject of these appeals broadly seeks to change part of the former paddock into land used for the siting of caravans (including mobile homes), along with the erection of other ancillary structures. There would also be further paraphernalia associated with each site, such as parked vehicles or play equipment, and all though it could be subject to some control, there would be a certain amount of associated light pollution. Each site would be enclosed by fencing, and there is little if any prospect of any meaningful planting to screen or soften the works.
16. Views of the developments from the east are limited as they are screened by the Top Park site, and this makes the individual impact of caravans and structures on any one of these 6 sites difficult to distinguish. It was also said that the developments could be seen from the Coventry Way long-distance footpath to the south, but from there it is substantially concealed by hedging and topography, while there is a far greater awareness of caravans sited in the foreground.
17. However, Plot 19, which is the most northerly of the 6, is apparent when on Top Road immediately next to the site, due to the patchy nature of the boundary hedge, while all 6 can be seen to a greater or lesser extent over the intervening field when travelling eastwards along the road. Although this concern relates to each of the appeal schemes, in making this assessment I accept that the impact of them in this regard would vary. For example, Plot 19, although visible from the road, would be tucked against the hedge when looking from the west, while some of the other plots would be more isolated and prominent in their location.
18. I accept that, even from these viewpoints, until possibly 2028, none of the 6 appeal schemes would be seen in isolation, but rather would be set against the Top Park site. The presence of that site behind would also mean none would block longer views that would otherwise exist. Even accounting for this

though, I consider that, by extending the development around the Top Park site in this way, each case would serve to erode the sense of openness in the Green Belt and unacceptably detract from the rural character and appearance of the area. As a result, they would each constitute an encroachment into the countryside, diminishing to some degree the sense of separation between Coventry to the south and the other settlements to the north.

19. Moreover, the 2023 decision means I have no reason to consider, at this stage, that the Top Park site will remain after 2028. Once that neighbouring development is removed these impacts on the openness, the character and appearance and the Green Belt purposes will be even greater. This is because, each of these 6 appeal schemes will be far more noticeable from the east, unscreened by what is there now, and whether seen from that direction or from the west, they will interrupt and break what would otherwise be relatively long and open views across this landscape.
20. I accept that in the vicinity are caravans on various other sites, which are in the Green Belt and some, at least, are located in prominent and isolated positions. However, even if these are all authorised, the cases before me would each still constitute an additional impact in relation to this issue. Consequently, the presence of those other sites is not sufficient, to my mind, to lead me to different findings.
21. Plots 16, 17, 18 & 19 are accessed from the opposite side to the service road, along what used to be a rough track that crossed the paddock but has now been upgraded (this is termed the access track or access road in the descriptions above but I shall call it the track). Although the effect of these works to the track is to extend the encroachment into the Green Belt still further, it lies outside of all the appeal sites and so is not part of any of the schemes before me. Consequently, its impact has not formed part of this assessment.
22. Finally, it may well be that even if the development subject of the 2023 decision was totally removed after 2028, some structures would still remain around that site as they were not, for whatever reason, covered by that decision. Further caravan sites to the east would also be present. However, I have no basis to consider that what would still be there would be sufficient to change my findings on the impacts of these appeals after that date.
23. Accordingly, I conclude that each development would detract from the character and appearance of the area, in conflict with Local Plan Policies NE3 and DS2 (bullet points 6 & 8), which seek landscape protection, consideration of the landscape context and a mitigation of visual impacts. I also conclude they would each erode the sense of openness and undermine the purposes of including land in the Green Belt.

Access

24. Plots 14 and 15, which are the 2 southernmost ones subject of these 6 appeals and are furthest from Top Road, are shown to be gaining access from the service road. As stated above, the remaining 4 plots would take vehicular access off the track. However, none of the 6 sites includes either the track or the service road within its site boundary, and to my mind this has 2 main implications.

25. Firstly, it has not been shown that all relevant owners of the service road and the track have been notified of the schemes, with the consequent effect on their potential engagement in the application and appeal processes. I was told that the track has recently come under the joint ownership of the appellants, but there is not yet any evidence to show this as the land transfer is taking some time. However, even if this is so, the conveyancing details that have been submitted in relation to that acquisition only extend up to the hedgeline with Top Road and do not run to the carriageway itself. As such, it is unclear whether consent to cross that land would need to be obtained from the Highway Authority or someone else.
26. Secondly, no planning permission exists for the track to be used in connection with development of the nature now before me. Rather, I anticipate its planning status is for agricultural use, although I was unclear about the nature of the activity being undertaken at the parcel of land at its southern end. As a result, as it is outside of the various appeal sites, its use to serve Plots 16 to 19 would not be authorised if I were to grant any or all of those appeals as they currently stand. Moreover, while the 2023 decision grants planning permission for Gypsy and Traveller use of the service road, that is only on a temporary basis and does not appear to support its retention after June 2028.
27. I recognise that the description for each scheme stipulates from where access will come, and it has been suggested that the red line around every individual site could be extended to include the track. I do not have plans showing such an amendment. However, I consider that changing the boundaries in that way would be evolving each scheme, and would constitute a fundamental change to the appeals that, for the reasons given above about notifying owners, could cause unlawful procedural unfairness. Therefore, it would, in my opinion, be contrary to the long-standing principles set out in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*, and the more recent judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)*, which have both been cited by the Council (Document LPA1 below).
28. It was further suggested that, in order to overcome the issue of the track not being within any of the appeal sites, conditions could be imposed to require the 4 plots using that to take access instead off the service road on their other side. That though would again be an evolution of the scheme and a departure from the appeals' precise descriptions, which, if I supported, would deny the residents around and the owners of the service road opportunity to comment. It would therefore once again be a fundamental change that could give rise to procedural unfairness.
29. Based on what I saw on my visit though, the gateway to the track and the visibility at its junction with Top Road seemed adequate to allow its safe use, while I have no basis to find any additional movements through the service road junction with Top Road would be sufficient to compromise its safety.
30. Accordingly I conclude it has not been shown a reasonable and appropriate access to the highway is possible in connection with each site, in conflict with Local Plan Policy DS2(bullet point 5).

Other Matters

Intentional Unauthorised Development

31. On the evidence before me I have no reason to consider those who laid out the sites did not know that they required planning permission, especially as an injunction already related to this area. I therefore consider them to be intentional unauthorised development. Consequently, in accordance with the Government's *Planning Policy Statement* of August 2015 this is a material consideration. While Plot 14 was formed before that date, the *Planning Policy Statement* says its guidance should be applied to all applications received after 31 August 2015. The presence of the injunction though does not prevent applications being submitted for consideration.

Dominance of settled community

32. The PPTS advises that sites in rural areas should respect the scale of, and not dominate, the nearest settled community. A plan was submitted on behalf of the Parish Council (Document PC1) showing a number of sites in the vicinity that I was told together contained some 40 to 50 caravans. It was contended that when taken together this showed the Gypsy and Traveller community dominated Barnacle, both visually and in terms of its population. However, while those sites on Shilton Lane or the B4109 might be relatively close when measured in a straight line, the road network does not relate them strongly to the village. Furthermore, mindful that not all of them were in this Borough, I am unaware as to how many of the sites on the Parish Council's plan are authorised, or whether those sites that have a permission to be used for the siting of caravans are operating within the terms of that permission. Moreover, I was told that not all of the sites were being used by Gypsies and Travellers, as some provided temporary accommodation for agricultural workers, and some were mobile home parks or occupied by those who were not members of the Gypsy and Traveller community.
33. Reference was made to possible abusive behaviour towards the settled community in Barnacle, but I have no reason to consider that has necessarily arisen as a consequence of the developments subject of these appeals.
34. Accordingly, on the evidence before me I consider that none of these schemes would result in the Gypsy and Traveller community dominating Barnacle, either visually or in terms of population.

Access to and impact on local services

35. Bulkington, with its relatively wide range of day-to-day services, is quite close, while the edge of Coventry is not far away. However, the roads in the area tend not to have pavements, have limited lighting, and carry relatively fast traffic, and so walking to these services is unattractive and unrealistic. Therefore, to access them from these sites would require a reliance on the private car. These journeys though would not be long, and I consider they would not be sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches.
36. I have no firm evidence to show that these 6 appeals would have a detrimental effect on the delivery of any services or infrastructure in the area.

Other considerations

37. Above I have found Green Belt harm arising with each appeal through inappropriateness and the scheme's effect on openness and the purposes of including land in the Green Belt, as well as due to the effect on the character and appearance of the area and the failure of the schemes to show a suitable access can be secured. I have also noted that the sites can be deemed intentional unauthorised development.
38. As stated above, the Borough's approach to Green Belt development in Local Plan Policy GP2 aligns itself with Government guidance. The Framework states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
39. In relation to traveller sites the PPTS elaborates on this position in Policy E (and re-iterates it in Policy H) by saying

'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

What would give rise to one of the 'unlikely' instances envisaged by the policy is not specified. I consider though that it is not saying that (subject to the best interests of the child) personal circumstances and unmet need would never outweigh harm in the Green Belt and other harm by themselves, but just that it is not probable. Moreover, whilst personal circumstances and unmet need are 'unlikely' to outweigh harm, there is nothing in the PPTS to say that they could not contribute to outweighing the harm when taken with other material considerations.

40. With regard to supply, the Council accepts that it has a shortfall of some 28 Gypsy and Traveller sites when using the definition found in the PPTS. On the evidence before me a shortfall of this magnitude appears to have been on-going for a while. It accepts though that this shortfall is likely to be greater now given the recent court judgements. Furthermore, the Council has no outstanding allocations in the Local Plan and, mindful that there was no positive response to the recent call for sites, it can identify no alternative sites and no supply going forward. It therefore does not have a 5-year supply of deliverable sites. It is hoped to adopt a new local plan by the end of 2026 that will resolve this matter. However, even assuming that date is achieved and suitable sites are in fact identified, until then the only means of addressing this shortfall will be through windfall proposals being assessed against the criteria-based Local Plan Policy DS2 and other relevant policies. This is, in effect, the approach the Council has taken over recent years yet, whether because of a lack of schemes coming forward, the manner in which the policy context is applied or a combination of the 2, it clearly has not delivered the required number of pitches.
41. Turning to the personal circumstances of the adults, I am aware that every appeal does or will provide a settled base and a home for its occupiers, and I was told that in each case the alternative would be a roadside existence or

'doubling up'. Under the Public Sector Equality Duty (PSED) I have also had regard to the 3 aims given in *The Equality Act 2010* to eliminate discrimination, to advance equality of opportunity between those who share a protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

42. I was told of adults on Plots 16 and 19 who have serious health problems that are being addressed at nearby hospitals. They would therefore be disadvantaged if they had to return to a roadside existence with its associated stress and its difficulties of maintaining consistent care. I was also informed explicitly that on Plots 15, 16 and 19 there were strong family links with residents on the Top Park site, including caring responsibilities, while someone on Plot 17 had a caring role for a sibling who lived nearby.
43. The development plan context provides little opportunity for these appellants and their families to have a settled base from which to maintain their cultural way of life, and this appears to have been the situation over a period of time. I accept as well that each of the sites provides the appellant and their family with a home. Consequently I afford these factors significant weight. Moreover, when considering the appeals on the relevant plots, I also afford significant weight to the presence of adults with more acute needs for a settled base. The caring responsibilities though do not, of themselves, attract great weight as it has not been shown they are so necessary as to justify pitches here.
44. However, PPTS Policy E, by definition, is meant to be applied in instances where there is an unmet need, and while the unmet need is significant in this instance, I consider it is not so great as to mean it should be deemed to be outside of the general direction of this policy. The appellants invited me to weigh separately the unmet need, the lack of alternative sites, the policy failure and the lack of a 5-year supply. In this instance though and when considering the schemes against PPTS Policy E, I consider they are, to a great degree, interrelated facets, and I do not read the reference to unmet need in that policy as meaning these other concerns, which are often alongside an unmet need and a component of it, should always be weighed separately.
45. Furthermore, the appellants placed weight on much of the Borough being in the Green Belt, so increasing the difficulty of finding sites. PPTS Policy E though, by its nature, is to be applied to Green Belt authorities, a number of whom could have a greater proportion of their area designated thus. I therefore see no reason to consider that a statement expressly intended for areas of Green Belt should be outweighed because an authority has a large amount of land so designated.
46. Therefore, putting aside the best interests of the child for now, I consider that the unmet need and personal circumstances in each of these cases are not sufficient to mean that, even if taken together, they constitute the '*unlikely*' occurrence where considerations clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Indeed, even if I had accepted the appellants' suggestion and given separate weights to what I saw as the various facets of unmet need my findings in this regard would be no different.

47. In making this assessment I was also invited to give weight to matters such as the sustainable location of the site, and the absence of amenity or ecology issues. These though are matters that one would expect in all new development in any event, and so are afforded neutral weight in the balance.
48. Finally, I turn to consider the best interests of the children in connection with these appeals. At the outset I have regarded no other consideration as more important or, in advance of the subsequent assessment of the individual circumstances, I have given none greater weight. However, these best interests will not always outweigh other considerations including those that could impact negatively on the environment. I have nonetheless kept the best interests of the children at the forefront of my mind in reaching my decisions.
49. I was told children lived, or would live, on each site. A settled base would benefit them all, as it would allow them security, and consistent access to general health care and to social groups. It would also enable them to have a stable education if already at school, while for those of a pre-school age, a settled home established beforehand would allow their time at school to begin as seamlessly as possible. These benefits though apply to most if not all Gypsy and Traveller children, and, even taken with the unmet need, the facets of unmet need and the personal circumstances of adults, are not sufficient to justify occupancy of any of these sites when weighed against the harm I have identified to the Green Belt and to the character and appearance of the area.
50. On Plots 14, 15, 17, 18 and 19 I was told of children with additional health or educational needs of varying severity that were being addressed locally or indeed on site. For these children, I accept that the safeguarding and promotion of their welfare would be harder if their respective families had a roadside existence, and these are weights in favour of those appeals that are over-and-above the more widely applicable benefits for children discussed in the preceding paragraph.
51. Even taking into account these factors though, and including them with the other considerations of the personal circumstances of the adults and the unmet need, I still consider the schemes on Plots 14, 15, 17, 18 and 19 would not clearly outweigh the harms identified to justify the grant of permanent permissions. This is because the temporary nature of the 2023 decision and the required removal of the Top Park site means that after 2028 the developments before me would no longer be set against an existing and more extensive array of caravans and associated paraphernalia. Rather, a permanent permission would allow them to remain indefinitely in an open, prominent location, visible from both the east and the west, relating poorly to any existing development.
52. I have though considered the grant of a temporary permission for Plots 14, 15, 17, and 18, to authorise the use of the sites until the same date arising from the 2023 decision, namely June 2028. Until that date they would still be inappropriate development under PPTS Policy E and this should continue to be afforded substantial weight. They would also still harm openness, the purposes of the Green Belt and the character and appearance of the area. However, the presence of the Top Park site over that period and the limited timescale for which each scheme would be present would together serve to limit the duration and extent of these harms, and this should have a bearing on how they are balanced against the other considerations. Furthermore, drawing comfort from

- the Council's aim to accord with the Government's deadlines, by that date there should be a material change in planning circumstance, as the new local plan should have been in place for a while. This would give opportunity for each of the appellants to seek alternative sites by making use of whatever approach the new local plan had given to guide Gypsy and Traveller development, while at the same time allowing alternative means of addressing their children's needs to be secured if necessary. Such factors would, to my mind, mean that for a temporary period until June 2028 the various other considerations given in connection with Plots 14, 15, 17, and 18 would clearly outweigh the harms to the Green Belt, the character and appearance of the area and any weight afforded to them being intentional unauthorised development.
53. Despite these points though, I am unable to grant a temporary permission for any of those schemes as the above considerations would not outweigh the issues that remain with the failure to demonstrate that each site would have a suitable access that could be used in connection with the development.
54. Turning to Plot 19, a child living there now has issues that, as described to me, appear far more severe than those of the children on Plots 14 to 18. Given this child's specific needs I recognise that a settled base is particularly important for them. By itself, and without the presence of the other sites before me or the Top Park site, this plot would still harm the openness of the Green Belt and the character and appearance of the countryside. However, if all surrounding Gypsy and Traveller development were to be removed the harm resulting from its prominence, its effects on openness, and its sense of isolation would be limited to a degree as it is immediately at the roadside, by the hedge of the former paddock. When looking from the east or west it would therefore be tucked away to some extent, so lessening its visual impact.
55. Mindful of these factors, in considering a temporary permission for Plot 19 the severity of the issues concerning the child, when taken with the other considerations, would clearly outweigh, for a suitable limited period, the harm to the Green Belt, the adverse impact on the character and appearance of the area and any weight attached to it being intentional unauthorised development. However, given the weight afforded to the nature and severity of the child's condition, the duration of any such temporary permission should be connected in some way to the child's occupation of the site, rather than to June 2028. Again though, I am unable to grant such a temporary permission as the considerations would not outweigh the issues relating to the access.
56. In making this assessment I have had regard to appeal decisions from May 2022 (the previous appeals) concerning enforcement notices that had been served on these plots to require the cessation of each of the unauthorised uses. One of the notices was found to be a nullity. The appeal against the other proceeded just on grounds (b), (e) and (g), while the ground (g) appeal was pursued only on the basis of the timings for the sowing of new grass. Despite this, and mindful of his duties under the PSED among other things, the Inspector also had regard to the personal circumstances of those then resident on the site, who are generally the appellants before me. Having done this, he extended the period for compliance by a short time to October 2022.
57. Whilst that Inspector did not increase the compliance period to the length I have explored under the possible grant of temporary permissions, he was not being asked to grant a planning permission for the works. No appeal was

made under ground (a) and no arguments to that effect were advanced. As such, he had no need to consider if very special circumstances existed and, in such a context, the personal circumstances were not part of the case presented to him before he, himself, explored them. As a result, he was making an entirely different decision to those before me. Accordingly, I consider my reasoning above in relation to temporary permissions does not conflict with his.

58. I recognise that, with the enforcement proceedings subject of the previous appeals, my decisions could well interfere with the rights of the appellants and their families to peaceful enjoyment of, and respect for, their possessions, their private and family life and their home, which are rights they enjoy under Article 1 of the First Protocol and Article 8 as set out under the *Human Rights Act 1998*. However, those are qualified rights and interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim. Given the importance of the need to demonstrate that a suitable access is achievable, I consider the protection of the public interest cannot be achieved by means that involve less interference with their rights. In each case it is therefore proportionate and necessary to refuse to grant planning permission.

Conclusions

59. For the above reasons I conclude that each of these 6 appeals should be dismissed.

JP Sargent

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mrs E Temple	Planning Consultant
Mr A Buckland	Appellant Appeal D
Mr C Calladine	Appellant Appeal C
Mr R Jones	Resident Appeal E
Mr J Lee	Appellant Appeal F
Mr L Lee	Resident Appeal F

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Davies	Principal Planning Officer with the Council
Nr C Hawley	Barrister instructed by the Council
Mr N Holly	Development Strategy Manager with the Council
Mr Holt	Development Enforcement Manager with the Council (site visit only)

INTERESTED PARTIES:

Mr Barton	Local resident
Mr Bryant	Barnacle Parish Council
Linda Burton	Local resident
T Byrne	Local resident
Lesley Hill	Local resident
S Rudge	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FROM THE APPELLANT

APP1: Plans showing amended site boundaries for each appeal
APP2: Email to the Planning Inspectorate concerning descriptions of the developments and land registry details (dated 9 February 2023).
APP3: Email to the Planning Inspectorate concerning land registry details (dated 14 February 2023).

FROM THE LOCAL PLANNING AUTHORITY

LPA1: Observations from the LPA and the Highway Authority regarding the inclusion of the Access Tracks into the Appeal Site boundaries
LPA2: Email to the Planning Inspectorate concerning descriptions of the developments (dated 5 February 2023)
LPA3: Email to the Planning Inspectorate concerning descriptions of the developments and land registry details (dated 21 February 2023).

FROM PARISH COUNCIL

PC1: Map and aerial photographs of other caravan sites in the vicinity submitted by Mr Bryant

Reference: R24/0977

Site Address: 18, Top Park, Top Road, Barnacle, Coventry, CV7 9FS

Description: Retrospective application for 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. kitchen/bathroom outbuilding, a gazebo, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/40120>

Recommendation

Application R24/0977 be approved on a temporary permission until June 2028 subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives as outlined in the draft decision notice.

1.0 Introduction

- 1.1- This application is being reported to planning committee for determination under paragraph 5.2.3 (b) of the councils Scheme of Delegation owing to the fact that the Chief Officer for Growth and Investment considered that the application should be determined by the Local Authority on such basis.

2.0 Description of site

- 2.1- This application relates to a single plot known as Plot 18, which is located on land within a larger Gypsy and Traveller site (hereafter '*Top Park*'), situated northwest of the village of Barnacle. To the north, south and east of the plot lies the wider Top Park site including a main internal access road serving various aspects of the site. To the west of plot 18 is a further access track, beyond which is an open field that separates the site from development along the B4109 highway. Further to the north, Top Park is flanked by a highway verge, beyond which is the Top Road highway. On the opposite side of Top Road is open pastureland bounded by low field hedges.
- 2.2- The plot is currently enclosed on the sides by timber fencing that averages approximately 1.5 metres in height. There is a single mobile home located such that its rear elevation flanks the southern boundary fence of the site, with an elevated deck to its western elevation. The development description also states the provision of a tourer caravan within the plot. On the western side of the plot is a playhouse/dolls house and a two-tier climbing frame. To the rear of the mobile home is a gazebo and in the north-eastern corner of the site is a Timber building which serves as a kitchen and bathroom area. The majority of the plot is surfaced with loose gravel, with an area of grass located next to the vehicular access on to the western access road.
- 2.3- Whilst access to most of the plots on Top Park is via the established central access road off Top Road, Plot 18 uses a separate vehicular access via the existing access track located on the western boundary of the Top Park site. The occupants of the plot utilise a formal gated vehicular access directly off this access track. There is also a pedestrian access on the eastern boundary of the plot which enters on to the central internal access road.

3.0 Description of proposals

- 3.1- The proposal seeks retrospective consent 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. kitchen/bathroom outbuilding, a gazebo, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary.

4.0 Planning History

4.1- The application site (Plot 18);

R22/0666- Retention of 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. wooden shed, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary. Erection of a utility building. **Refused- Appeal E: APP/E3715/W/23/3328396- Dismissed**

- 4.2- **Web link:** <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328404>
(Please also see Appendix 1 within this report).

- 4.3- APP/E3715/W/23/3328396- This appeal was made by Mrs Ann Marie Connors against the decision of Rugby Borough Council. The application Ref R22/0666, was refused by notice dated 15 May 2023.

4.4- Affecting the wider Top Park site (Plots 14-17 & 19);

- 4.5- Below lists the relevant application history from plots 14, 15, 16, 17 & 19 which were submitted alongside application R22/0666 concerning plot 18. These were all included in appeal decision APP/E3715/W/23/3328396.

4.6- (Plot 14)

R22/0772- Retention of 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. timber dog kennel, block paved parking area, gravel pathway, red brick walls and metal gates to front boundary, timber fencing to side and rear boundaries, and vehicular and pedestrian access off Top Park access road. Proposed erection of a brick outbuilding with a tiled roof.

4.7- (Plot 15)

R22/1055- Retention and 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. stable, 1no. brick outbuilding, a gravelled parking area, a block paved pathway, walls and gates along the front boundary, fencing along the side and rear boundaries, and vehicular access off Top Park access road.

4.8- (Plot 16)

R22/0664- Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. tourer caravan, 1no. utility building (timber), 1no. shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 1no. existing tourer with 1no. static caravan and siting of a second static caravan.

4.9- (Plot 17)

R22/0665- Retention of 1no. pitch for Gypsy and Traveller use, including retention of 1no. tourer caravan, dog kennels, 1no. shed, gravel hardstanding, vehicular access off access road and pedestrian access off Top Park access road. Retention of gates across both accesses and boundary fencing. Replacement of 2no. existing tourer caravans with 2no. static caravans, and removal of 1no. existing shed.

4.10- (Plot 19)

R22/0637- Retention and occupation of 2no. mobile homes and use of the site as 2no. Gypsy and Traveller pitches. Retention of 2no. sheds, 1no. outbuilding for use as a sensory room, fencing and gates, vehicular access via the existing access track, and surfacing of the plot with gravel. Siting of 2no. touring caravans.

4.11- *Temporary approval (5 years);*

R15/2017- The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference 15 March 2023 APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18 January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010). Variation of Condition 1 of R10/2298 refused on 6 April 2011 and allowed on appeals 11/2153638, 11/2154137 and 11/2153749 dated 27 August 2013 to provide a permanent permission onsite at Top Park, Top Road, Barnacle.

4.12- Application R15/2017 concerned the adjacent part of the overall Top Road site (eastern side) and not that concerning the land for Plot 18.

5.0 Relevant Planning Policies

5.1- As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2- The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined in paragraph 5.5 below.

5.3- ***Rugby Borough Local Plan 2011-2031, June 2019***

5.4- The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

5.5- ***Relevant development Plan policies;***

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

DS2: Sites for Gypsy, Travellers and Travelling Show people

HS5: Traffic Generation and Air Quality, Noise and Vibration

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and Enhancement
SDC1: Sustainable Design
SDC4: Sustainable Buildings
SDC5: Flood Risk Management
SDC6: Sustainable Drainage
D1: Transport
D2: Parking Facilities

5.6- ***National Planning Policy Framework, 2024 (NPPF)***

5.7- ***The Planning Policy for Traveller Sites 2024 (PPTS)***

5.8- ***Material considerations;***

- Appeal A: APP/E3715/W/23/3328396 (please see paragraph 4.2 within this report and Appendix 1).
- National Planning Practice Guidance (NPPG)
- Climate Change Sustainable Design and Construction SPD (2023)
- Air Quality - Supplementary Planning Document July 2021
- Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA) September 2022.
- Gypsy and Traveler, Travelling Showperson and Houseboat Accommodation Assessment 2025

6.0 Technical consultation responses

WCC Highways – No objection subject to condition.

WCC Ecology - No objection.

WCC Fire and Rescue - No objection.

RBC Environmental Health - No objection.

RBC Work Services- No objection

7.0 Third party comments

Shilton & Barnacle Parish Council- Objection on the following grounds;

- The application is considered inappropriate development in the Green Belt, is out of keeping to the open nature of the surrounding area and as a consequence, detrimental to the appearance of the area. The application fails to demonstrate or provide any evidence of any very special circumstances which could justify any development on a site in the Green Belt, in accordance with national and local planning policy.
- The development is not sustainable as there are no public transport links or any safe walking routes. There are no footpaths along the 50mph stretch of Coventry Road towards Bulkington or Mile Tree Lane towards Coventry.
- The development will be clearly visible from the 'Coventry Way' public footpath, which is a well-used public footpath allowing walkers to enjoy the countryside and its views. These views will be impacted by increasing development.

- The impact of light pollution that the development will have on the area is significant, given that it is visible from considerable distances in every direction. This has a harmful effect on the rural character of the area, emphasising development within the Green Belt.
- There is inadequate drainage on this site as it comprises hardstanding throughout, leading to potential environmental and health hazards.
- There is a significant number of other gypsy and traveller sites in the immediate area and across the wider parish, which has resulted in a significant over-concentration of sites. The parish council has concerns over the cumulative effect of even more sites and the impact this will have on the settled community. There is concern that if further sites are granted planning permission, this will have a disproportionate effect on the settled community, possibly leading to tension between the two communities.
- The application is misleading and inaccurate as it implies that there were discussions held with Rugby Borough Council officers prior to commencement of the works to develop this site. The site was developed in March 2020 on land that had a High Court injunction on it preventing any development without prior planning permission. There is no evidence of any such discussions before the commencement of the original works on this site. Planning officers have previously indicated that they were unaware of the unauthorised development prior to it occurring.
- The application is not for the 'retention' of any building or structure. No planning permission currently exists, nor has ever existed for development on this site.
- The works on this site were undertaken with the full knowledge that there was a High Court injunction on this land which was intended to prevent any such development. This shows a blatant disregard for a ruling of the Court and lack of respect for the law, rules and regulations which are designed to protect the countryside and Green Belt.

Objections were received from third-parties. The points raised are summarised below;

- This illegal development was commenced in March 2020 (when the whole country was compulsorily locked down) in full disregard of the rule of law.
- The development commenced in full knowledge that a court injunction prevented any development of this land – a serious criminal offence.
- The land in question is in the greenbelt and requires protection hence the court injunction and nothing has changed to warrant this being overturned.
- There is a public health issue with sewage contamination from overflowing cesspits into the surrounding farmland and the resultant foul smell.
- Top Road is narrow with no footpaths and a 60mph limit with vehicles exiting the camp showing no consideration for passing motorists resulting in many near misses or the complete blocking of the road for hours for the siting of caravans without obtaining the necessary police authority.
- This development is yet another visual eyesore and totally inappropriate to the character of the area.
- There is a massive light pollution problem emanating from this camp, which is detrimental to the area.
- Barnacle is overwhelmed by gypsy developments with 91% of illegal camps in this ward out of the whole Rugby area.
- These camps cause stress anxiety and mental health problems to the settled Barnacle community and their inability to take this on board is incomprehensible.
- Sewerage can be smelt strongly in the summer months and during heavy rainfall there is chance of an overflow which has got to be an environment issue.

- This planning application is on a lane, the lane is not suitable for the already heavy traffic that use it, more mobile homes will make more traffic making the lane more dangerous.
- There is no provision for pathways or streetlights in this lane making it dangerous to walk down the lane at night.
- Local farmers have said this is good fertile land, it is not waste land that nothing would grow on. It is grazing land.
- When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- Since travellers often rely on Human Rights arguments, it is worth pointing out that the European Convention on Human Rights (included in UK law by the Human Rights Act 1988) confers rights on the settled community as well as on travellers.
- The land proposed for this development is Green Belt land and as such is valuable wildlife habitat, as was the land already built on.
- The development is a departure from Rugby Borough Council's Local Plan.
- The site is visible from Top Road, Spring Road and the public right of way forming part of the Coventry Way It is overbearing and out of keeping with the surrounding countryside.
- This greater and greater encroachment into the countryside is merging Barnacle with Bulkington and contributing to urban sprawl.
- Development on the site leads to an inevitable increase of traffic on the narrow roads of the village creating an increased danger of accidents and noise.
- It will add to the overwhelming number of such sites already in the area surrounding the small hamlet of Barnacle.
- Increased Anti-social behaviour Pollution from site killing wildlife, this area is a greenbelt.
- Flood risks - flooding increase this past year, road flooding risks due to lack of ability for water to soak away after block paving has been used.
- Impact on traffic and residents if work is undertaken throughout the small village of Barnacle as already used as a rat run causing drivers from sites speeding though village, more static caravans and families.
- Disposal of extra waste and lack of detail around this issue, due to the apparent extra residents.
- No information in regards to correct caravan licensing requirements having been met.
- Electric connections for the site not noted.
- The proposed site is in part of the designated West Midlands Greenbelt. It is in compliance with the Planning Act in place to preserve the countryside. National guidelines also state traveller sites in green belt "are inappropriate" development. The site is located outside the boundary of Barnacle. Therefore it is contrary to planning guidance as the site is away from existing settled communities which do not contribute to community cohesion and Integration. The special conditions that have been documented for accepting development of this site, should not carry any weight as it is against National Policy, and the Inspectorate decision and instruction to restore the paddock to its original condition.
- The visual impact of the existing numerous large sites on Top Road have dramatically changed the character of the surrounding area overwhelming the hamlet of Barnacle. The impact is clearly seen from across the fields in Barnacle, the entire length of Top Rd from the Coventry Rd into Barnacle and across the fields travelling from Bulkington along the Coventry Rd. This is particularly extremely prominent across the fields at night as a result of the greatly increased light pollution from the sites.
- National guidelines state new additional sites should not overwhelm the next nearest settlement. There are in excess of 13 traveller sites, in very close proximity around Barnacle, a very small hamlet.

- The rapid change of use and development of these sites within the local area already creates a considerable adverse impact on the local infrastructure and amenities. This makes it challenging for the integration and acceptance of the traveller community within the local neighbourhood. There is an obligation that local authorities should ensure promote peaceful and integrated co-existence between the site and the local community.
- There was already an existing development injunction served on the site and in place which went unchallenged leading to further illegal dwellings and in clear breach of planning regulations.
- The planning policy statement issued with PPTS 2015 and confirmed by Ministerial Statement makes clear if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- The full resources of existing facilities e.g. Ryton Woodside and The Griff need to be fully utilised before new expansion development within green belt is considered. In addition RBC should be instructing any new housing developments they are sanctioning to allocate areas within the development for the Traveller Gypsy community in line with their development plan and not take the easy option to add on to an already saturated ward. It is unfair and discriminating to hold 47% of traveller authorised and unauthorised pitches/sites in Barnacle, Shilton, Wolvey ward when 12 other wards have no allocation from the 16 wards in total.
- The site has no safe walking route to schools, shops, doctors etc. It is good practise and desirable to position Traveller sites so that children can walk to school. The site is not compatible with safeguarding so many additional people walking around with no pavements. You will also be aware there is no access to public transport at this location.
- There are no footpaths for the majority of Top Road through the nearest local hamlet of Barnacle. Pedestrians are required to walk along the narrow roadways within the hamlet. In many area's, the roadway is so narrow that it is only suitable for single file traffic to travel at greatly reduced speed.
- The volume and regularity of traffic from many temporary sites within the area has substantially increased the amount of passage through the hamlet. This has increased the level of hazard for pedestrians, and has an impact on their ability, particularly for elderly, children and the disabled, to walk safely around the hamlet.

8.0 Assessment of proposals

The key issues to assess in the determination of this application are:

- Section 9- Assessment of Strategic policies (including Green Belt considerations)
- Section 10- Visual impact
- Section 11- Residential amenity
- Section 12- Highways and parking
- Section 13- Biodiversity
- Section 14- Pollution
- Section 15- Community Infrastructure Levy
- Section 16- Other matters
- Section 17- Equality implications
- Section 18- Planning balance and conclusion

9.0 Assessment of Strategic policies (including Green Belt considerations)

- 9.1- The starting point for consideration of the merits of a proposal is the provisions of the development plan. Section 38(6) states that “if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 9.2- Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF 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.
- 9.3- Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy GP1 of the Local Plan (LP) set out a presumption in favour of sustainable development. The development plan in this instance consists of the adopted Local Plan (2019). Policy GP1 also states that when considering development proposals, a positive approach will be taken on development that improves the economic, social and environmental conditions of the area. Paragraph 8 of the NPPF sets out the same key objectives.
- 9.4- The Local Plan (2019) sets out the spatial vision for the borough and Policy DS2 sets out the required provision for Gypsy, Travellers and Travelling Showpeople. The evidence underpinning this policy was based on the Planning Policy for Traveller Sites (PPTS) 2015 which has now been updated within the PPTS 2024. Therefore, policy DS2 is out of date.
- 9.5- The Local Plan is now more than 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 9.6- Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 9.7- The Emerging Local Plan for 2024-2045 is at an early stage with the preferred options consultation being carried out. This currently carries limited weight in decision making.
- 9.8- Policy GP2 sets out the development hierarchy for the borough and states that in Green Belt locations, development will only be permitted if allowed by national policy. Therefore, this aspect of the policy concerning Green Belt development is considered up-to-date. For the purposes of the assessment of the scheme against Local Plan Policy GP2, the site is outside of a settlement boundary and upon designated Green Belt land.
- 9.9- Footnote 8 to paragraph 11 of the NPPF states that where a local planning authority cannot demonstrate a 5-year housing land supply then the most important policies for

determining an application which involves the provision of housing are to be considered as being 'out of date'. Therefore paragraph 11(d) of the NPPF (the 'tilted balance') is triggered. Paragraph 11(d) states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

(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 clear 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."*

9.10- The only area/asset referenced within footnote 7 in relation to 11di for consideration within this application is the fact that the site is located within the Green Belt. Therefore, an assessment is required as to the schemes assessment against Section 13 of the NPPF and whether the harm identified provides a 'strong reason for refusing the development proposed'. The key policies referred to in paragraph 11dii to which 'particular regard' is to given are referenced in footnote 9 as paragraphs 66 and 84 of chapter 5, 91 of chapter 7, 110 and 115 of chapter 9, 129 of chapter 11 and 135 and 139 of chapter 12. The planning balance will set out the conclusion of paragraph 11d of the NPPF.

Whether the proposal is inappropriate development:

9.11- Paragraph 142 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF states that the Green Belt serves five purposes as listed below;

- A. to check the unrestricted sprawl of large built-up areas;*
- B. to prevent neighbouring towns merging into one another;*
- C. to assist in safeguarding the countryside from encroachment;*
- D. to preserve the setting and special character of historic towns; and*
- E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 9.12- Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Footnote 55 of the NPPF is relevant and states that when ensuring that substantial weight is attributed to any harm to the Green Belt, this shall be the apparent other than in the case of development on previously developed land or grey belt land where it is then not considered as inappropriate.
- 9.13- When determining whether the proposal is inappropriate development within the Green Belt, paragraph 154 of the NPPF is relevant. This states that development is inappropriate unless one of the listed exceptions applies (listed a-h). The proposal does not apply to the listed exceptions and is therefore inappropriate development under this paragraph. This is reinforced in the Planning Policy for Traveller sites (December 2024) under Policy E: *Traveller sites in Green Belt* paragraph 16 which states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the NPPF apply.
- 9.14- As the proposal is determined as inappropriate development in the Green Belt under paragraph 154, paragraph 155 of the NPPF is therefore relevant to the assessment for the principle of the scheme. This states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the following criteria applies;
- A. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - B. *There is a demonstrable unmet need for the type of development proposed;*
 - C. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - D. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.*
- 9.15- Paragraph 18 contained within Policy E of the Planning Policy for Traveller sites (2024) confirms that the Golden Rules set out in paragraph 155 (d) of the NPPF as detailed above do not apply to traveller sites.
- 9.16- Footnote 56 contained within Section 13 of the NPPF identifies that when assessing a scheme against Paragraph 155 (b), in the case of traveller sites means the lack of a five-year supply of deliverable traveller sites assessed in line with the PPTS. Footnote 57 identifies that when assessing a scheme against paragraph 155 (c), in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13.

Paragraph 155 (a):

- 9.17- When assessing the proposal against the three relevant criteria as contained in paragraph 155 of the NPPF (paragraphs a-c), the first point (paragraph a) is to

determine whether the proposal site will utilise 'grey belt' land. When applying this to the application site, the definition of 'grey belt' is contained in annex 2 of the NPPF (2024), as detailed below;

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

- 9.18- For the purposes of decision-making, the site does not comprise of previously developed land owing to the intentional unauthorised development which has taken place. The matter of intentional unauthorised development on site was confirmed by the Inspector in APP/E3715/W/23/3328396 (see paragraph 4.2 and appendix 1). Therefore, this aspect is not satisfied as the site is not previously developed through planning consent. Turning to the second part of the 'grey belt' eligibility, this states that any other land which is not previously developed must not 'strongly contribute' to any of purposes (a), (b) or (d) of the Green Belt as stated in paragraph 143 of the NPPF in order to classify as 'grey belt' land.
- 9.19- Taking the three points (a,b & d para 143) in reverse order, it is determined that the site does not preserve the setting and special character of historic towns and therefore does not strongly contribute to this purpose (d).
- 9.20- Moving to purpose (b), this is to prevent neighbouring towns merging into one another. Consideration is given to the terminology used in this section through the specific mention of 'towns' rather than 'large built-up areas' as noted in purpose (a). On such basis, an assessment is required to be made on this part with regards to the towns in the wider area of the site and whether the proposal would 'strongly contribute' to any merging into one another. The nearby settlements of Bulkington, Shilton and Barnacle are not towns. The nearest towns to the application site are Nuneaton, Bedworth & Rugby. Therefore, in the strict sense of this purpose, the proposal would not in itself 'strongly contribute' to the merging of neighbouring towns. However, the countryside and open land between towns is constantly under pressure from development and it is rarely the case that a single development, on its own, would cause neighbouring towns to merge. Moreover, the areas between towns can be lost incrementally. On this basis, whilst the proposal would not 'strongly contribute' it would still provide a level of harm to this purpose of the Green Belt. However, when concluding the assessment of this proposal under the 'grey belt' definition, it does not 'strongly contribute' to this purpose which the definition details. Therefore, it is concluded that parts (b) & (d) of the 'grey belt' definition are satisfied against this proposal.
- 9.21- With regards to purpose (a) of paragraph 143. The area of the borough in which the application site and wider Top Park site is located, is east of the M69 and north of Coventry and the M6. This area is important to check the unrestricted sprawl of Coventry with the nearby settlements to the north. For the purposes of the assessment against purpose (a) in paragraph 143, the contribution of the wider land parcel in this area north of Coventry is considered appropriate first and then the specific contribution of the application site to the wider land parcel will be evaluated thereafter in order to attribute the importance of the application site to the area of the Green Belt.
- 9.22- It is determined that the wider land parcel north of Coventry (west of the M69 and north of the M6) contributes strongly, in restricting the sprawl of this large built-up area

northwards towards the nearby settlements. With regards to the application site. Prior to the overall occupation of the site, it contributed positively to the rurality and openness of the wider land. Although the application site is bordered to the east by development on the wider Top Park site (consented until June 2028), it is not within a settlement and is contiguous with other open fields surrounding. Accordingly, the site forms a positive component of land that contributes strongly to checking the urban sprawl of a large built-up area to the south (Coventry).

- 9.23- The openness of the parcel of land north of the M6 between the M69, Bedworth and Bulkington contributes strongly to restricting the urban sprawl of Coventry and thus the application site contributes to this. A recent appeal APP/E3715/W/24/3344241 concerning a Gypsy and Traveller site called Tree Tops, located to the southeast of Top Road is relevant in this assessment. The Inspector noted the same conclusion in their decision that the wider land parcel north of Coventry and west of the M69 strongly contributes to purpose (a) within paragraph 143 of the NPPF.
- 9.24- Owing to this, the application site cannot be considered as 'grey belt' land and paragraph (a) in 155 of the NPPF is not satisfied.

Paragraph 155 (b):

- 9.25- Moving to point (b) as contained within the criteria of paragraph 155. The Council cannot demonstrate its locally set target for Gypsy and Traveller provision across the borough and therefore the application proposal satisfies paragraph 155 (b). The previous published document on the matter is the Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA)(Sep 2022). This gave two projections for future need, one based on an "ethnic definition" (i.e. those who identify as ethnically Gypsies and Travellers) and the other based on the PPTS 2015 definition. The GTAA 2022 does not accord with the definition as defined in the Planning Policy for Traveller sites (2024) but was the most up to date evidence at the time of when the GTAA (2022) was published. According to the published Accommodation Assessment Study September 2022 (GTAA), there was a projected need for the provision of 79no. permanent pitches for Gypsies and Travellers by 2037 based on the ethnic definition.
- 9.26- During phase 1, the 5-year period between 2017-2022, there was an identified need of 35 pitches. A total of 20 pitches were granted permission by the LPA during this period to contribute to the requirement and as such there was a shortfall of 15 pitches. Moving to phase 2, three pitches were granted planning permission in the 2022-23 monitoring period. One pitch was approved during the 2023-2024 monitoring period. Since the 1st April 2017, a total of 24 pitches have been granted across the borough and confirms the shortfall of pitch provisions to contribute to the requirement as set out in the GTAA (2022).
- 9.27- However, the GTAA (2022) was updated in 2025. The Rugby Borough 2025 Gypsy and Traveller Accommodation Assessment (GTAA) provides the latest available evidence to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the borough.
- 9.28- The latest assessment concluded that there is a minimum requirement for 94 additional Gypsy and Traveller pitches across Rugby Borough over the period 2024/25 to 2041/42. Of this need, 35 are required in the first five years. Please see table 1 below;

Gypsy and Traveller pitch need 2024/25 to 2041/42;

PERIOD	PITCH NEED
5yr Authorised Pitch Shortfall (2024/25 to 2028/29)	35
Longer-term need	
Over period 2029/30 to 2033/34	16
Over period 2034/35 to 2038/39	28
Over period 2039/40 to 2041/42	15
Longer-term need TOTAL to 2041/42 (13 years)	59
NET SHORTFALL 2024/25 TO 2041/42	94
Annual net need	5.2

- 9.29- Recent appeal decisions namely APP/E3715/W/25/3359149 at Greenacres, Top Road, Barnacle, APP/E3715/C/24/3354520 at 11 Watling Crescent, Newton, APP/E3715/W/24/3344241 at Land adjacent to Treetops, Shilton Lane, Shilton & APP/E3715/W/24/3339499 at Land South West of Foxons Corner, Fosse Way, Monks Kirby have all been determined since the submission of application R24/0977. These appeals were allowed and have subsequently reduced the council's shortfall of provision during the first period to 29. Furthermore, as of 11th September 2025, a further three permissions for Gypsy & Traveller pitches were granted by the council. These were located at Top Park and neighbouring to Plot 18 and permitted a temporary permission for each of the plots until June 2028. These have subsequently reduced the councils shortfall to 26 at this current time.
- 9.30- The GTAA (2025) demonstrates the shortfall of provision across the borough and subsequently means that the application accords with paragraph 155 (b) of the NPPF.
- 9.31- The Council is working towards the adoption of a new local plan that would replace the current Rugby Borough Council Local Plan adopted 2019. However, the emerging document is at an early stage and the relevant policies only carry limited weight in decision making. Significant weight is attributed to the contribution this proposal would make to addressing a recognised need for more private Gypsy and Traveller sites at the local level.

Paragraph 155 (c):

- 9.32- With regards to the assessment against paragraph 155 (c) of the NPPF, the site is outside of any defined settlement boundary and would be in a location which would generally be resisted for new residential development. The location would represent a reliance on the private car and the lack of safe/suitable walking infrastructure to nearby settlements. It is important to note that Footnote 57 in the NPPF states that in the case of development involving the provision of traveller sites, particular reference should be made to PPTS (2024) paragraph 13.
- 9.33- APP/E3715/W/23/3328396 concerned Plot 18 following the refusal of application R22/0666. The Inspector concluded the following on the matter of sustainability;

Bulkington, with its relatively wide range of day-to-day services, is quite close, while the edge of Coventry is not far away. However, the roads in the area tend not to have pavements, have limited lighting, and carry relatively fast traffic, and so walking to these services is unattractive and unrealistic. Therefore, to access them from these sites would require a reliance on the private car. These

journeys though would not be long, and I consider they would not be sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches.

- 9.34- This appeal assessment however was pre-dated to the latest revision of the NPPF & PPTS (2024) and detailed the Inspector's assessment as to the sustainability of the location for Gypsy and Traveller occupation generally and not specifically assessed against the criteria of 155 (c). It noted the wide range of facilities in Bulkington however highlighted the nature of the area and the lack of suitable footpath infrastructure making it unattractive and unrealistic to access facilities without the reliance on the private car.
- 9.35- The Framework does not define what is meant by a 'sustainable location' but Paragraph 155 (c) particularly references Paragraphs 110 and 115 as policies to help guide this judgment. These policies are both found within the 'Promoting Sustainable Transport' chapter of the Framework and are concerned with prioritising sustainable transport modes. As a result, a 'sustainable location' for the purposes of Paragraph 155(c) is one where sustainable transport modes are prioritised, although it is necessary to take into account the type of development which can lead to a contrasting conclusion when assessing a scheme against paragraph 155 (c).
- 9.36- Paragraph 13 of the PPTS seeks to ensure traveller sites are sustainable economically, socially and environmentally. It therefore lists a broad range of factors that should be included in development plan policies. However, it is important to note that Paragraph 155 (c) of the Framework states *the development would be in sustainable location*. It does not say that development should be *sustainable*. The latter is a judgement reached after looking at all economic, social and environmental matters in a planning balance. However, for the purposes of paragraph 155 (c) of the NPPF, the sustainability of the location is only one factor feeding into a judgement as to whether a proposal is 'sustainable' or not.
- 9.37- Turning to the assessment of this proposal against paragraph 155 (c), given the volume and speed of traffic on Top Road, the occupants of the site are highly unlikely to walk or cycle anywhere. It would be unsafe to do so as Top Road carries a 60mph speed limit and there is no suitable and safe footpath provision. As such both active travel and public transport are not realistic options. There would be no ability to promote sustainable travel patterns to schools or health services. However, as noted in the decision APP/E3715/W/23/3328396, the Inspector concluded that the site was not 'sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches'.
- 9.38- Appeal- APP/E3715/W/25/3359149 (following the refusal of R23/0791) located at Land adjacent To Greenacres, Top Road, Barnacle, is a material consideration in the assessment of this application. This appeal site is located in close proximity to the application site in R24/0977 circa 150m to the east and is contained within the cluster of Gypsy and Traveller occupation on this part of Top Road. Regarding the assessment of sustainability for this appeal site, the decision stated the following;

Barnacle is the nearest village and a short distance from the site, although it contains only a few facilities. Slightly further away is Bulkington, which has some health facilities and a primary school as well as shops and other facilities. A broader range of services including secondary schools and hospitals can be found in Coventry and Bedworth. These are further away from the site than

Bulkington but they would be a fairly short car journey away from the development.

It is unlikely the occupants of the proposed pitches would walk to the nearest facilities due to the separation distances and the lack of pavements on most nearby roads. Instead, it is reasonable to envisage that most trips to and from the site would be by private car, especially as there is no nearby bus services. However, LP policy DS2 does not preclude new sites away from settlements and the location of the development would provide occupants with good and fairly convenient access to services by car. Therefore, it would meet the requirements of LP policy DS2 and the aims set out in sub-paragraphs 13(b) and 13(c) of the PPTS. Furthermore, it is likely the development would lead to only a minor increase in car trips to and from the site owing to the scale of the proposal. There is no evidence to show the level of traffic generated by the proposal would have any significant environmental effects.

The location of the development would not encourage walking or public transport use and in these regards it would go against the provisions of the Framework. However, the proposal would not represent a significant development and paragraph 110 of the Framework highlights that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Owing to the nature of the proposal and the lack of supply presented by the LPA, it would seem likely at the current time that any new Gypsy and Traveller site would be in a rural location where occupants would be reliant to a degree on private car travel.

- 9.39- This appeal decision concluded that the proposal would be in a suitable location for Gypsy and Traveller accommodation. In these respects, it would accord with LP policy DS2 and would not conflict with the provisions of the Framework on the location of development and promoting sustainable transport when read as a whole. However, paragraph 110 of the National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. That is highly relevant because PPTS does not prevent Gypsy or Traveller sites in rural or semi-rural areas and Travellers normally use private vehicles to work. Factors relevant to the sustainability of Gypsy and Traveller sites set out in PPTS paragraph 13 do not mention public transport or distance to shops and services. Instead, the PPTS references that there should be access to appropriate health services, ensure that children can attend school on a regular basis and provide a settled base that reduces both the need for long-distance travelling. As noted, Bulkington has health care facilities and a primary school as well as shops and other facilities. This nearby settlement is less than 1.5 miles from the application site (via road).
- 9.40- Paragraph 155 (c) specifically references with promoting active travel. However, it does state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making as well as Footnote 57 which references paragraph 13 of the PPTS. On this matter it is therefore concluded that the proposal would be in a sustainable location with regards to paragraph 155 (c) of the NPPF and the type of development proposed.

Conclusion against paragraph 155 of the NPPF:

- 9.41- Whilst the proposal complies with paragraph 155 (b) & (c), it does not utilise 'grey belt' land as stated in paragraph 155 (a). Therefore, the scheme is not compliant with all the criteria of paragraph 155 and constitutes inappropriate development in the Green Belt.
- 9.42- Therefore, as paragraph 153 of the NPPF states, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Local Plan Policy DS2:

- 9.43- Policy DS2 of the Local Plan specifically focuses on the provision and enabling of sufficient sites for use by the Gypsy and Traveller and Travelling Showpeople communities. This policy identifies key criteria for consideration when assessing Gypsy and Traveller site applications:

- *Does the site afford good access to local services such as schools and health facilities?*
- *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*
- *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*
- *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*
- *Does the development have appropriate vehicular access?*
- *Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?*
- *Is the development well laid out to provide adequate space and privacy for residents?*
- *Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?*
- *Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?*

- 9.44- The development will be assessed against each of these in turn;

- 9.45- *Does the site afford good access to local services such as schools and health facilities?*

The site is located relatively near to, a number of villages and suburbs that collectively have a range of local facilities. Regarding educational provisions, Wolvey Church of England Primary and St James' Church of England Academy in Bulkington are in close proximity. Public houses (in Shilton, Ansty, Wolvey, and the suburbs of Wood End, Neal's Green and Exhall in Coventry); places of worship (Shilton Baptist Church in Shilton; St James' Church of England Church in Ansty; Our Lady of the Sacred Heart

Roman Catholic Church, St James's Church of England Church and Ryton Methodist Church in Bulkington); a dental practice (in Bulkington); medical practices (in Barnacle, Bulkington, Wolvey; grocery stores (in Shilton, Bulkington and Wolvey), and supermarkets (in the Walsgrave suburb of Coventry). The area is also covered by emergency and hospital care via St Cross Hospital in Rugby, The George Eliot Hospital in Nuneaton, and University Hospitals Coventry and Warwickshire's site in Coventry. The site is therefore in a position to benefit from a good access to a range of local services in the surrounding area.

- 9.46- Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?

The site is not within an identified flood risk zone and is not adjacent to any known hazardous land uses that could be likely to endanger the health of the occupants of the site.

- 9.47- Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?

This is one of a total of 19 plots currently comprising the wider Top Park site. The recent temporary planning permission granted for the established part of Top Park (to the east of the application site) means that this will continue to be a key development feature within the locality until 2028. There are also several other Gypsy and Traveller sites close by on Bulkington Road and Mile Tree Lane. Considering the scale and size of this plot compared to the scale and size of Top Park as a whole, it is not considered that the site is excessive or inappropriate from this perspective.

- 9.48- Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?

At present, the boundary screening that encloses the site is sufficient to maintain the level of privacy for the site occupants. The neighbouring plots provide a similar degree of privacy. Due to the relationship between the plots within Top Park, if Members were minded to approve this application conditions have been recommended for inclusion that would tie the use of the plot solely to Gypsy and Traveller accommodation, preventing commercial activities, and preventing vehicles over 3.5 tonnes being brought onto site (to prevent conflicting uses that could detrimentally impact on neighbouring plots). These would be Conditions 3-5 (inclusive). A further condition would also be included making the permission personal to the applicant and their family (Condition 6).

In terms of implications for those living outside the Top Park site, there are no neighbouring residences in close enough proximity to experience a direct material impact on privacy from the Top Park site due to their distances from the site. The nearest settled dwellings in the villages of Bulkington, Barnacle, and Shilton are 250 metres, 580 metres, and 620 metres away respectively. It is therefore not considered reasonable or justifiable to place restrictive conditions relating to privacy or acoustic protection for these residents due to their significant distance from Top Park and from Plot 18 in particular.

- 9.49- Does the development have appropriate vehicular access?

The applicant exclusively uses the western access road which is only used by a small number of plots within the site however this track is now established for Gypsy and

Traveller purposes albeit not lawful at this time. WCC Highways were specifically consulted on this application and have raised no objections to the continued use of this access as a primary means of direct vehicular and pedestrian access to Plot 18. The previous application on the site (R22/0666) was dismissed at appeal owing to the fact that the access road used by the plot and entrance from the public highway was not included in the red-line boundary of the site. This has now been amended within this current application and the issue has now been alleviated.

9.50- Does the development comply with Policy SDC1 in respect of design and impact on the surrounding area and the amenity of existing residents?

Prior to occupation nearby Plot 19, there was a limited degree of partial screening by virtue of a pre-existing mixed species hedge along the back of the highway verge and the presence of some semi-mature trees within it. However, it was still possible to view the land from the highway due to the existing side access road and the fact that both the hedge and the trees were deciduous. Soon after the occupants of nearby Plot 19 moving onto their own site, a section of the hedge was cut back and lowered to better facilitate the use of the secondary access road, leaving more of the frontage of Plot 19 exposed. This undoubtedly affected the visual characteristics of the wider site, although it had only a limited impact on Plot 18 specifically, as has the presence of the structures and tourer that currently occupy the site. However, the development that has been undertaken on and around Plot 18 is consistent with the more established development on Top Park, so whilst it may be the case that the level and type of development has had a visual impact on the wider landscape, it has not been one that is so at odds with the pattern and form of development in this part of Top Road.

Should Members be minded to approve the application, it is considered reasonable to tightly control the potential for further development of the plot to prevent the intensification of its visual impact. Therefore, it is considered reasonable to apply restrictive conditions that would prevent the further intensification or material alteration of the development of the plot (beyond the changes proposed) that could harm the appearance of the locality and detrimentally affect the character and openness of the Green Belt. To that end, it is recommended that conditions are included that require the prior written permission of the LPA for any additional structures, fences, gates, outbuildings or additional mobile homes and tourers above or beyond those subject of this application, and for the installation of additional external lighting (Condition 8, 9 & 11).

9.51- Is the development well laid out to provide adequate space and privacy for residents?

The existing provision is adequate to enable the family to maintain the degree of privacy that they prefer. They are content to share the site equally and all benefit from the various structures and open spaces within the plot.

9.52- Does the development include appropriate landscape measures to mitigate visual impacts to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?

At the moment there is a small soft landscaped area on the western boundary of the plot. There is little space to accommodate a significant degree of additional planting but again this is commonly the case for plots on Top Park and it is considered unreasonable to require the applicant to undertake this unless the expectation is to be applied to all plots within Top Park. Should this application be approved however, an informative note would be included guiding the applicants on ways in which they could

incorporate a limited degree of additional biodiversity provision within the site through strategic planters and similar provision as recommended by WCC Ecology Department.

- 9.53- Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?

The application is for residential purposes only and does not include any non-residential uses that could cause these issues. Such non-residential uses would be restricted by way of a conditions in the event that Members approve this application. This would limit the development to the purposes set out in the development description. Such conditions would make the planning permission personal to the applicants and would also help to prevent conflicting operations that could be detrimental to the residential use of the plot (condition 3-6 inclusive).

- 9.54- Is there adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities?

The applicant has access to power and water already set up within the site, and they have registered for RBC domestic general waste and recycling collections services. Each plot on Top Park benefits from its own septic tank to manage sewage and grey water disposal, including Plot 18. Should this application be approved, in order to confirm this during the period of permission then condition 10 included in the decision notice will secure this.

Conclusion against Local Plan policy DS2:

- 9.55- Policy DS2 is considered to be consistent with the NPPF in relation to identifying the key assessment criteria for Gypsy and Traveller site applications when compared to that shown in the Planning Policy for Traveller sites (2024). In relation to the assessment of this policy as outlined above this therefore carry's significant weight in the planning balance. However, Policy DS2 is out of date in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites and therefore is afforded limited weight on this part.

Green Belt impact:

- 9.56- Turning to the impact of the proposal on the Green Belt, the Planning Practice Guide (PPG) explains that an assessment of openness can have both spatial and visual aspects. The disposition and arrangement of development can also be relevant in gauging the effect on openness as can the duration of the development, its remediability and the degree of activity.
- 9.57- The application site and wider Top Park are within a relatively flat, gently undulating landscape, that broadly comprises a scatter of villages and other development amongst an arrangement of fields, roads and lanes that tend to be bound by hedges. As a consequence, it has a generally open, rural character situated to the north of Coventry. This area of the Warwickshire Green Belt plays an important purpose in preventing Coventry merging with the settlements to the north.
- 9.58- Views of the developments from the east are limited as they are screened by the eastern side of the Top Park site (granted a temporary permission until June 2028),

and this makes the individual impact of caravans and structures on the western side of the site (including plot 18) difficult to distinguish. The plots on the western side of the site (including plot 18) can be seen to a greater or lesser extent over the intervening field when travelling eastwards from the B4109 down Top Road.

- 9.59- Until June 2028 Plot 18 would not be viewed in isolation but would rather be set against the remainder of the Top Park site. Of the wider Top Park site, as mentioned above, the eastern linear formation of pitches are consented until June 2028 with those on the western side (including this application proposal) are currently unlawful and some are part of a group of applications currently under consideration by the council. It is also considered that owing to the consented eastern side of the site, the positioning of Plot 18 means that the proposal alone would not block views eastwards on its own accord that would otherwise exist if the application site was not present. However, extending the Top Park site above that already consented on the eastern side would cumulatively serve to erode the sense of openness in the Green Belt and unacceptably detract from the rural character and appearance of the area. As a result, the proposal would constitute an encroachment into the countryside, diminishing to some degree the sense of separation between Coventry to the south and the other settlements to the north.
- 9.60- As the eastern side of the Top Park site is only consented until June 2028, should the eastern side of the site be removed after this date, Plot 18s impact on the openness, the character and appearance and the Green Belt purposes will be even greater. This is because the site will be far more noticeable from the east, unscreened by what is there now, and whether seen from that direction or from the west, it will interrupt and break what would otherwise be relatively long and open views across this landscape.
- 9.61- On this basis, the development would detract from the character and appearance of the area, in conflict with Local Plan Policies NE3 and DS2 (bullet points 6 & 8), which seek landscape protection. It is also concluded it would erode the sense of openness and undermine the purposes of including land in the Green Belt should this plot be consented on a permanent basis.
- 9.62- The Local Plan's approach to Green Belt development as contained in Policy GP2 aligns itself with Government guidance. The Framework states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness as identified above, and any other harm, is clearly outweighed by other considerations.

Personal circumstances:

- 9.63- Evidence of the personal circumstances of the applicants has been received and considered by the LPA. This evidence identified the following factors for consideration:-
- There are two children on the site both of which are below the age of 10.
 - Both children are in education within the local area.
 - The applicant and their family identify as Romany Gypsies and were all raised in the practices of Romany culture.
- 9.64- In the opinion of the LPA, the applicant has provided sufficient evidence to establish that they would qualify as having Gypsy and Traveller status for the purposes of assessing planning applications.

- 9.65- In support of the second factor, the LPA have been provided with letters from educational establishments attended by the children. This evidence is deemed sufficient to support the applicant's assertions that there are children living on their plot who need to remain in the locality in order to ensure consistent access to primary education.
- 9.66- Due to the educational needs of the children, they are not able to continue a transient lifestyle as that would affect their ability to maintain the children's regular attendance at school. They therefore wish to reside on the site to enable them to remain within their community.
- 9.67- The lack of sufficient provision for Gypsy and Traveller sites is a key consideration in favour of this development and carries significant weight in planning terms as a material factor for special exceptional circumstances. Where the application to be refused and the applicant evicted, this family would be left with very few options available to them. Given the lack of formal provision in the Borough (as detailed in paragraph 9.28-9.30), it is likely that they would have to resort to an unauthorised encampment elsewhere. It would also jeopardise the family's access to medical and support services and local schools for the children on site. These are factors that weigh strongly in favour of this development on the grounds of very special circumstances.
- 9.68- Policies C and E of the PPTS 2024 cover sites in rural countryside locations and those in the Green Belt. Policy E in particular makes it clear that even Gypsy and Traveller provision in the Green Belt is considered unacceptable unless very special circumstances exist that would outweigh the harm. Whether very special circumstances are demonstrated which outweighs the harm identified will be weighted and determined accordingly in the planning balance when all planning matters have been appropriately addressed.
- 9.69- Levels of existing provision (and the lack thereof) are also a key consideration within Policy H of the PPTS 2024, being identified as a specific consideration in Paragraph 28 alongside the availability or lack of alternative sites and the personal circumstances of the applicants. Policy H also encourages the use of planning conditions as a means of overcoming concerns and objections regarding such developments. In this instance, the temporary permission proposed along with the recommended conditions which mitigate the harm on the wider area though amenity and visual impacts over and above that already identified can limit the level of long-term harm to the Green belt.

Intentional unauthorised development:

- 9.70- A Written Ministerial Statement (WMS) dated 31st August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The applicants have moved onto the site without permission thus resulting in the retrospective nature of the permission. In moving on to the site, an area with a lawful agricultural use in the Green Belt has seen operational development and a change of use take place.
- 9.71- As noted in APP/E3715/W/23/3328396 there is no evidence to consider those who laid out the sites did not know that they required planning permission, especially as an injunction already related to this area. It is therefore considered that the application proposal is intentional unauthorised development. Consequently, in accordance with the Government's *Planning Policy Statement* of August 2015 this is a material consideration.

- 9.72- However, the Written Ministerial statement is not punitive because the planning system does not prevent an individual undertaking works and then applying retrospectively. Instead, it is concerned with the harm that is caused when the development of land has occurred in advance of obtaining planning permission. The works have therefore gone well beyond what was needed to establish a temporary home pending the outcome of a planning application. Overall, the intentional unauthorised development weighs against the scheme.

10.0 Visual impact

- 10.1- Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well and add to the overall quality of the area over the lifetime of the development, are visually attractive, and are sympathetic to the local character.
- 10.2- Policy SDC1 of the Local Plan states that developments will only be supported where they are of a scale, density and design that responds to the character of the areas in which they are located. It also highlights key considerations for determination of such applications, including massing, landscape, layout and materials.
- 10.3- In objections received from local residents and the Parish Council, the visual impact of the Top Park site has been highlighted as a key concern. Objections share common themes relating to the contrast between the Top Park site and the rural landscape and the effect of external lighting increasing the impact.
- 10.4- In addition to considering the impact of the development on the character and appearance of the Green Belt, a key factor of any development is the impact it has on the visual character of an area. In this case, the site is located in an area away from the nearest villages of Shilton, Barnacle and Bulkington. There are however several Gypsy and Traveller sites in the locality. The surrounding undeveloped areas are farmland, with boundaries generally marked with field hedges. The general aesthetic of the area is therefore mixed natural landscape and Gypsy and Traveller development with sporadic areas of residential properties across the area.
- 10.5- When approaching the site from the adjacent highway (Top Road), one of the first things to notice are the two entrances now serving Top Park and the front perimeter fencing with the mobile homes lying beyond it. What is also evident is that the plot is surrounded by other Top Road plots that have been developed in a very similar way.
- 10.6- Further intensification would be controlled through a condition preventing the introduction of any more structures or mobile homes than those which are presently on the plot and requirement clauses in conditions 8 & 9. This is in order to prevent overdevelopment.
- 10.7- The LPA recognises local residents' concerns about the effect that external lighting can have on making the site more prominent in hours of darkness when there are no adjacent light sources (such as streetlights). There are many plots on the wider Top Park site that have some form of external lighting, and undoubtedly this does increase the prominence of the site in visual terms. Some external lighting is required for safety and security purposes given the lack of surrounding light sources in the public domain, so a degree of lighting is considered reasonable. Some of the mobile homes already come pre-fitted with low level illumination from inbuilt lights near the doors, and the LPA consider that this safety feature would fall within the reasonable requirements category. However, to prevent the installation of excessive or inappropriate additional

external light sources in the future it is considered reasonable to restrict such installation through Condition 11.

- 10.8- Within the plot itself, there is currently a predominance of hard surfacing. Whilst more green relief within the plot would help to break up the gravel and block paving, the functional requirements of the open communal area means that options for introducing more landscaping are very limited. Given the limited landscaping provision on other plots within Top Park, it would be unreasonable to apply a requirement for landscaping on this plot. Even if this was the case then it would have a limited impact on the wider area owing to the backdrop of the wider site and the fact that Plot 18 is screened from the north and east from other plots.
- 10.9- Whilst there is an identified harm on the landscape owing to the cumulative development within the wider Top Park site, the appropriate conditions applied on this aspect and owing to the temporary permission which is proposed, Plot 18 will be commensurate with the wider site. Owing to this, the conflicts with aspects of policy SDC1 of the Local plan is not considered to warrant a refusal on this aspect alone. The use of the appropriate conditions in order to overcome objections or conflicts also conforms with the intentions of paragraph 28 of the Planning Policy for traveller sites (2024).

11.0 Residential amenity

- 11.1- Several objectors have raised concerns over the cumulative impact of the level of Gypsy and Traveller accommodation in the locality on their access to services and facilities, but none have raised particular concerns that directly relate to a material impact on their individual residential amenity as a result of the occupation of Plot 18 on its own merits.
- 11.2- In summary, the applicant has sufficient privacy and space to meet their needs without compromising the amenities of those living on adjacent plots on Top Park, and the nearest settled residents are a sufficient distance away from the site so as not to be materially impacted upon in terms of loss of amenity resulting from Plot 18 alone.
- 11.3- The nearest settled residential properties are 250 metres away. Whilst some noise may be arising from the site, the LPA considers that it would be unlikely to be to such an extent as to warrant supporting a refusal on amenity grounds given the significant distance between the surrounding community and Top Park. It would be difficult to discern noise coming purely from Top Park and Plot 18 in particular from adjacent development. Environmental Health have advised that it would not be necessary to require the undertaking of a full noise assessment. This was particularly considered in relation to adjacent plots on Top Road, and if the noise levels for those plots have not been deemed to be of concern, then the same must be true for those settled residents living much further away too. Conditions 3,4,5,8,9 & 11 will help to protect those living on adjacent plots within Top Park from further built development or replaced structures within Plot 18. Condition 11 will help to ensure that external lighting is controlled, and as such should help to protect against the level light pollution on the surrounding area and landscape.
- 11.4- For the reasons set out above, the nature of the development proposed and with the appropriate conditions applied on this aspect of the assessment, this development complies with Policy SDC1 of the Rugby Borough Council Local Plan 2011- 2031 that relate to residential amenity. It also accords with guidance set out in Section 12 of the NPPF 2024.

12.0 Highways and parking

- 12.1- Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Policy D2 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development.
- 12.2- Section 9 paragraph 115 of the NPPF states that it should be ensured that under paragraph (b) a safe and suitable access to the site can be achieved for all users and that under paragraph (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 12.3- Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 12.4- WCC Highways were consulted on the application and raised no concerns or objections in terms of impact on the road network resulting from the proposal and therefore paragraph 115 (d) of the NPPF is complied with.
- 12.5- Turning to paragraph 115 (b) of the NPPF, it is considered important to note the assessment on this part from the appeal ref APP/E3715/W/23/3328396. The Inspector noted that Plot 18 was to be served by the track which lies on the western boundary, however it was not included within the red-line boundary of the application submission. Consequently, it was determined that this had implications for the outcome of the appeal. For context, this access on the western boundary serving Plot 18 has not been granted permission for Gypsy and Traveller use prior to this application submission and it remains with its original agricultural use however it is consistently used for Gypsy and Traveller purposes at this current time which serves a small number of Plots within the Top Park site.
- 12.6- As the access road was not included within the red-line boundary of R22/0666, it had not been demonstrated that all relevant owners of this road had been notified of the proposal, with the consequent effect on their potential engagement in the application process. Therefore, it was concluded that there was not an appropriate access from the plot all the way to the public highway and in doing so would mean using land where the required consultation hadn't been carried out prior to the determination process. On such basis the Inspector concluded that it had not been shown that a reasonable and appropriate access to the highway is possible in conflict with Local Plan Policies D1, DS2 and paragraph 115 (b) of the NPPF.
- 12.7- In this current application submission, the site location plan provided in DRAWING No. 0001 Revision No 00, shows the western access road as part of the red-line boundary for Plot 18. This extends all the way from the plot to the Top Road Highway. Subsequently, this change has included a certificate B signed within the application form with the relevant landowners notified of this proposal. This has therefore alleviated the issue relating to access as noted in APP/E3715/W/23/3328396. It is also important to note that the Inspector determined the below when assessing the safety of the track on the western boundary when accessing onto Top Road;

'...the gateway to the track and the visibility at its junction with Top Road seemed adequate to allow its safe use..'

Paragraph 29 from APP/E3715/W/23/3328396

- 12.8- WCC Highways were consulted as part of this application process and offered a stance of no objection. In order for a safe access to the site to be apparent however, they requested that a condition be applied in the event of an approval regarding works to the access gates (Condition 7) and recommended informative notes re surface water run-off to prevent excessive water running onto Top Road. Therefore, paragraph 115 (b) of the NPPF is satisfied as Plot 18 as a safe and suitable access onto the Top Road highway is achieved. Furthermore, in the event of an approval the access track will also be conditioned to serve plot 18 until a period until 1st June 2028 where it will then return to its former agricultural use (condition 13).
- 12.9- Regarding the parking and manoeuvring of vehicles within the site, whilst Appendix 5 of the Local Plan doesn't set a specific recommended level for parking provision for Gypsy and Traveller sites, for dwellings of a comparable size to the mobile home and tourer it is recommended to provide a combined total of 4no. parking spaces.
- 12.10- The communal area has been deliberately left free of structures to allow for adequate vehicle turning space and the parking of vehicles. The applicant and their family can park their own vehicles within the site, and the area is large enough to be considered to be sufficient to meet both the parking need of the site and enable turning within the plot even when vehicles are already parked.
- 12.11- Owing to the above, this scheme complies with Local plan policies D1 & D2 and Appendix 5 of the Rugby Borough Council Local Plan 2011-2031 and previous matters as raised in APP/E3715/W/23/3328396 relating to highway safety have now been addressed. Furthermore, the scheme is also in compliance with paragraph 115 of the NPPF.

13.0 Biodiversity

- 13.1- Policy NE1 of the Local Plan focusses on protection of designated biodiversity and geodiversity assets, supporting the aims and objectives of Section 15 of the NPPF. As part of this, both local and national planning policy details the need to consider biodiversity as part of the planning process, with the aim to seek opportunities to protect and enhance biodiversity and protected specials through all types of development whenever possible.
- 13.2- Policy NE1 also states that development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Paragraph 187 (d) of the Framework explains the development should provide net gains for biodiversity. The site prior to its occupation for Gypsy and Traveller purposes was open countryside designated as the Green Belt and was used for agricultural purposes. Therefore, the intentional unauthorised development which has been carried out has resulted in a net loss for biodiversity which is contrary to Local plan policy NE1 and paragraph 187 (d) Section 15 of the NPPF.
- 13.3- WCC Ecology were consulted on this application and have provided a stance of no objection and no conditions or informatives have been recommended in the event of an approval.

14.0 Pollution

- 14.1- The environmental implications of development must be carefully considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the

need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2024.

Air Quality:

- 14.2- This site does not lie within the Air Quality Management Area, and the type of development applied for does not meet the triggers for requiring conditioned mitigation under Policy HS5. An informative would be applied in the event of an approval to guide the applicant on ways they can reduce their environmental impact.
- 14.3- In terms of air quality mitigation, Environmental Health have raised no significant concerns and did not identify the need for any controls or conditions with regards to this. They have however recommended inclusion of an informative note in the event of an approval to guide the applicant on possible options to reduce their impact on air quality through mitigation and/or aiming to achieve air quality neutrality.

Land Contamination:

- 14.4- The Environmental Protection team were specifically consulted on this application and have recommended the application of a condition relating to previously contamination which would be applied as Condition 12 in the event of an approval. The condition sets out a phased approach to be undertaken in the event that previously unidentified contamination is found within the site. Given the fact that no further development is proposed on Plot 18 that would disturb the ground or sub layers however, whilst this condition would be applied it would not require any response from the applicant at this stage. It should be noted that the LPA are not currently aware of any contamination issues in this area, and this condition is intended as a safeguarding measure rather than confirmation that there is already a contamination issue.
- 14.5- Environmental Health have also recommended environmental based informatives regarding drainage and implications of adjacent activities.
- 14.6- For the reasons set out above, the development complies with the environmental directions of policies GP1 and HS5 of the Rugby Borough Council Local Plan 2011-2031 with regards to air quality and some aspects of environmental impact. In so doing, it would also meet the standards and guidance set out in Sections 2 and 15 of the NPPF 2024.

15.0 Community Infrastructure Levy

- 15.1- The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010. Owing to the nature of the development proposed, the scheme is not liable for a CIL contribution.

16.0 Other matters

- 16.1- An injunction order was imposed on the wider land in June 2008 which comprises the wider Top Park site and the plot under consideration in this application. Paragraph 3 of the order dictates that any building or engineering operations (including, but not limited to, the erection of any building, fence or other structure, or the creation of any

hardstanding, road or track) shall not be carried out on the land without the relevant planning permission. In the absence of planning permission, the injunction order warns that the carrying out of building or engineering operations on the land is prohibited, with the consequences of such breach could result in the offenders being found guilty of Contempt of Court which could result in a prison sentence, assets being seized or a fine. It is important to note however that the injunction order specifically states that planning permission can still be granted on the land whilst the order is still in place. Appeal decision APP/E3715/W/23/3328396 on the plot made reference to the longstanding injunction on the site and stated that although in the presence of an injunction on the land, this does not prevent applications being submitted to the Local Planning authority for consideration where a proposal will then be assessed against all relevant planning matters.

17.0 Equality Implications

17.1- Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

17.2- Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

17.3- The equality implications arising from this application relate to persons with protected characteristics as identified within the Equality Act 2010. This has been addressed in the assessment of the application by having regard to the National Planning Policy Framework (December 2024), the Planning Policy for Traveller Sites (2024), and other National Guidance. Equality implications relating to residents of the surrounding villages and hamlets has also been considered. This is addressed within the assessment of the application through the relevant policies and the NPPF.

17.4- The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

18.0 Planning Balance and Conclusion

18.1- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 18.2- Policy DS2 is out of date in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites across the borough and therefore is afforded limited weight. However, in relation to identifying the key assessment criteria for Gypsy and Traveller site applications Policy DS2 is consistent and is afforded significant weight. All other policies which are considered most important in the determination of this application are considered to be consistent with the Framework. Local Plan Policy GP2 when concerning Green Belt development states that proposals will only be permitted if they are compliant with national policy.
- 18.3- In relation to the basket of policies most important for determining the application, it is therefore concluded that in this instance the basket of policies is out of date and therefore the 'tilted' balance in paragraph 11(d) of the Framework applies. Therefore, permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 18.4- Paragraph 11d of the NPPF states that 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 either paragraphs (d) (i) or (ii) are engaged. Paragraph 11 d(i) states that policies in the NPPF that protect areas or assets of particular importance as listed in footnote 7, provides a 'strong reason' for refusing the development proposed. Green Belt is listed in footnote 7 and therefore the harm to the Green Belt identified has to provide a 'strong reason' for refusing the development in order for paragraph 11 (d)(i) to be engaged and the tilted balance then being disengaged.
- 18.5- Section 9 of this report, identified the harm to Green Belt arising from the application proposal, through inappropriateness and the scheme's effect on openness and the purposes of including land in the Green Belt. Local Plan Policy GP2 aligns itself with Government guidance. The NPPF states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances which is also echoed in Policy E of the PPTS (2024). These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore concluded that in accordance with government guidance, the harm to the Green Belt is substantial and the proposal is contrary to Local Plan policies GP2 and NE3 which seeks landscape protection.
- 18.6- With regards to the unmet need in the borough, it is accepted that there is a shortfall which has been ongoing for a period of time and is evidenced in the GTTA (2022) and then in the most recent revision in February 2025. This has been evidenced in detail in section 9 of this report. Therefore, the council does not have a 5-year supply of deliverable sites at this time. However, it is important to note that the new Local Plan should be adopted by 2027 which should resolve this current issue. Until then however, the only means of addressing the identified shortfall will be through windfall proposals being assessed against the criteria-based Local Plan Policy DS2 and other relevant policies and considerations.
- 18.7- The occupation of the site has taken place without planning permission and has resulted in intentional unauthorised development. In moving on to the site, an area with a lawful agricultural use in the Green Belt has seen operational development and a change of use take place. This is also the case for the western access road which has also changed use unlawfully and serves Plot 18. The intentional unauthorised development is a factor which weighs against the scheme.

- 18.8- Turning to the personal circumstances demonstrated. The proposal will provide a settled base and a home for its occupiers, and the alternative would highly likely be a roadside existence for the applicants or 'doubling up' on other pitches across the borough. Under the Public Sector Equality Duty (PSED) regard has been had to the 3 aims given in The Equality Act 2010 to eliminate discrimination, to advance equality of opportunity between those who share a protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The applicant and their family identify as Romany Gypsies and were all raised in the practices of Romany culture. They therefore wish to reside on the site to enable them to remain within their community and continue to practice their cultural behaviours. The proposal provides the applicant and their family with a home which carries substantial weight in favour of the application.
- 18.9- As detailed, there are children present on site who are all under the age of 10 at the time of the application submission. A settled base would benefit them all, as it would allow them security, and consistent access to general health care and to social groups. It would also enable them to have a stable education as it has been demonstrated that the children on the site are already at school within the area. This carries substantial weight in favour of the application.
- 18.10- However, the personal circumstances taken with the identified unmet need, are not sufficient to justify occupancy of plot 18 on a permanent basis when weighed against the harm identified to the Green Belt. As such, very circumstances are not demonstrated as to outweigh the harm on the Green Belt for a permanent period. This is because the temporary nature of the neighboring appeal decision (2023) and the required removal of the eastern Top Park site means that after 2028 the proposal of Plot 18 would no longer be set against an existing and more extensive array of caravans and associated paraphernalia.
- 18.11- If a permanent permission was granted for this proposal it would permit the plot indefinitely in an open, prominent location, visible from both the east and the west. For these reasons it would not safeguard the countryside from encroachment and would therefore undermine purpose (c) of the Green Belt as well as purpose (a).
- 18.12- Turning to a temporary permission to authorise the use of plot 18 until the same date arising from the 2023 decision, namely June 2028. It would still be inappropriate development during this period and this should continue to be afforded substantial weight as it would still harm the openness, and the purposes of the Green Belt. However, the presence of the wider Top Park site over that period and the limited timescale for which the scheme would be present would together serve to limit the duration and extent of these harms. This therefore has a bearing on how the harm for a temporary period is balanced against the other considerations.
- 18.13- Furthermore, by such date the new Local Plan should be adopted. This would give opportunity for the applicant to seek alternative accommodation by making use of whatever approach the new Local Plan facilitates for Gypsy and Traveler development, while at the same time allowing a period for the applicant to seek alternative means of addressing their children's needs to be secured if necessary. Such factors would, mean that for a temporary period until June 2028 the various other considerations would outweigh the total harm to the Green Belt and the weight afforded to the intentional unauthorized development during the specified period.
- 18.14- Turning to highway safety, there are no concerns on this part and WCC Highways department offered a stance of no objection. The previous matter relating to a suitable

access being including within the applicants red line boundary extending all the way to the Top Road highway has now been alleviated and appropriate land ownership notifications have been carried out. A suitable and safe access to Top Road is therefore apparent. Should the application be approved for a temporary period, the western access road will be consented for the same timeframe in order to serve the plot.

- 18.15- The development does not detrimentally impact on the residential amenity of residents living outside Top Park to a level which warrants a refusal on this aspect alone, and the relationship and level of residential amenity for both the applicant and those living on adjacent plots on Top Park is considered acceptable to all parties affected.
- 18.16- When attributing weight to matters, the absence of amenity and highways issues, these are matters that would be expected in all new development in any event and so are afforded neutral weight in the balance.
- 18.17- Local Plan policy NE1 states that development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Paragraph 187 (d) of the Framework explains the development should provide net gains for biodiversity. The site prior to its occupation for Gypsy and Traveller purposes was open countryside used for agricultural purposes. Therefore, the intentional unauthorised development which has been carried out has resulted in a net loss for biodiversity which is contrary to Local plan policy NE1 and paragraph 187 (d) Section 15 of the NPPF. This weighs against the scheme. As the recommendation for this proposal is one for a temporary period, an informative note will be applied in the event of an approval to advise the applicant of options they may be able to explore to increase biodiversity opportunities and provisions within their plot during the period.
- 18.18- On balance, protecting the Green Belt is a matter of great importance. As the recommendation for this proposal is one for a temporary period, the cumulative considerations of personal circumstances and the council's unmet need would clearly outweigh the harm identified on a temporary basis until June 2028. Accordingly, the very special circumstances necessary to justify the development for this time period have been demonstrated. It has been concluded that should the proposal be granted on a permanent basis then the harm identified would not be outweighed by other considerations and 'very special circumstances' would not exist.
- 18.19- Condition 3 will tie the use of Plot 18 to Gypsy and Traveller accommodation only and prevent commercial use. Condition 4 will prevent commercial activity including storage of plant, machinery and materials and the transfer or burning of materials. Condition 5 will prevent the bringing onto site and storage of vehicles over 3.5 tonnes. Condition 6 will make the permission personal to the applicant, their spouse and children.
- 18.20- Condition 8 will prevent the erection of any additional structures (including fencing, gates or other means of enclosure) and the installing of any additional mobile homes without the prior written agreement of the LPA.
- 18.21- Condition 9 will prevent the bringing onto site of any additional mobile homes without the prior written agreement of the LPA.
- 18.22- Condition 11 will prevent the installation of any additional external lighting without the prior written agreement of the LPA.
- 18.23- Condition 13 will also tie the use of the western access track to the site for residential Gypsy and Traveller purposes until 1st June 2028.

18.24- The conclusions and overall assessment as contained within the appeal decision (APP/E3715/W/23/3328396) provides a strong basis for the assessment of application R24/0977. The Inspector concluded the inappropriate nature of the development within the Green Belt and whilst national policy has changed since this previous appeal decision, section 9 of this report has come to the same conclusion when assessed against Section 13 of the NPPF and the Planning Policy for Traveller sites (both 2024). The appeal stated that Plot 18 (if approved) would not be seen in isolation until 2028 as it would be set against the wider consented Top Park site.

18.25- The Inspector concluded that temporary permission would have been granted for plot 18 in APP/E3715/W/23/3328396 as the personal circumstances and providing a settled temporary base for the applicants coupled with the Council's unmet need outweighed the temporary harm to the Green Belt until June 2028. However, the reason for the permission and appeal not being granted and the appeal therefore being dismissed was due to the fact that the western access road was included in the red-line boundary in the application submission. This had implications strong enough for the appeal to be dismissed. Please see below;

I am unable to grant a temporary permission for any of those schemes as the above considerations would not outweigh the issues that remain with the failure to demonstrate that each site would have a suitable access that could be used in connection with the development.

Paragraph 53 of APP/E3715/W/23/3328396

18.26- This has now been amended and the correct consultation process being carried out with no implications arising from this process. To conclude this matter, there has been no other considerations which have arisen since this appeal which would alter the temporary permission recommended. The Council's unmet need for Gypsy and Traveller provision is still apparent and has been ongoing.

19.0 Recommendation

Application R24/0977 be approved on a temporary permission until June 2028 subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives as outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R24/0977

DATE APPLICATION VALID:
05-Nov-2024

APPLICANT:

Mrs Ann Marie Connors 18 Top Park, Top Road, Barnacle, Warwickshire, CV7 9FS

AGENT:

Ms Emily Temple, ET Planning, 200 Dukes Ride, Crowthorne, RG45 6DS

ADDRESS OF DEVELOPMENT:

18 Top Park,
Top Road,
Barnacle,
Coventry,
CV7 9FS

APPLICATION DESCRIPTION:

Retrospective application for 1no. pitch for Gypsy and Traveller use, including 1no. static caravan and 1no. tourer caravan, 1no. kitchen/bathroom outbuilding, a gazebo, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road. Retention of gates across both accesses and fencing around boundary.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

The use hereby permitted is until the 1st June 2028. At the end of this period the use shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the permitted use shall be removed, and the land restored to its agricultural use and condition before the development first took place within a 6-month period following the 1st June 2028.

REASON 1:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 2:

The development shall be carried out in accordance with the plans and documents detailed below:

Location Plan Drawing No 001 Revision No 00 Scale 1:1250 (received by the Local Planning Authority on 27th July 2025)

SITE 18- Proposed Site Plan Drawing No. 178-07 (received by the Local Planning Authority on 10th October 2024)

SITE 3- Proposed Plans and Elevations Drawing No. 178-32 (received by the Local Planning Authority on 10th October 2024)

Outbuildings Drawing No 002 Revision No 00 (received by the Local Planning Authority on 27th July 2025)

REASON 2:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

The development hereby permitted shall only be occupied and used for the purposes of being a Gypsy and Traveller site and for no other purpose.

REASON 3:

To ensure the proper operational use of the site.

CONDITION 4:

No commercial activities shall take place on the land, including the storage of plant, machinery and materials and the transfer of materials.

REASON 4:

To protect the Green Belt from inappropriate development and in the interests of the amenities of the area.

CONDITION 5:

No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the site.

REASON 5:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 6:

The development hereby permitted shall be personal to Mrs Ann Marie Connors, and the site shall only be used by Mrs Ann Marie Connors, their spouse, their children and dependants.

REASON 6:

Due to the applicant's personal circumstances.

CONDITION 7:

Within six months of the date of this planning permission, both the main gates adjacent to Top Road and the vehicular access gates to the site shall be reconfigured so as to open inwards only. Any further gates installed at the vehicular access shall thereafter open inwards only and shall at no time open outwards toward the public highway.

REASON 7:

In the interests of public and highway safety and the amenity of other users of the access road.

CONDITION 8:

Other than those hereby approved, no additional structures or enclosures shall be erected within or around the site unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. This includes (but is not limited to) both temporary and permanent structures, fencing, gates, and outbuildings, as well as any additional mobile homes.

REASON 8:

To protect the Green Belt and in the interests of the visual amenities of the area.

CONDITION 9:

Other than the single mobile home hereby approved as shown on the approved plans, no additional mobile homes shall be brought onto the site without the prior written approval of the Local Planning Authority. There shall be no touring caravan replaced with a mobile home unless the relevant permission is obtained from the Local Authority.

REASON 9:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

CONDITION 10:

Within 3 months of the date of this decision notice, details of drainage and wastewater disposal shall be submitted to and approved in writing with the Local Planning Authority. The details shall then be carried out and implemented in full within a 3 month period following the approval of the details and then shall remain as such until 1st June 2028.

REASON 10:

To ensure that risks to the future users of the land and neighbouring land are minimised, and to ensure that the development is carried out safely without unacceptable risks to neighbours, and other off-site receptors.

CONDITION 11:

No additional external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON 11:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality and the amenities of neighbouring residents.

CONDITION 12:

In accordance with the development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the Local Planning Authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the Local Planning Authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON 12:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property, and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other off-site receptors.

CONDITION 13:

The access track serving the application site from the Top Road highway, as shown in Drawing No 001 Revision No 00, shall only be used for residential purposes serving the plot throughout the time period for approval (until 1st June 2028). After this date the access track can be used for a further 6 month period in connection with the removal of all caravans, structures, materials and equipment brought on to the land, in connection with the use approved. After this 6-month period the access track will return to its former agricultural use.

REASON 13:

To protect the Green Belt from inappropriate development and in the interests of the visual amenities of the area.

INFORMATIVE 1:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidancecommercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE 2:

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE 3:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensorfinal-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE 4:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. Warwickshire County Council Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 5:

The development is within farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest. Noise may also be audible from nearby road and rail traffic.

INFORMATIVE 6:

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations, the Council's Standards of Amenity, Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 1983 (and subsequent Acts) as these may be applicable in terms of layout, spacing and fire precautions. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

INFORMATIVE 7:

The applicant/occupiers should consult with RBC Waste Services Team regarding waste collection proposal for the proposed development.

Appendix 1;



Appeal Decisions

Hearing held on 30 January 2024

Site visits made on 29 & 31 January 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal A: APP/E3715/W/23/3328404

Plot 14, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant Planning permission.
 - The appeal is made by Darren Lee against the decision of Rugby Borough Council.
 - The application Ref R22/0772, undated, was refused by notice dated 15 May 2023.
 - The development proposed is the Retention of 1 Gypsy and Traveller pitch comprising 1 static caravan, 1 touring caravan, 1 timber dog kennel, block paved parking area, gravel pathway, red brick walls and metal gates to front boundary, timber fencing to side and rear boundaries, and vehicular and pedestrian access off Top Park access road. Proposed erection of a brick outbuilding with a tiled roof.
-

Appeal B: APP/E3715/W/23/3328398

Plot 15, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Milo Lee against the decision of Rugby Borough Council.
 - The application Ref R22/1055, undated, was refused by notice dated 15 May 2023.
 - The development proposed is the Retention of 1 Gypsy and Traveller pitch comprising 1 static caravan, 1 touring caravan, 1 stable, 1 brick outbuilding, a gravelled parking area, a block paved pathway, walls and gates along the front boundary, fencing along the side and rear boundaries, and vehicular access off Top Park access road.
-

Appeal C: APP/E3715/W/23/3328397

Plot 16, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Calladine against the decision of Rugby Borough Council.
 - The application Ref R22/0664, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including retention of 1 utility building (timber), 1 shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing, the replacement of 1 existing tourer with 1 static caravan and siting of a second static caravan.
-

Appeal D: APP/E3715/W/23/3328399

Plot 17, Top Park, Top Road, Barnacle CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adolphus Buckland against the decision of Rugby Borough Council.
 - The application Ref R22/0665, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including retention of 1 tourer, dog kennels, 1 shed, gravel hardstanding, a paved patio, 2 amenity buildings, vehicular access off access road and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing, the siting of 2 mobile homes, and removal of 1 existing shed.
-

Appeal E: APP/E3715/W/23/3328396

Plot 18, Top Park, Top Road, Barnacle, CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Ann Marie Connors against the decision of Rugby Borough Council.
 - The application Ref R22/0666, dated 5 July 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention of 1 pitch for Gypsy and Traveller use, including 1 static caravan and 1 tourer caravan, 1 wooden shed, gravel hardstanding, vehicular access off access track and pedestrian access off Top Park access road together with the retention of gates across both accesses and fencing around boundary and the erection of a utility building.
-

Appeal F: APP/E3715/W/23/3328395

Plot 19, Top Park, Top Road, Barnacle, CV7 9FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by John Lee against the decision of Rugby Borough Council.
 - The application Ref R22/0637, dated 29 June 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the retention and occupation of 2 mobile homes and use of the site as 2 Gypsy and Traveller pitches, together with the retention of 2 sheds, 1 outbuilding for use as a sensory room, fencing and gates, vehicular access via the existing access track, and surfacing of the plot with gravel.
-

Decisions

Appeal A: APP/E3715/W/23/3328404

1. The appeal is dismissed.

Appeal B: APP/E3715/W/23/3328398

2. The appeal is dismissed.

Appeal C: APP/E3715/W/23/3328397

3. The appeal is dismissed.

Appeal D: APP/E3715/W/23/3328399

4. The appeal is dismissed.
-

Appeal E: APP/E3715/W/23/3328396

5. The appeal is dismissed.

Appeal F: APP/E3715/W/23/3328395

6. The appeal is dismissed.

Procedural matters

7. The above descriptions are based on those given on the application forms but reflect the current intentions for each site.

Main Issues

8. For each of these 6 appeals, the main issues are
- a) whether it is inappropriate development in the Green Belt
 - b) its effect on openness, the purposes of including land in the Green Belt and the character and appearance of the area;
 - c) whether a suitable access has been demonstrated;
 - d) whether it would give rise to other harms and,
 - e) if harm would be caused by any or all of the above issues, whether this harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

9. In 2023 planning permission was granted for land to be used for 10 Gypsy and Traveller sites at what is known as Top Park (which I shall refer to collectively as the Top Park site) for a temporary period until June 2028 (the 2023 decision). The sites subject of that decision are arranged along the eastern side of an unadopted road that runs southwards at right angles from Top Road. This unadopted road is called the Top Park access road in the descriptions above but I shall refer to it as the service road.
10. These current appeals concern 6 separate individual plots, all roughly of the same size, on the western side of the service road. Together they fill a gap that was between Top Road itself to the north, and various buildings and structures further south, and are on land that was formerly part of a paddock. All the developments subject of these appeals have been implemented to a greater or lesser extent. On some the site is now as in its description but, on others, elements are still to be formed or put in place. I was told that each plot would be occupied by Gypsies and Travellers and I have considered the appeals accordingly.
11. In the *Rugby Borough Council Local Plan 2011-2031* (the Local Plan) Gypsy and Traveller provision is assessed principally against Policy DS2, which lays down as bullet points the criteria that such proposals need to meet to be supported. It does not refer to the Green Belt, but it was confirmed at the Hearing that this policy or compliance with its criteria does not override the approach to Green Belt development in Local Plan Policy GP2 concerning inappropriateness and other related matters.

Inappropriateness

12. Local Plan Policy GP2 states that only where national policy allows will development in the Green Belt be permitted.
13. Government policy in Policy E of *Planning policy for traveller sites* (PPTS) states that traveller sites in the Green Belt, whether temporary or permanent, are inappropriate development. As they lie in the midst of an area so designated, I therefore conclude each of these Gypsy and Traveller sites constitutes inappropriate development in the Green Belt.

Openness, Green Belt purposes and character and appearance

14. The appeal sites are within a relatively flat, gently undulating landscape, that broadly comprises a scatter of villages and other development amongst an arrangement of fields, roads and lanes that tend to be bound by hedges. As a consequence, it has a generally open, rural character. The *National Planning Policy Framework* (the Framework) states that there is a need to recognise the intrinsic character and beauty of the countryside while the PPTS says that new traveller sites in the open countryside should be strictly limited. Moreover, this area of Green Belt plays an important purpose in preventing Coventry merging with the settlements to the north.
15. Each of the developments subject of these appeals broadly seeks to change part of the former paddock into land used for the siting of caravans (including mobile homes), along with the erection of other ancillary structures. There would also be further paraphernalia associated with each site, such as parked vehicles or play equipment, and all though it could be subject to some control, there would be a certain amount of associated light pollution. Each site would be enclosed by fencing, and there is little if any prospect of any meaningful planting to screen or soften the works.
16. Views of the developments from the east are limited as they are screened by the Top Park site, and this makes the individual impact of caravans and structures on any one of these 6 sites difficult to distinguish. It was also said that the developments could be seen from the Coventry Way long-distance footpath to the south, but from there it is substantially concealed by hedging and topography, while there is a far greater awareness of caravans sited in the foreground.
17. However, Plot 19, which is the most northerly of the 6, is apparent when on Top Road immediately next to the site, due to the patchy nature of the boundary hedge, while all 6 can be seen to a greater or lesser extent over the intervening field when travelling eastwards along the road. Although this concern relates to each of the appeal schemes, in making this assessment I accept that the impact of them in this regard would vary. For example, Plot 19, although visible from the road, would be tucked against the hedge when looking from the west, while some of the other plots would be more isolated and prominent in their location.
18. I accept that, even from these viewpoints, until possibly 2028, none of the 6 appeal schemes would be seen in isolation, but rather would be set against the Top Park site. The presence of that site behind would also mean none would block longer views that would otherwise exist. Even accounting for this

though, I consider that, by extending the development around the Top Park site in this way, each case would serve to erode the sense of openness in the Green Belt and unacceptably detract from the rural character and appearance of the area. As a result, they would each constitute an encroachment into the countryside, diminishing to some degree the sense of separation between Coventry to the south and the other settlements to the north.

19. Moreover, the 2023 decision means I have no reason to consider, at this stage, that the Top Park site will remain after 2028. Once that neighbouring development is removed these impacts on the openness, the character and appearance and the Green Belt purposes will be even greater. This is because, each of these 6 appeal schemes will be far more noticeable from the east, unscreened by what is there now, and whether seen from that direction or from the west, they will interrupt and break what would otherwise be relatively long and open views across this landscape.
20. I accept that in the vicinity are caravans on various other sites, which are in the Green Belt and some, at least, are located in prominent and isolated positions. However, even if these are all authorised, the cases before me would each still constitute an additional impact in relation to this issue. Consequently, the presence of those other sites is not sufficient, to my mind, to lead me to different findings.
21. Plots 16, 17, 18 & 19 are accessed from the opposite side to the service road, along what used to be a rough track that crossed the paddock but has now been upgraded (this is termed the access track or access road in the descriptions above but I shall call it the track). Although the effect of these works to the track is to extend the encroachment into the Green Belt still further, it lies outside of all the appeal sites and so is not part of any of the schemes before me. Consequently, its impact has not formed part of this assessment.
22. Finally, it may well be that even if the development subject of the 2023 decision was totally removed after 2028, some structures would still remain around that site as they were not, for whatever reason, covered by that decision. Further caravan sites to the east would also be present. However, I have no basis to consider that what would still be there would be sufficient to change my findings on the impacts of these appeals after that date.
23. Accordingly, I conclude that each development would detract from the character and appearance of the area, in conflict with Local Plan Policies NE3 and DS2 (bullet points 6 & 8), which seek landscape protection, consideration of the landscape context and a mitigation of visual impacts. I also conclude they would each erode the sense of openness and undermine the purposes of including land in the Green Belt.

Access

24. Plots 14 and 15, which are the 2 southernmost ones subject of these 6 appeals and are furthest from Top Road, are shown to be gaining access from the service road. As stated above, the remaining 4 plots would take vehicular access off the track. However, none of the 6 sites includes either the track or the service road within its site boundary, and to my mind this has 2 main implications.

25. Firstly, it has not been shown that all relevant owners of the service road and the track have been notified of the schemes, with the consequent effect on their potential engagement in the application and appeal processes. I was told that the track has recently come under the joint ownership of the appellants, but there is not yet any evidence to show this as the land transfer is taking some time. However, even if this is so, the conveyancing details that have been submitted in relation to that acquisition only extend up to the hedgeline with Top Road and do not run to the carriageway itself. As such, it is unclear whether consent to cross that land would need to be obtained from the Highway Authority or someone else.
26. Secondly, no planning permission exists for the track to be used in connection with development of the nature now before me. Rather, I anticipate its planning status is for agricultural use, although I was unclear about the nature of the activity being undertaken at the parcel of land at its southern end. As a result, as it is outside of the various appeal sites, its use to serve Plots 16 to 19 would not be authorised if I were to grant any or all of those appeals as they currently stand. Moreover, while the 2023 decision grants planning permission for Gypsy and Traveller use of the service road, that is only on a temporary basis and does not appear to support its retention after June 2028.
27. I recognise that the description for each scheme stipulates from where access will come, and it has been suggested that the red line around every individual site could be extended to include the track. I do not have plans showing such an amendment. However, I consider that changing the boundaries in that way would be evolving each scheme, and would constitute a fundamental change to the appeals that, for the reasons given above about notifying owners, could cause unlawful procedural unfairness. Therefore, it would, in my opinion, be contrary to the long-standing principles set out in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*, and the more recent judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)*, which have both been cited by the Council (Document LPA1 below).
28. It was further suggested that, in order to overcome the issue of the track not being within any of the appeal sites, conditions could be imposed to require the 4 plots using that to take access instead off the service road on their other side. That though would again be an evolution of the scheme and a departure from the appeals' precise descriptions, which, if I supported, would deny the residents around and the owners of the service road opportunity to comment. It would therefore once again be a fundamental change that could give rise to procedural unfairness.
29. Based on what I saw on my visit though, the gateway to the track and the visibility at its junction with Top Road seemed adequate to allow its safe use, while I have no basis to find any additional movements through the service road junction with Top Road would be sufficient to compromise its safety.
30. Accordingly I conclude it has not been shown a reasonable and appropriate access to the highway is possible in connection with each site, in conflict with Local Plan Policy DS2(bullet point 5).

Other Matters

Intentional Unauthorised Development

31. On the evidence before me I have no reason to consider those who laid out the sites did not know that they required planning permission, especially as an injunction already related to this area. I therefore consider them to be intentional unauthorised development. Consequently, in accordance with the Government's *Planning Policy Statement* of August 2015 this is a material consideration. While Plot 14 was formed before that date, the *Planning Policy Statement* says its guidance should be applied to all applications received after 31 August 2015. The presence of the injunction though does not prevent applications being submitted for consideration.

Dominance of settled community

32. The PPTS advises that sites in rural areas should respect the scale of, and not dominate, the nearest settled community. A plan was submitted on behalf of the Parish Council (Document PC1) showing a number of sites in the vicinity that I was told together contained some 40 to 50 caravans. It was contended that when taken together this showed the Gypsy and Traveller community dominated Barnacle, both visually and in terms of its population. However, while those sites on Shilton Lane or the B4109 might be relatively close when measured in a straight line, the road network does not relate them strongly to the village. Furthermore, mindful that not all of them were in this Borough, I am unaware as to how many of the sites on the Parish Council's plan are authorised, or whether those sites that have a permission to be used for the siting of caravans are operating within the terms of that permission. Moreover, I was told that not all of the sites were being used by Gypsies and Travellers, as some provided temporary accommodation for agricultural workers, and some were mobile home parks or occupied by those who were not members of the Gypsy and Traveller community.
33. Reference was made to possible abusive behaviour towards the settled community in Barnacle, but I have no reason to consider that has necessarily arisen as a consequence of the developments subject of these appeals.
34. Accordingly, on the evidence before me I consider that none of these schemes would result in the Gypsy and Traveller community dominating Barnacle, either visually or in terms of population.

Access to and impact on local services

35. Bulkington, with its relatively wide range of day-to-day services, is quite close, while the edge of Coventry is not far away. However, the roads in the area tend not to have pavements, have limited lighting, and carry relatively fast traffic, and so walking to these services is unattractive and unrealistic. Therefore, to access them from these sites would require a reliance on the private car. These journeys though would not be long, and I consider they would not be sufficient to render these sites as being unsustainable locations for Gypsy and Traveller pitches.
36. I have no firm evidence to show that these 6 appeals would have a detrimental effect on the delivery of any services or infrastructure in the area.

Other considerations

37. Above I have found Green Belt harm arising with each appeal through inappropriateness and the scheme's effect on openness and the purposes of including land in the Green Belt, as well as due to the effect on the character and appearance of the area and the failure of the schemes to show a suitable access can be secured. I have also noted that the sites can be deemed intentional unauthorised development.
38. As stated above, the Borough's approach to Green Belt development in Local Plan Policy GP2 aligns itself with Government guidance. The Framework states that substantial weight should be given to any harm to the Green Belt. It adds that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
39. In relation to traveller sites the PPTS elaborates on this position in Policy E (and re-iterates it in Policy H) by saying

'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

What would give rise to one of the 'unlikely' instances envisaged by the policy is not specified. I consider though that it is not saying that (subject to the best interests of the child) personal circumstances and unmet need would never outweigh harm in the Green Belt and other harm by themselves, but just that it is not probable. Moreover, whilst personal circumstances and unmet need are 'unlikely' to outweigh harm, there is nothing in the PPTS to say that they could not contribute to outweighing the harm when taken with other material considerations.

40. With regard to supply, the Council accepts that it has a shortfall of some 28 Gypsy and Traveller sites when using the definition found in the PPTS. On the evidence before me a shortfall of this magnitude appears to have been on-going for a while. It accepts though that this shortfall is likely to be greater now given the recent court judgements. Furthermore, the Council has no outstanding allocations in the Local Plan and, mindful that there was no positive response to the recent call for sites, it can identify no alternative sites and no supply going forward. It therefore does not have a 5-year supply of deliverable sites. It is hoped to adopt a new local plan by the end of 2026 that will resolve this matter. However, even assuming that date is achieved and suitable sites are in fact identified, until then the only means of addressing this shortfall will be through windfall proposals being assessed against the criteria-based Local Plan Policy DS2 and other relevant policies. This is, in effect, the approach the Council has taken over recent years yet, whether because of a lack of schemes coming forward, the manner in which the policy context is applied or a combination of the 2, it clearly has not delivered the required number of pitches.
41. Turning to the personal circumstances of the adults, I am aware that every appeal does or will provide a settled base and a home for its occupiers, and I was told that in each case the alternative would be a roadside existence or

'doubling up'. Under the Public Sector Equality Duty (PSED) I have also had regard to the 3 aims given in *The Equality Act 2010* to eliminate discrimination, to advance equality of opportunity between those who share a protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

42. I was told of adults on Plots 16 and 19 who have serious health problems that are being addressed at nearby hospitals. They would therefore be disadvantaged if they had to return to a roadside existence with its associated stress and its difficulties of maintaining consistent care. I was also informed explicitly that on Plots 15, 16 and 19 there were strong family links with residents on the Top Park site, including caring responsibilities, while someone on Plot 17 had a caring role for a sibling who lived nearby.
43. The development plan context provides little opportunity for these appellants and their families to have a settled base from which to maintain their cultural way of life, and this appears to have been the situation over a period of time. I accept as well that each of the sites provides the appellant and their family with a home. Consequently I afford these factors significant weight. Moreover, when considering the appeals on the relevant plots, I also afford significant weight to the presence of adults with more acute needs for a settled base. The caring responsibilities though do not, of themselves, attract great weight as it has not been shown they are so necessary as to justify pitches here.
44. However, PPTS Policy E, by definition, is meant to be applied in instances where there is an unmet need, and while the unmet need is significant in this instance, I consider it is not so great as to mean it should be deemed to be outside of the general direction of this policy. The appellants invited me to weigh separately the unmet need, the lack of alternative sites, the policy failure and the lack of a 5-year supply. In this instance though and when considering the schemes against PPTS Policy E, I consider they are, to a great degree, interrelated facets, and I do not read the reference to unmet need in that policy as meaning these other concerns, which are often alongside an unmet need and a component of it, should always be weighed separately.
45. Furthermore, the appellants placed weight on much of the Borough being in the Green Belt, so increasing the difficulty of finding sites. PPTS Policy E though, by its nature, is to be applied to Green Belt authorities, a number of whom could have a greater proportion of their area designated thus. I therefore see no reason to consider that a statement expressly intended for areas of Green Belt should be outweighed because an authority has a large amount of land so designated.
46. Therefore, putting aside the best interests of the child for now, I consider that the unmet need and personal circumstances in each of these cases are not sufficient to mean that, even if taken together, they constitute the '*unlikely*' occurrence where considerations clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Indeed, even if I had accepted the appellants' suggestion and given separate weights to what I saw as the various facets of unmet need my findings in this regard would be no different.

47. In making this assessment I was also invited to give weight to matters such as the sustainable location of the site, and the absence of amenity or ecology issues. These though are matters that one would expect in all new development in any event, and so are afforded neutral weight in the balance.
48. Finally, I turn to consider the best interests of the children in connection with these appeals. At the outset I have regarded no other consideration as more important or, in advance of the subsequent assessment of the individual circumstances, I have given none greater weight. However, these best interests will not always outweigh other considerations including those that could impact negatively on the environment. I have nonetheless kept the best interests of the children at the forefront of my mind in reaching my decisions.
49. I was told children lived, or would live, on each site. A settled base would benefit them all, as it would allow them security, and consistent access to general health care and to social groups. It would also enable them to have a stable education if already at school, while for those of a pre-school age, a settled home established beforehand would allow their time at school to begin as seamlessly as possible. These benefits though apply to most if not all Gypsy and Traveller children, and, even taken with the unmet need, the facets of unmet need and the personal circumstances of adults, are not sufficient to justify occupancy of any of these sites when weighed against the harm I have identified to the Green Belt and to the character and appearance of the area.
50. On Plots 14, 15, 17, 18 and 19 I was told of children with additional health or educational needs of varying severity that were being addressed locally or indeed on site. For these children, I accept that the safeguarding and promotion of their welfare would be harder if their respective families had a roadside existence, and these are weights in favour of those appeals that are over-and-above the more widely applicable benefits for children discussed in the preceding paragraph.
51. Even taking into account these factors though, and including them with the other considerations of the personal circumstances of the adults and the unmet need, I still consider the schemes on Plots 14, 15, 17, 18 and 19 would not clearly outweigh the harms identified to justify the grant of permanent permissions. This is because the temporary nature of the 2023 decision and the required removal of the Top Park site means that after 2028 the developments before me would no longer be set against an existing and more extensive array of caravans and associated paraphernalia. Rather, a permanent permission would allow them to remain indefinitely in an open, prominent location, visible from both the east and the west, relating poorly to any existing development.
52. I have though considered the grant of a temporary permission for Plots 14, 15, 17, and 18, to authorise the use of the sites until the same date arising from the 2023 decision, namely June 2028. Until that date they would still be inappropriate development under PPTS Policy E and this should continue to be afforded substantial weight. They would also still harm openness, the purposes of the Green Belt and the character and appearance of the area. However, the presence of the Top Park site over that period and the limited timescale for which each scheme would be present would together serve to limit the duration and extent of these harms, and this should have a bearing on how they are balanced against the other considerations. Furthermore, drawing comfort from

the Council's aim to accord with the Government's deadlines, by that date there should be a material change in planning circumstance, as the new local plan should have been in place for a while. This would give opportunity for each of the appellants to seek alternative sites by making use of whatever approach the new local plan had given to guide Gypsy and Traveller development, while at the same time allowing alternative means of addressing their children's needs to be secured if necessary. Such factors would, to my mind, mean that for a temporary period until June 2028 the various other considerations given in connection with Plots 14, 15, 17, and 18 would clearly outweigh the harms to the Green Belt, the character and appearance of the area and any weight afforded to them being intentional unauthorised development.

53. Despite these points though, I am unable to grant a temporary permission for any of those schemes as the above considerations would not outweigh the issues that remain with the failure to demonstrate that each site would have a suitable access that could be used in connection with the development.
54. Turning to Plot 19, a child living there now has issues that, as described to me, appear far more severe than those of the children on Plots 14 to 18. Given this child's specific needs I recognise that a settled base is particularly important for them. By itself, and without the presence of the other sites before me or the Top Park site, this plot would still harm the openness of the Green Belt and the character and appearance of the countryside. However, if all surrounding Gypsy and Traveller development were to be removed the harm resulting from its prominence, its effects on openness, and its sense of isolation would be limited to a degree as it is immediately at the roadside, by the hedge of the former paddock. When looking from the east or west it would therefore be tucked away to some extent, so lessening its visual impact.
55. Mindful of these factors, in considering a temporary permission for Plot 19 the severity of the issues concerning the child, when taken with the other considerations, would clearly outweigh, for a suitable limited period, the harm to the Green Belt, the adverse impact on the character and appearance of the area and any weight attached to it being intentional unauthorised development. However, given the weight afforded to the nature and severity of the child's condition, the duration of any such temporary permission should be connected in some way to the child's occupation of the site, rather than to June 2028. Again though, I am unable to grant such a temporary permission as the considerations would not outweigh the issues relating to the access.
56. In making this assessment I have had regard to appeal decisions from May 2022 (the previous appeals) concerning enforcement notices that had been served on these plots to require the cessation of each of the unauthorised uses. One of the notices was found to be a nullity. The appeal against the other proceeded just on grounds (b), (e) and (g), while the ground (g) appeal was pursued only on the basis of the timings for the sowing of new grass. Despite this, and mindful of his duties under the PSED among other things, the Inspector also had regard to the personal circumstances of those then resident on the site, who are generally the appellants before me. Having done this, he extended the period for compliance by a short time to October 2022.
57. Whilst that Inspector did not increase the compliance period to the length I have explored under the possible grant of temporary permissions, he was not being asked to grant a planning permission for the works. No appeal was

made under ground (a) and no arguments to that effect were advanced. As such, he had no need to consider if very special circumstances existed and, in such a context, the personal circumstances were not part of the case presented to him before he, himself, explored them. As a result, he was making an entirely different decision to those before me. Accordingly, I consider my reasoning above in relation to temporary permissions does not conflict with his.

58. I recognise that, with the enforcement proceedings subject of the previous appeals, my decisions could well interfere with the rights of the appellants and their families to peaceful enjoyment of, and respect for, their possessions, their private and family life and their home, which are rights they enjoy under Article 1 of the First Protocol and Article 8 as set out under the *Human Rights Act 1998*. However, those are qualified rights and interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim. Given the importance of the need to demonstrate that a suitable access is achievable, I consider the protection of the public interest cannot be achieved by means that involve less interference with their rights. In each case it is therefore proportionate and necessary to refuse to grant planning permission.

Conclusions

59. For the above reasons I conclude that each of these 6 appeals should be dismissed.

JP Sargent

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mrs E Temple	Planning Consultant
Mr A Buckland	Appellant Appeal D
Mr C Calladine	Appellant Appeal C
Mr R Jones	Resident Appeal E
Mr J Lee	Appellant Appeal F
Mr L Lee	Resident Appeal F

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Davies	Principal Planning Officer with the Council
Nr C Hawley	Barrister instructed by the Council
Mr N Holly	Development Strategy Manager with the Council
Mr Holt	Development Enforcement Manager with the Council (site visit only)

INTERESTED PARTIES:

Mr Barton	Local resident
Mr Bryant	Barnacle Parish Council
Linda Burton	Local resident
T Byrne	Local resident
Lesley Hill	Local resident
S Rudge	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FROM THE APPELLANT

APP1: Plans showing amended site boundaries for each appeal
APP2: Email to the Planning Inspectorate concerning descriptions of the developments and land registry details (dated 9 February 2023).
APP3: Email to the Planning Inspectorate concerning land registry details (dated 14 February 2023).

FROM THE LOCAL PLANNING AUTHORITY

LPA1: Observations from the LPA and the Highway Authority regarding the inclusion of the Access Tracks into the Appeal Site boundaries
LPA2: Email to the Planning Inspectorate concerning descriptions of the developments (dated 5 February 2023)
LPA3: Email to the Planning Inspectorate concerning descriptions of the developments and land registry details (dated 21 February 2023).

FROM PARISH COUNCIL

PC1: Map and aerial photographs of other caravan sites in the vicinity submitted by Mr Bryant

Reference: R24/1166

Site Address: BUNGALOW FARM, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS

Description: Construction, operation and decommissioning of a Battery Energy Storage System with vehicular and internal access, landscaping, boundary treatment and associated works and infrastructure.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/40359>

Recommendation

1. Planning application R24/1166 be approved subject to:
 - a. referral to the Planning Casework Unit;
 - b. the conditions and informatives set out in the draft decision notice appended to this report; and
 - c. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to add, vary or remove any of the financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Introduction

- 1.1 This application is being reported to Planning Committee for determination because the proposed development has been called to Committee by Councillor Timms for the following reasons: (i) inappropriate development in the Green Belt; and (ii) fire risk and its potential impact on local residents given the fire service response time to this location.

2.0 Description of site

- 2.1 The application site is located within the countryside and Green Belt and is located approximately 800 metres to the north of Brinklow which is identified as a 'Main Rural Settlement' in Policy GS2. The site is located within the Green Belt and is considered to fall within the open countryside, outside of any settlement boundaries.

- 2.2 The site is accessed via an existing private track. This track serves agricultural and equestrian functions as well as multiple industrial units and storage facilities. The private access track links the site to an entrance onto Smeaton Road, approximately 750 metres north-east of the application site.
- 2.3 The site is relatively flat and surrounded by open agricultural land to the west, east and south. The site also has a gentle gradient sloping from south to north gradually towards the former chicken shed to the north.
- 2.4 The site currently forms part of a larger, generally rectangular agricultural field largely laid to grass and containing two copses of sapling trees. The site is bordered to the west by a boundary field hedge and to the north by a large former chicken shed measuring approximately 130m x 28m which is now occupied by a range of other activities including a number of vehicle repair/restoration businesses. The east and north boundaries of the site adjoin open fields.
- 2.5 There is a 132kV Overhead Line located to the north of the proposed BESS facility which runs in a north-west to south-east direction.
- 2.6 The nearest residential property is Willowbank Farm, approximately 250 metres to the east of the site. The next nearest residential properties are at least 290 metres distance away from the site, to the north on Smeaton Lane.
- 2.7 Public Right of Way (PRoW) footpath 136/R76a/1 and 136/R76a/2 (The Coventry Way) runs directly parallel with the western boundary outside the boundaries of the site. PRoW footpath 136/R76b/1 is to the south-west of the site and connect to Walkers Terrace. There is also a bridleway (ref: 136/R76/1) which runs to the north-west of the site connecting to the raised elevation bridge over Smite Brook.

3.0 Description of proposals

- 3.1 The application site measures 2.924 hectares and seeks full planning permission for a 60MW Battery Energy Storage System (BESS) for a 40 year period. The proposed development comprises:
- 6 no. BESS battery units housed within individual containers;
 - 14 no. battery interface cabinets containing a total of 56 no. of BESS battery units;
 - 14 no. Conversion System inverters;
 - 8 no. twin skids;
 - an auxiliary transformer;
 - a storage container;
 - customer switchgear;
 - a 132Kv substation with a fenced enclosure;
 - 2 no. water tanks (120,00 litres each);
 - a Distribution Network Operator (DNO) control room;
 - 10 no. CCTV cameras;
 - ancillary infrastructure;
 - an underground cable connection;
 - internal access tracks;

- a 2.4m high perimeter security palisade fence with gates;
- areas of landscape planting;
- ecological enhancements; and
- a SUDS attenuation pond.

No external lighting is proposed in the interests of minimising impact upon local wildlife (condition 14).

- 3.2 The perimeter security fence measures 94.50m x 88.30m, enclosing an area of approximately 0.834 hectares.
- 3.3 The largest element of the scheme is the 132Kv substation with its own internally and externally fenced enclosure, measuring approximately 58.5m x 25m, enclosing an area of 0.146 hectares. The substation includes 18 structures varying in height from 4.8m to 6.8m.
- 3.4 The existing access track terminates adjacent to the eastern end of former chicken shed building. The proposals include a 170 metre long extension to the access track which includes four short spurs up to gates within the perimeter fence. Within the perimeter fence the BESS apparatus is laid out three rectangular sections surrounded and separated by internal access paths. The most northerly section rectangular section accommodates the substation, container unit and customer switchgear. The other two rectangular sections accommodate the batter storage and associated infrastructure. The water tanks and the DNO control room are located immediately to the north but outside of the perimeter security fence.

Planning History

R24/0441 – A request for a Screening Opinion was submitted to Rugby Borough Council on 15th April 2024. It was confirmed on 24th May 2024 that the proposal does not constitute EIA development.

Relevant Planning Policies

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

GP1 – Securing Sustainable Development

GP2 – Settlement Hierarchy

HS1 – Healthy, Safe & Inclusive Communities

HS2 – Health Impact Assessments

HS5 – Traffic Generation and Air Quality, Noise and Vibration

NE1 – Protecting Designated Biodiversity and Geodiversity Assets

NE3 – Landscape Protection and Enhancement

- SDC1 – Sustainable Design
- SDC2 – Landscaping
- SDC3 – Protecting and Enhancing the Historic Environment
- SDC5 – Flood Risk Management
- SDC6 – Sustainable Drainage
- SDC8 – Supporting the Provision of Renewable Energy and Low Carbon Technology
- D1 – Transport

The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

The Emerging Local Plan for 2024-2045 is at an early stage with the preferred options consultation being carried out. This currently carries limited weight in decision making.

- Rugby Borough Council Climate Change Strategy, 2022
- Joint Green Belt Study - Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council
- Overarching National Policy Statement for Energy (EN-1), 2023
- National Electricity Transmission System Operator – Clean Power 2030, 2024
- Technical consultation responses
- National Planning Policy Framework, 2024 (NPPF)

Technical consultation responses

DEFRA	No comments received
Natural England	No comments received
National Grid Gas Transmission	No comments received
Civil Aviation Authority	No comments received
Coventry Airport Safeguarding	No comments received
Severn Trent Water	No comments received
Warwickshire Wildlife Trust	No comments received
National Grid Electricity	No objection
Environment Agency	No objection. Provides general guidance notes
Canal & River Trust	No objection
Warwickshire Fire & Rescue	No objection subject to condition
Warwickshire Police	No objection
WCC Highways	Objection pending further information comprising: drawing clearly showing the detailed construction site layout, a carriageway overrun details plan, a dilapidation survey to be included in the Construction Management Plan and a Stage 1 Road Safety Audit.
WCC Rights of Way	No objection subject to an Informative
WCC Flood Risk Authority	Objection as the details relating to the surface water drainage are considered insufficient.
WCC Archaeology	No objection subject to condition

WCC Ecology Unit	Further information required comprising faunal surveys
RBC Environmental Health	No objection subject to conditions
RBC Trees & Landscape	No objection

Amended plans/Additional information:

WCC Highways	No objection subject to conditions & informatives
WCC Flood Risk Authority	No objection subject to conditions & informatives
WCC Ecology Unit	No objection subject to conditions and a S106 to secure Biodiversity Net Gain & Monitoring

Following further information and additional information, there are no objections from any Statutory Consultee subject to the imposition of conditions.

Parish Council Responses

Brinklow Parish Council	The proposed development constitutes inappropriate development in the Green Belt and there do not appear to be any special circumstances to warrant approval. The proposed construction would damage the views from and the appreciation of Pedlar's Bridge which is a designated heritage asset.
Combe Fields Parish Council	No determination of the application should take place until: - A Battery Safety Management Plan has been submitted. - Details of the automatic fire safety detection system have been submitted.

Third party comments

- Noise - Examples show noise to be 75-85 db (i.e. a high revving motorbike) 24/7
- Fire - High risk of fire
- Light - This would create massive light pollution (as these facilities are floodlit at night)
- Flooding - this area is liable to flooding (as shown on historical maps). The surrounding area now floods several times a year often to the point that Smeaton Lane is impassable
- Traffic - Smeaton Lane traffic is already rapidly increasing from farm machinery, industrial units along Smeaton Lane, Ansty business Park and the forthcoming Frasers Group global headquarters next to Ansty Business Park
- There is already excessive traffic from the drive leading up to WillowBank Farm. There is constant noise at all times of day and night with large articulated lorries, lorries, hay lorries, vans, breakdown vehicles and motor bikes. As pensioners we feel very vulnerable walking down our driveway, having to constantly check people have closed the gate so the dog can't get out
- Windows cannot be opened because of the dust and dirt entering and the lack of privacy. More heavy duty vehicles would worsen the situation

- Severe damage has been caused to The Bungalow as a result of vibration caused by the continual use of heavy vehicles. The septic tank unit has also been damaged by heavy vehicles running over it
- A new access road to the application site and the industrial units should be built.
- Wildlife - This will impact on the local wildlife, some of the frequent include muntjac, red kite, buzzards, barn owls, fox, badgers, brown long eared bats, herons and a multitude of birds
- At present there is no application for the major amount of solar panel installation or wind turbine that would warrant a battery storage unit in the green belt in this location
- Objection to the use of the access drive off Smeaton Lane

4.0 Assessment of proposals

- 4.1 The key issues to assess in the determination of this application are the principle of the development, Green Belt and Grey Belt, design and appearance, landscape impact, the natural and historic environment, the temporary loss of agricultural land, flood risk and drainage, access and highways and the overall cumulative impact.

5.0 Principle of development

- 5.1 The starting point for consideration of the merits of a proposal is the provisions of the development plan. Section 38(6) states that *“if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 5.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF 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.
- 5.3 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area. This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 5.4 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states 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.”*

- 5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in the Green Belt being resisted and only where national policy on Green Belt allows will development be permitted.
- 5.6 Policy SDC8 of the Local Plan states that proposals for low carbon and renewable energy technologies will be supported in principle subject to complying with a range of criteria. Those criteria relating to impacts on adjacent land uses and residential amenity, the natural environment and heritage assets will be assessed later in this report. The final criteria of this policy requires it to be demonstrated that planning impacts identified by local communities have been addressed and the scheme therefore has their backing. This element of the policy is considered to be out of date as this is no longer included within the NPPF. Notwithstanding this, the comments made by Brinklow Parish Council are addressed later in this report.
- 5.7 The Local Plan is now more than 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 5.8 The Local Plan is now more than 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 5.9 It is recognised by the Courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period. As these policies set out the strategic aims for the Borough throughout the plan period and beyond it is considered that these should be given significant weight in decision making.
- 5.10 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 11(d) details that in cases where the policies most important in determining an application are out of date the “tilted balance” is engaged and permission must be granted unless policies within the NPPF provide a strong reason for refusal or the adverse impacts would significantly outweigh the benefits. The engagement of the tilted balance will be concluded in the planning balance.
- 5.11 Paragraph 12 of the NPPF states 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.”*

- 5.12 Policy GP2 sets out the development hierarchy for the borough and states that in Green Belt locations, development will only be permitted if allowed by national policy. Therefore, this aspect of the policy concerning Green Belt development is considered to be up-to-date. For the purposes of the assessment of the scheme against Local Plan Policy GP2, the site is outside of a settlement boundary and on designated Green Belt land.
- 5.13 The only relevant reference within NPPF footnote 7 in relation to 11di for consideration within this application is the fact that the site is located within the Green Belt. Therefore, an assessment is required as to the scheme's assessment against Section 13 (paragraphs 142-160) of the NPPF and whether the harm identified provides a 'strong reason for refusing the development proposed'. The key policies referred to in paragraph 11dii to which '*particular regard*' is to given are referenced in footnote 9 and in particular to this planning application: paragraphs 110 and 115 of chapter 9; paragraph 129 of chapter 11; paragraphs 135 and 139 of chapter 12. The planning balance will set out the conclusion of paragraph 11d of the NPPF.

NPPF: Green Belt

- 5.14 The application site is located within the Green Belt. Chapter 13 Paragraph 142 of the NPPF states that, 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.
- 5.15 Paragraph 143 of the NPPF details the 5 purposes of the Green Belt as follows:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.16 Paragraph 154 of the NPPF set out the types of development which will not be considered inappropriate within the Green Belt, the current proposals do not fall within any of these categories.

NPPF: Grey Belt

- 5.17 However, the 2024 NPPF introduced "grey belt" land which is defined as "*...land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) of NPPF paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*"
- 5.18 The application site does not comprise previously developed land. Therefore, an assessment must be made as to whether the land contributes towards (a), (b) or (d) of NPPF paragraph 143. Given the location within the countryside, located between Rugby and Coventry, and some distance from large built-up areas or neighbouring towns it is not

considered that the site contributes to purposes (a) or (b). The site also does not comprise a historic town or impact the setting of an historic town and as such does not contribute to purpose (d). Footnote 7 within the definition of grey belt refers to specific designations which do not apply to this site. It is therefore considered that the site comprises “grey belt” land.

- 5.19 Development of grey belt land is not automatically considered to constitute appropriate development within the Green Belt. NPPF paragraph 155 states,

‘The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.’*

NPPF Paragraph 155, Criterion a)

- 5.20 As detailed above the site is grey belt land which does not contribute towards purposes (a), (b) or (d) of paragraph 143 of the NPPF. The site does however contribute towards purpose (c) which is to safeguard the countryside from encroachment. Nevertheless, given the relatively modest size of the site, the scale and height of the built form, the immediate proximity of existing built form and the temporary nature of the proposals, it is not considered that this impact would fundamentally undermine the purposes of the Green Belt. Furthermore, in relation to purpose (e) of paragraph 143 of the NPPF, the development proposal is not considered to contribute to assisting urban regeneration as it is a particular form of development which wouldn't be likely to be accommodated within the urban area. The proposed development would not therefore fundamentally undermine the purposes, when taken together, of the remaining Green Belt across the area of the plan. The proposal therefore satisfies the requirements of NPPF paragraph 155 criterion a).

NPPF Paragraph 155, Criterion b)

- 5.21 A recent appeal decision in Walsall, published after the December 2024 NPPF changes, relates to a battery energy storage system within the Green Belt. The Inspector for this appeal referred to the National Policy Statement for Energy (NPS) which provides guidance in relation to Nationally Significant Infrastructure Projects and a document published by the National Electricity Transmission System Operator (NESO), a publicly owned energy body responsible for energy planning in Great Britain. Whilst the NESO report is not government policy or have the same status as the Framework, it does provide supporting context for decision making. Although this appeal related to battery storage this decision indicates that these documents can be considered when assessing the demand for renewable energy.

- 5.22 The NPS refers to a need for sustained growth in solar energy in the next decade whilst NESOs Clean Power in 2030 document, published in 2024 refers to a need for major expansion in solar energy, from 15 GW to 47GW.
- 5.23 In addition, Rugby Borough Council declared a climate emergency in July 2019 and has produced a Climate Strategy which refers to the Council taking action to increase green energy production within the Borough.
- 5.24 Given the emphasis on mitigating climate change and achieving net-zero, the proposed scheme could make an early and material contribution to achieving the Government's 2050 net zero target and would make a significant contribution towards meeting the climate change policies. Whilst the applicant has not provided quantifiable evidence of an unmet need, the National NPS (National Policy Statement) for Energy and the National Energy System Operator (NESO) evidence demonstrate the significant strategic need which the scheme helps to meet. This evidence is considered sufficient to show that the requirement of criterion (b) of paragraph 155 is met.

NPPF Paragraph 155, Criterion c)

- 5.25 Criterion c) requires that the development be in a sustainable location, with particular reference to paragraphs 110 and 115. Paragraph 110 indicates that significant development should be focussed on locations that are or can be made sustainable, through limiting the need to travel. This paragraph goes on to say that opportunities to maximise transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Paragraph 115 seeks to ensure inter alia, that sustainable transport modes are prioritised taking account of the type of development and its location, safe access can be achieved and any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated.
- 5.26 Paragraph 110 of the NPPF relates to development that would generate significant level of vehicle movements, particularly by car. The proposed development would comprise two phases, namely the construction phase and the operational phase. During the 22-week construction phase the development would lead to an increase in traffic. Construction traffic generation over the 22-week construction phase will total approximately 546 two-way HGV movements (arrivals and departures) and be confined to the first two sub phases of construction over a 20 week period. It is anticipated that the maximum number of construction staff on-site will vary subject to the construction schedule, with a maximum of 7 staff expected to be working on site at any one time.
- 5.27 During the operational phase the BESS would operate on an unmanned basis. It is understood that the BESS would generate 1 visit (2 two-way movements) every 4-8 weeks to support site operations and general maintenance activities at the facility. These trips will be typically made by cars or LGVs (e.g. pick-up, vans). Space will be retained on-site for LGVs to turn around, ensuring vehicles can enter and exit in a forward gear. This level of traffic movement is not considered to be significant, nor would it have an unacceptable effect of highway capacity, highway safety or air quality. The Highway Authority has no objection on access or traffic generation grounds. Moreover, given the nature of the development, whether it was located in a rural or urban area, the scale of the traffic

generation could not be limited or changed to alternative transport modes. The requirement of criterion c of paragraph 155 is therefore satisfied.

NPPF Paragraph 155, Criterion d)

- 5.28 Criterion d) only relates to housing development and is therefore not applicable to this application.
- 5.29 It can therefore be concluded that the proposed development satisfies the criteria in NPPF paragraph 155 and as such does not constitute inappropriate development in the Green Belt and. The principle of the development is therefore considered acceptable in accordance with the NPPF and Local Plan policy GP2.
- 5.30 Policy SDC8 states the proposals for renewable energy will be supported in principle subject to meeting a range of criteria. Those relating to adjacent land uses and residential amenity, the natural environment and heritage assets are assessed later in this report.
- 5.31 This policy also requires the scheme to maximise opportunities to address energy needs of neighbouring uses. Given that the application site is surrounded by agricultural land it is not considered that this criterion is relevant.
- 5.32 Having regard to paragraphs 143 and 155 of the NPPF as outlined above and notwithstanding the objection received from Brinklow Parish Council, the proposed scheme is considered to be appropriate Grey Belt development within the Green Belt.

Agricultural Land Quality

- 5.33 Local Plan policy SDC8 also includes a requirement that where proposals are located on best and most versatile (BMV) agricultural land a sequential test is undertaken, and that where use of this land is necessary conditions may be applied requiring the land to be restored to the previous use when operation ceases.
- 5.34 An Agricultural Land Classification (ALC) report submitted with the planning application confirms that the site comprises the following:

Grade	Area (Ha)	Percentage of site
1	0	0
2	0	0
3a	2.3	79%
3b	0.2	7%
Non Agricultural	0.4	14%

- 5.35 The applicant has provided a Site Selection Assessment Report which considers suitable sites which are accessible within 2km (maximum distance for a grid connection for a BESS of the size proposed) of the 15.3km Coventry Overhead Line between Rugby and Coventry. The report details a range of constraints which were considered including: site area (minimum 3 hectares); physical impediments; environmental, fluvial and heritage policy conflicts; BMV agricultural land grades; and site availability and deliverability.

- 5.36 The Site Selection Report investigated previously developed land within the search area, however it found there were no brownfield sites of the size required. The only viable and available sites within the search area are within the Green Belt.
- 5.37 The majority of land within the search area is in agricultural use and the majority of this is within Grades 2 and 3. The Site Selection Report provides information on other sites within Grade 3 but these sites were considered unsuitable due to a range of issues such as size, access, lack of grid capacity, lack of a suitable grid connection etc. Furthermore, there is no suitable lower Grade 4 or 5 agricultural land available within the search area, taking into account the constraints previously mentioned.
- 5.38 The alternative sites proposed generally comprised Grade 3 agricultural land. Without detailed assessments this is not divided into Grade 3a, which comprises BMV, and Grade 3b, which does not. It is therefore possible that the alternative, unsuitable sites, could also have impacted similarly on BMV. However, case law has found it to be unreasonable to require testing on land outside of the applicant's control.
- 5.39 Given, the compact size of the site as compared to the total land within the search area and the total LPA area, the applicant's sequential test has adequately demonstrated that the use of BMV is necessary, in accordance with policy SDC8. Furthermore, the applicant is seeking a planning permission limited to a period of 40 years, after which the site could be restored to its former use as agricultural land. It will be feasible to strip and store soils from the subgrade 3a land for the duration of the operational phase and reinstate the land 40 years later. This can be secured through an appropriately worded planning condition (condition 6). Soil profiles can be retained and used to sustain landscaping and promote areas of BNG. In practical terms, this means that the land would continue to be protected for future agricultural use. The Planning Inspector for an appeal relating to a BESS at Kenilworth (PINS reference: APP/T3725/W/23/331932) accepted a similar arrangement on Grade 3a agricultural land.
- 5.40 Subject to the imposition of condition 6, the principle of the development is considered acceptable and in accordance with both the NPPF and Local Plan policy SDC8.

6.0 Design & Appearance

- 6.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.
- 6.2 Section 12 of the NPPF within states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3 The design of the proposed development has been informed by the context of the site and its surroundings. The immediate context within which the site sits is formed mostly by agricultural land and is flanked immediately to the north by commercial uses.

- 6.4 The key elements of the design are to minimise the environmental and landscape impact by preserving trees and hedgerows, maintaining suitable stand-offs from sensitive ecological features and assimilating the development into the local landscape as far as possible, including providing additional screening.
- 6.5 The proposed development utilises the existing access off Smeaton Lane into Bungalow Farm and would be set within an existing field pattern, with all field margins and boundary vegetation retained. The security fencing around the site would be situated inside the boundary vegetation to ensure that the fencing is not outwardly visible and the hedge can still be accessed for maintenance. A condition is proposed to require the fence colour to be agreed (condition 4).
- 6.6 Within the perimeter fence the layout is generally regular and utilitarian in character with battery storage units arranged in regularly spaced rows and the associated inverters and twin skids are similarly arranged adjacent to each grouping of battery storage units. The substation and the two storage containers would be immediately to the north of the battery storage units and their associated infrastructure. The storage containers would be sited side by side in a vertical alignment with the battery storage units. Taken together the storage units are of similar dimensions in terms of length, height and width to the grouped battery storage units.
- 6.7 The most visible components of the proposed development would be the substation apparatus. There would be nine structures within the substation enclosure over 4.5 metres in height inclusive of 2 structures at a height of 6.11 metres and one structure at a height of 6.77 metres.
- 6.8 The battery storage units and associated apparatus would be functional in appearance, reflecting their purposes, which is for the storage of electricity whilst any cabling would be underground and have no visual impact. The proposed DNO Control Room building would be sited immediately adjacent to but outside of the perimeter fence to the north of the substation. This building would have a gross floor area of 6.9 metres x 5.6 metres and would have a pitched roof with a ridge height of 5.57 metres. The applicant has not confirmed the colour of the cladding, bricks, roof materials which are proposed for the structures, apparatus and containers and this can be controlled by condition (condition 4). Options for the design and colour of the structures and apparatus are, by the nature of the scheme, limited in scope.
- 6.9 At the end of the 40 year lifetime of the proposed development, it has been proposed by the applicant that all infrastructure associated with the proposed development would be removed and the land would be reinstated to its current condition (condition 6).
- 6.10 Individual residential properties are located to the east and south of the site. However, given the distance from the site and the existing and proposed landscaping the proposals will not have an adverse impact on residential amenity. The residential properties located along Smeaton Lane are visually buffered from the proposed development by multiple intervening industrial units and former agricultural buildings. No external lighting is currently proposed (condition 14), post construction operational traffic will be very low and acoustic mitigation is proposed. These points address a number of concerns raised by third parties.

- 6.11 For the above reasons, it is considered that the proposed development accords with policy SDC1 of the Rugby Borough Council Local Plan 2011-2031.

7.0 Landscape & Visual Impact

- 7.1 Policy NE3 states new development which positively contributes to landscape character will be permitted.
- 7.2 Policy SDC2 states that landscape aspects of a development proposal will be required to form an integral part of the overall design, to include the identification and retention of important site features.
- 7.3 Policy SDC8 requires applicants to demonstrate that opportunities to mitigate landscape and visual impacts have been maximised for example through screening with native hedges.
- 7.4 The application is accompanied by a Landscape and Visual Appraisal (LVA) to demonstrate the potential impact of the proposed development on the wider landscape and any potential receptors.
- 7.5 The application site is not designated at a local or national level for its landscape value. It consists part of two pastoral fields and a farm track and is assessed within the LVA to be of medium-low landscape value. The site is visible from immediate surrounding areas and some middle-distance locations. However, owing to a combination of the undulating landform and intervening vegetation along field boundary hedgerows, views from further afield are more limited, with only partial or filtered views available.
- 7.6 The Council's Tree and Landscape Officer has advised that the proposed development would result in some loss of physical openness and the proposed development would be visible from specific points in the immediate surrounding area. However, existing vegetation/hedge lines and trees together with the topography of the land would offer partial screening of the proposed development. Furthermore, the proposed mitigation landscape planting in the form of woodland/thicket and individual tree planting would assimilate the proposal into the landscape relatively quickly given the relative small scale of the proposed development.
- 7.7 The provision and maintenance of the required landscaping would also be secured through the submission of a Habitat Management and Monitoring Plan (condition 13) and a Landscape and Ecological Management Plan (Biodiversity Management Plan (condition 16).
- 7.8 On this basis the Tree and Landscape Officer has raised no objection to the proposals. The landscape and visual impact is therefore considered acceptable and in accordance with Local Plan policies NE1 and NE3.

8.0 Heritage

- 8.1 Policy SDC3 states that development will be supported that sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes, and townscapes.

- 8.2 Paragraph 202 of the NPPF states that, amongst other things, that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.3 The application is accompanied by a Historic Environment Desk-Based Assessment (HEDBA) to determine the cultural heritage of the site. This identifies that the following heritage assets have the potential to be sensitive to the development proposals:

- Grade II* listed Church of St John the Baptist
- Brinklow Conservation Area
- Pedlar's Bridge

- 8.4 The HEDBA concludes that:

'The site in its current state is considered to make a minor positive contribution to the significance of the Grade II listed Church of St John the Baptist as it allows for an appreciation of the church from a distance within its historic rural context. Without mitigation, it is considered that the proposals will generate a low level of less than substantial harm to the significance of the asset, through the partial loss of this historic rural context. However, the considered design of the proposals are such that they look to introduce a mixture of planting along the perimeter of the site's boundaries which will limit the apparentness of the new infrastructure within the landscape, reducing this level of harm further. This will be particularly important during the winter months when the filtering effect of the hedgerow that runs along the Public Right of Way to the immediate west of the site will be reduced.'*

An assessment of potential impacts on the overall special character and appearance of Brinklow Conservation Area has concluded that although the site does form part of the conservation area's wider rural context, due to its location 800m north-west combined with the intervening natural screening, they share very limited to no visual connection. The tower belonging to the Grade II listed Church of St John the Baptist (NHLE 1034957) is the only visible asset located within the designation that can be seen from the site. The site is located outside of the immediate setting of the conservation area and, for these reasons, it is not considered that the proposals will negatively impact on the overall special character and appearance of the conservation area.*

Located c. 60m north of the site boundary is Pedlar's Bridge (HER ref: MWA3721). An assessment of the significance of the bridge which is not listed or locally listed has concluded that the proposals as they stand will not harm the moderate significance of this non-designated built heritage asset.'

- 8.5 The Council's Conservation consultant commented on the application and has agreed with these conclusions.
- 8.6 The County Archaeologist has advised that the application site lies within an area of significant archaeological potential and the site is likely to have remained in agricultural use since at least the medieval period. An undated rectangular enclosure (Warwickshire Historic Environment Record ref. MWA6807) is visible as a cropmark on aerial photographs and is located approximately 400 metres to the north-west of the application

site. A second undated linear cropmark is recorded approximately 745 metres to the south-west of the application site.

- 8.7 The County Archaeologist is of the view that whilst relatively little evidence for activity dating from the prehistoric, Roman or Anglo-Saxon periods has been recorded either from within the application site or its immediate surroundings, this may be a reflection of the lack of previous archaeological investigations undertaken across this area rather than an indication of a lack of archaeology to be present within the site. Consequently, the potential for the site to contain archaeological remains dating from these periods should be assessed as being Unknown.
- 8.8 Notwithstanding Brinklow Parish Council's view that the proposed development would damage the views from and the appreciation of Pedlar's Bridge which is a local designated heritage asset, the County Archaeologist has raised no objection to the application but has recommended that archaeological work would be required (condition 11 and informative 10)

9.0 Natural Environment

- 9.1 Policy NE1 refers to biodiversity and states that designated species will be protected and that significant harm to biodiversity should be avoided, mitigated or compensated for.
- 9.2 Guidance within the NPPF also refers to the need to minimise impacts on and provide gains for biodiversity, including by establishing ecological networks. This goes on to state that where significant harm to biodiversity resulting from a development cannot be avoided, mitigated for or as a last resort, compensated for, then planning permission should be refused.
- 9.3 As the application was received after February 2024 there is a requirement for 10% Biodiversity Net Gain (BNG) to be provided, either on-site or through off-site mitigation, in accordance with the Town and Country Planning Act.
- 9.4 The application is accompanied by a Preliminary Ecological Appraisal; a BNG Assessment; a BNG metric calculation, a BNG Plan; surveys for Great Crested Newts, Otters and Water Voles; and a Landscape & Ecological Management Plan.
- 9.5 The County Ecologist has advised that no further GCN surveys will be required unless more than 18 months passes before works commence. Furthermore, neither otters nor water voles or their respective habitat will be directly impacted by the proposals.
- 9.6 The County Ecologist has also requested conditions regarding a Construction Environmental Management Plan for Biodiversity (condition 13), a Habitat Management & Monitoring Plan (condition 13) and details of any external lighting (condition 14). Subject to these conditions and legal agreement the County Ecologist raised no objection in relation to impacts on protected species.
- 9.7 In relation to BNG the assessment and matrix shows that within the application site the proposed development would result in a net loss of -7.08% habitat units and a net gain of 24.49% hedgerow units. Off-site there are net gains of 55.31% of habitat units and no hedgerow units. Overall, this creates net gains of 10.72% in habitat units and 24.49% in

hedgerow units. This is linked to the creation of species rich grassland, wildflower meadow, a woodland buffer, wildflower areas and new hedgerows, in accordance with Warwickshire, Coventry and Solihull Green Infrastructure Strategy.

- 9.8 The land which has been chosen for off-site compensation lies adjacent to the red line boundary within land under the control of the applicant. On this basis the County Ecologist recommends that a monitoring fee should be secured by legal agreement to ensure that the biodiversity scheme can be secured and monitored for the required 30 year period.
- 9.9 As BNG is applicable to the site, the development will be subject to the Deemed Condition included within the Environment Act, which requires a Biodiversity Gain Plan to be agreed. It is also necessary for the biodiversity scheme to be maintained for 30 years and this will be controlled by the Habitat Management and Monitoring Plan condition (condition 13) and the legal agreement.
- 9.10 Notwithstanding concerns raised by third parties regarding impact upon wildlife the proposals are in accordance with policy NE1 subject to conditions (conditions 13 and 14) and a legal agreement.

10.0 Flood Risk & Drainage

- 10.1 Policy SDC5 states that a sequential approach will be taken to development based on the Environment Agency's flood zones to steer development to areas with the lowest probability of flooding. The site is located within Flood Zone 1, which has the lowest likelihood of flooding and in accordance with this policy.
- 10.2 Policy SDC6 states that Sustainable Drainage Systems are required on major developments and that these should be provided on-site or, where this is not possible, close to the site.
- 10.3 The application includes a Flood Risk Assessment, to assess the potential sources of flooding on the site, impacts on flooding elsewhere and mitigation measures to reduce any impact.
- 10.4 The development site is predominantly situated within Flood Zone 1 and all built development would be located in areas at the lowest risk of flooding. Parts of the access route are located within Flood Zone 2 and 3. The applicant has confirmed that although the site is considered to be essential infrastructure, 24/7 access to the site is not considered necessary as the management of the site is predominantly remotely controlled. On-site personnel would only be required on-site for routine maintenance purposes approximately once every 4 - 8 weeks or to inspect equipment following any emergency shutdown procedures which are carried out remotely. The development area of the application site is therefore not considered to be at risk of flooding, any flooding along the access would not give rise to a need for personnel to attend the site.
- 10.5 Having regard to all potential sources of flood risk including flooding of the site from land (low risk), groundwater (low risk), sewers / artificial drains (no risk) and infrastructure failure /blockage (low risk), the proposed development of the site is considered to be acceptable.

- 10.6 The proposed drainage/SuDS scheme for the proposed development will comprise the management of surface water runoff from the development area. The proposed development will be drained via herringbone drainage systems and perimeter filter drains conveying run-off to a SuDS attenuation basin. The development will be constructed with semi-permeable surface materials to allow rainwater to infiltrate into the ground underlying makeup where it will be captured by perforated pipework. The platform will be graded such that flows are directed generally to the west, with any exceedance run-off captured by perimeter filter drains. From here, the drainage will be routed to the attenuation basin that will provide suitable treatment and attenuation prior to discharge to the adjacent drainage ditch parallel to the western boundary of the site which discharges into Smite Brook. Land levels surrounding the platform will not be altered, therefore the existing overland flow routes will remain unchanged and as per the pre-development hydrological conditions.
- 10.7 The Warwickshire County Council Lead Local Flood Authority (LLFA), has confirmed that it does not object to the proposed development subject to conditions (conditions 8, 9 & 10) and informatives (nos. 6, 7 8 & 9). Notwithstanding concerns raised by third parties regarding flood risk, the proposed development is considered acceptable and in accordance with the NPPF and Local Plan policies SDC5 and SDC6.

11.0 Highways

- 11.1 Local Plan policy D1 seeks to ensure that transport impacts will be mitigated and that safe and convenient access to the site can be achieved. Policy D2 seeks to ensure adequate car parking can be achieved on site.
- 11.2 Vehicular access to the site would be provided from the existing Bungalow Farm access with Smeaton Lane via a priority T-junction. The Bungalow Farm access currently serves the existing farm, as well as a number of separate industrial/commercial units, so is already utilised by a number of large agricultural vehicles, as well as larger Heavy Goods Vehicles (HGVs). The existing access would also be utilised during the 22 week construction, installation and maintenance period.
- 11.3 Warwickshire County Council (WCC) Highway Authority initially objected to the application and requested a Stage 1 Road Safety Audit and a construction site layout to confirm the quantity and location of staff and visitors parking provision; a delivery drop-off point; a turning area for HGV's; a wheel wash facility location; and a location for the storage of materials. In addition, the submitted tracking plans showed some over run of the existing kerb on the left when exiting the site, as well as the verge on the opposite side of the carriageway for HGVs. For this reason detailed, scaled, and annotated plans clearly showing the proposed access widening works, such as strip widening and compound kerbs were requested as well as an explanation for how the widening of the site access will be supported to ensure the edges of the carriageway do not fail with the weight and movement of the HGVs. The applicant provided all of the requested information to address these comments including a revised Construction Traffic Management Plan.
- 11.4 On this basis and notwithstanding concerns raised by third parties, the Highway Authority raises no objection to the proposals subject to a conditions (conditions 7) relating to the widening of the site access and informatives (informatives 2, 3, 4 and 5) have been requested. Subject to the imposition of the condition the impact on highway safety is considered acceptable and in accordance with both Local Plan policy D1 and the NPPF.

12.0 Noise & Vibration

- 12.1 Third parties have raised concerns regarding noise impact, vibration impact, and dust and dirt arising from construction.
- 12.2 Policy HS5 states that the impact in terms of noise, vibration and impacts on air quality should be minimised. An objection has been received from the owner of The Bungalow at the Smeaton Lane access which amongst other concerns alleges that severe damage has been caused to the dwelling as a result of vibration caused by the continual use of heavy vehicles.
- 12.3 Environmental Health has considered vibration, noise and dust impacts and has raised no objection to the proposals subject to a condition in relation to the requirement of a Construction Management Plan (condition 6) to ensure that existing properties are not affected by noise (including working hours), vibration or dust. An informative regarding incorporating any potential piling in the foundation detail is also proposed (informative 1).

13.0 Fire Safety

- 13.1 Concerns have been raised by Combe Fields Parish Council regarding fire safety. Warwickshire Fire & Safety Service has considered the development proposals and has advised that it has no objection subject to the imposition of a condition (condition 15) which requires the applicant to submit and have approved a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site.

14.0 Climate Change and Sustainable Design

- 14.1 The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 14.2 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 14.3 The application is accompanied by sustainability checklist which provides details of how the development includes sustainable drainage, landscaping and biodiversity enhancements and is located outside areas at risk of flooding.
- 14.4 It is considered that the applicant has demonstrated sustainability has been incorporated within the development and therefore the development complies with Policy SDC4

15.0 Other Matters

- 15.1 Policy HS2 relates to Health Impact Assessments and states proposals for non-residential development on sites over 1ha will need to demonstrate that it would not generate adverse

impacts on health and wellbeing. This goes on to state that a Health Impact Assessment screening report will be required to determine whether a full assessment is required.

- 15.2 A Health Impact Screening Report was submitted as part of the application to assess the potential impacts of the proposed development on key health and wellbeing determinants.
- 15.3 This identifies benefits to health and wellbeing with regards to climate change.
- 15.4 The Screening Report acknowledges that there will be noise impacts. However, construction noise impacts will be temporary and controlled by condition as detailed above. During the operational period, subject to conditions, predicted noise levels are considered acceptable and are not expected to have negative impacts on health and wellbeing.
- 15.5 It is therefore not considered that further Health Impact Assessment is required.

16.0 Planning Obligations

- 16.1 Paragraphs 56, 58 and 59 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 16.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received the requests for planning obligations as detailed below. It is considered that all these requests meet the necessary tests and are therefore CIL compliant.

Heads of Terms

- 16.3 In summary the contributions required for this proposal have been highlighted as per the table below:

Obligations	Requirement	Trigger
Habitat monitoring fee, to allow on-site habitats to be monitored for 30 years	Payable to Rugby Borough Council. TBC	Prior to first occupation
Monitoring contribution, to contribute towards the cost to the Council of monitoring the implementation and	Payable to Rugby Borough Council. TBC	Prior to first occupation

compliance with the legal agreement		
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- 16.4 In the event that the Committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a Section 106 covering the aforementioned heads of terms.
- 16.5 In relation to any financial contributions or commuted sums sought through a Section 106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation accordingly for the period from resolution to the granting of approval and completion of the Section 106 agreement. In addition, any financial contributions or commuted sums sought through a Section 106 agreement will be subject to indexation from the completion of the Section 106 agreement until the date that the financial contribution or commuted sum is due. Interest will be payable on all overdue financial contributions and commuted sums.
- 16.6 Subject to the completion of a Section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

17.0 Community Infrastructure Levy

- 17.1 The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010.
- 17.2 In this case, the proposal is for a Battery Energy Storage System and 132kV substation and is therefore not liable for CIL.

18.0 Equality Implications

- 18.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 18.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 18.3 There are no known equality implications arising directly from this development.
- 18.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the

Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

19.0 Planning Balance and Conclusion

- 19.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 19.2 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. It is considered that the most important policies (as referenced within paragraph 11 of the NPPF) for determining the application are Policies GP1, SDC1 and SDC2 of the Local Plan (2019). All of these policies are up to date and therefore it is considered that the “tilted balance” is not engaged and the application should be determined in accordance with the development plan.
- 19.3 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development. The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location.
- 19.4 Paragraph 8 of the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are an Economic, Social, and Environmental.

Economic and Social Objective

- 19.5 From an economic perspective the proposed development would result in investment into the borough/county. Due to the construction on site and employment relating to construction jobs whilst the development is being built. Such matters would have a positive impact on the local economy and prosperity of the borough/county, and positively affects the local community, which weighs in favour of the application.
- 19.6 Rights of way within the site and surrounding area will remain accessible and will not be adversely impacted on.
- 19.7 The proposed development accords with the economic and social dimension of sustainable development and this should therefore be afforded positive weight in the determination of the application.

Environmental Objective

- 19.8 From an environmental perspective the principle of a Battery Energy Storage System which serves to facilitate the expansion of renewable energy projects such as wind and

solar power, is strongly supported by both local and national planning policy as well as the Council's climate emergency declaration. Meeting the challenge of climate change is at the core of the NPPF and it sets out how planning plays an intrinsic role in supporting the delivery of renewable and low carbon energy developments. The development would add to the region's progress in meeting its renewable energy target and would also assist in meeting national targets in terms of energy supply and would help the Council respond positively to the declared climate emergency.

- 19.9 The proposed development accords with the environmental dimension of sustainable development and should therefore be afforded positive weight in the determination of this application.
- 19.10 In conclusion, it is considered that the development is acceptable, regarding the key material planning considerations, to include: the principle of the development; design and appearance; impact on neighbouring properties; impact on the Green Belt; landscape, the natural and historic environment and landscape; the loss of agricultural land; flood risk and drainage; access; highways; and environmental health matters. The proposal will also provide the necessary mitigation against the impact of the development on the local community and infrastructure.
- 19.11 Section 14 of the NPPF is clear that planning has a key role in supporting renewable energy and associated infrastructure, and the planning system should "support the transition to net zero by 2050 and take full account of all climate impacts..." and "support renewable and low carbon energy and associated infrastructure." The NPPF also states that applications for renewable and low carbon development should be approved if the impacts are (or can be made) acceptable. There is also national policy support for grid flexibility and renewable integration as set out in the National Policy Statement for Energy (EN-1) and the Energy Act 2023.
- 19.12 It is therefore concluded that the development would provide a sustainable development, which will positively provide social, environmental and economic benefits.
- 19.13 In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with the Development Plan.
- 19.14 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

20.0 Recommendation

1. Planning application R24/0373 be approved subject to:
 - a) The conditions and informatives set out in the draft decision notice appended to this report; and

- b) The completion of a legal agreement to secure the necessary financial contributions and planning obligations as indicatively outlined in the heads of terms within this report.
 - 2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
 - 3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to add, vary or remove any of the financial contributions and/or planning obligations outlined in the heads of terms within this report.
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DRAFT DECISION

REFERENCE NO:
R24/1166

DATE APPLICATION VALID:
28-Jan-2025

APPLICANT:

Finn c/o agent, INTEGRUM SPV 22455 LIMITED INTEGRUM SPV 22455 LIMITED, Magma House, 16 Davy Court, Castle Mound Way, Rugby, Warwickshire, CV23

AGENT:

Mr Blundell, Enray Power Limited Enray Power Limited, 120 New Cavendish Street, Fitzrovia, London, BS7 0BB

ADDRESS OF DEVELOPMENT:

BUNGALOW FARM, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS

APPLICATION DESCRIPTION:

Construction, operation and decommissioning of a Battery Energy Storage System with vehicular and internal access, landscaping, boundary treatment and associated works and infrastructure.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

The development shall be carried out in accordance with the plans detailed below:

Location Plan (Version 2.0) received 18.09.2025

Location Plan (Aerial Mapping) (Version 2.0) received 18.09.2025

Site Layout Plan (PL-01 Revision 15) received 01.09.2025

Site Layout Plan (No Landscaping) (PL-01B Revision 02) received 01.09.2025

Soft Landscaping Proposals (Sheet 1 of 2) (CSA/6957/105 Revision A) received 28.01.2025

Soft Landscaping Proposals (Sheet 2 of 2) (CSA/6957/106 Revision A) received 28.01.2025

Hard Landscaping Proposals (Sheet 1 of 2) (CSA/6957/107) received 28.01.2025

Hard Landscaping Proposals (Sheet 2 of 2) (CSA/6957/108) received 28.01.2025

Contextual Elevations (Sheet 1 of 2) (EL-01 Revision 02) received 01.09.2025

Contextual Elevations (Sheet 2 of 2) (EL-02 Revision 02) received 01.09.2025

Contextual Elevations (Sheet 1 of 2) (No Hedgerow) (EL-01B Revision 02) received 01.09.2025

Contextual Elevations (Sheet 2 of 2) (No Hedgerow) (EL-02B Revision 02) received 01.09.2025

132kV Substation Plan (SD-01 Revision 01) received 28.01.2025

132kV Substation (Section) (SD-02 Revision 01) received 28.01.2025

DNO Control Room (Elevations & Floor Plan) (SD-12 Revision 01) received 01.09.2025

Battery Unit (Elevations, Sections & Roof Plan) (SD-04 Revision 01) received 28.01.2025

Battery Interface Cabinet (Elevations & Plan View) (SD-06 Revision 01) received 28.01.2025

PCSK Inverter (Elevations & Plan View) (SD-05 Revision 01) received 28.01.2025

Twin Skid (TX) (Elevations & Plan View) (SD-03 Revision 01) received 28.01.2025

Customer Switchgear/Storage Container (Elevations & Plan View) (SD-07 Revision 01) received 28.01.2025
CCTV Camera (Sectional Elevation of camera unit on a post) (SD-08 Revision 01) received 28.01.2025
2.4m Palisade Fence and Gate (Sectional Elevation) (SD-09 Revision 01) received 28.01.2025
120,000 Litre Water Tank (Elevations & Plan View) (SD-11 Revision 01) received 28.01.2025
4.5m Access Track (Section) (SD-10 Revision 01) received 28.01.2025
Overrun Details Plan (LTP/5872/P1/01.01 Revision A) received 11.06.2025
Site Testing Plan (LTP/5872/P1/02.01 Revision A) received 11.06.2025

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3:

The development shall be carried out in accordance with the documents detailed below and any commitments and recommendations contained within the documents shall be implemented, unless other conditions within this decision notice state otherwise:

Design & Access Statement received 28.01.2025
Landscape and Visual Impact Assessment and Green Belt Review (Revision A) received 28.01.2025
Historic Environment Desk-Based Assessment (PN4021/HEDBA/2) received 28.01.2025
Agricultural Land Classification Report (1011204 v6) received 28.01.2025
Arboricultural Impact Assessment received 28.01.2025
Tree Survey received 28.01.2025
Energy Statement EL (90IT1367_REP_003 Issue 001) received 28.01.2025
Health Impact Assessment Screening received 28.01.2025
Site Selection and Justification Statement V2 received 28.01.2025
Statement of Community Involvement (90IT1367_REP_005 Issue 001) received 28.01.2025
Flood Risk & Drainage Assessment Report (Version 4) received 21.07.2025
Landscape and Ecological Management Plan (Biodiversity Management Plan) (Version 1) received 20.05.2025
Preliminary Ecological Appraisal (Version 2.0) received 20.05.2025
Biodiversity Metric Calculation Tool received 20.05.2025
Biodiversity Net Gain Plan (Version 2.0) received 20.05.2025
Great Crested Newt Survey (Version 1.0) received 20.05.2025
Environmental DNA Report Great Crested Newt received 20.05.2025
Otter and Water Vole Survey (Version 1.0) received 20.05.2025
Transport Statement (LTP/24/5872 Issue 1) received 28.01.2025
Construction Traffic Management Plan (LTP/24/5872 Revision A) received 20.05.2025
Stage 1 Road Safety Audit – Audit Brief (5872) received 11.06.2025
Stage 1 Road Safety Audit (RSI-MM-0525-008 Issue 1.1) received 24.06.2025
Stage 1 Road Safety Audit Response Report (LTP-5872-JC-0) received 24.06.2025

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 4:

No above ground development other than ground levelling and site access works shall commence until a materials schedule has been submitted to and approved in writing by the Local Planning Authority. The materials schedule shall confirm the colour and external finishes of all proposed fences and gates, DNO control room, water tanks, storage container, customer switchgear, BESS battery units, battery Interface cabinets and PSK Inverters. The development shall be carried out and maintained thereafter in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION 5:

No later than six months prior to the 40th anniversary of the development being brought into first use, a decommissioning scheme shall be submitted to and approved in writing by the Local Planning Authority. The Battery Energy Storage System, all associated infrastructure, hard surfaces and fencing shall thereafter be fully removed from the site and the land shall be fully reinstated to its former use and condition within six months following the 40th anniversary of the development being brought into first use.

REASON:

To ensure this permission is a temporary development, having an operational life of no more than 40 years.

CONDITION 6:

A Construction Management Plan (CMP) shall be submitted in to and approved in writing by the Local Planning Authority prior to the commencement of development. The CMP shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- details of working hours on site which for noise generating activities shall be restricted to the following hours: -
 - Monday – Friday 7.30 a.m. – 6.00 p.m.
 - Saturday 8.30 a.m. – 1.00 p.m.
 - (no work on site is permitted on Sundays and Bank Holidays);
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- measures to reduce mud deposition offsite from vehicles leaving the site; and
- a piling risk assessment if such works are to take place.

The development shall be carried out in compliance with the approved CMP unless otherwise approved in writing by the Local Planning Authority. Reference may be had to the Environmental Good Practice on Site Guide (fifth edition) (C811).

REASON:

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION 7:

No development within the site shall take place until the existing access to the site for vehicles has been modified in general accordance with Drawing Number LTP 5872 P1 01 01 Rev A, titled "Potential Access Widening Preliminary Design", subject to Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit.

REASON:

In the interests of highway safety.

CONDITION:

The development shall be built in accordance with the approved Flood Risk Assessment and Drainage Assessment Report (ref: GON.0424.0236 Version 4) and in particular the following mitigation measures detailed:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus climate change) critical rain storm to 0.3l/s;
2. Implementation of the proposed surface water drainage strategy including an attenuation basin, flow control, perforated pipework, perimeter filter drains and semi-permeable platform; and
3. Implementation of a lip to the south of the attenuation pond to form a lip to ensure overland/surface water flows from the south of the attenuation basin will be diverted around the basin and enter the Smite Brook as per the pre-existing hydrological scenario.

REASON:

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policies SDC5 and SDC6.

CONDITION 8:

The development shall not become operational until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (GON.0424.0236 version 4, dated 17/7/2025) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles;
2. Any As-Built Drawings and accompanying photographs;
3. Results of any performance testing undertaken as a part of the application process (if required / necessary);
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc; and
5. Confirmation that the system is free from defects, damage and foreign objects.

REASON:

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Plan Policies SDC5 and SDC6

CONDITION 9:

The development shall not become operational until a detailed and site specific surface water drainage maintenance plan for the management of surface water drainage has been submitted to and approved in writing by the LPA, in consultation with the Lead Local Flood Authority (LLFA). The maintenance plan shall:

1. Provide the name of the party responsible, including contact name, address, email address and phone number;
2. Include plans showing the locations of features requiring maintenance and how these should be accessed;
3. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development; and
4. Be prepared in such a way that it will allow for an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

REASON:

To secure a satisfactory maintenance regime for the drainage of the site and in accordance with Local Plan Policy SDC6.

CONDITION 10:

No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and
- c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interest of preserving and recording features of archaeological interest.

CONDITION 11:

No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP): Biodiversity has been submitted

to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON:

To ensure that protected species are not harmed by the development and in accordance with Local Plan Policies NE1 and SDC2.

CONDITION 12:

A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile, and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON:

To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy NE1.

CONDITION 13:

No external lighting shall be installed without the prior approval of the Local Planning Authority. Any such application for external lighting would be required to include a Lighting Design Strategy for Biodiversity for Smite Brook and wet ditch areas. The strategy would be required to:

- a) Identify those areas/features on site that are particularly sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
- b) Show how and where external lighting will be installed (through the provision of technical specifications and also lighting contour plans where the type and management of the external lighting deems this to be necessary) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Confirm the lighting maintenance regime.

REASON:

For the avoidance of doubt, in the interests of protecting the nature conservation value of Smite Brook and wet ditch areas and in accordance with NPPF, ODPM Circular 06/2005 and Local Plan Policy NE1.

CONDITION 14:

The development hereby approved shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The battery storage units shall not then be made operational until the scheme has been fully implemented.

REASON:

To ensure a safe and satisfactory form of development.

CONDITION 15:

The approved hard and soft landscaping scheme shall be implemented in its entirety within the first planting season following the development being brought into operational use and shall thereafter be maintained fully in accordance with the Landscape and Ecological Management Plan (Biodiversity Management Plan) dated 16th May 2025.

For the lifetime of the development any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON:

In the interest of visual amenity and to secure a suitable landscaping scheme for the lifetime of the development.

DEEMED CONDITION:

In accordance with the Environmental Act 2021, Schedule 14, paragraph 13 and the Town and Country Planning Act 1990 Schedule 7A, paragraph 13, the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

INFORMATIVE 1:

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

INFORMATIVE 2:

Prior to commencement of the development, the applicant is required to enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

INFORMATIVE 3:

This condition requires works to be carried out within the limits of the public highway. In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see below link:
<https://api.warwickshire.gov.uk/documents/WCCC-770-261>.

Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to: s38admin@warwickshire.gov.uk

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and

Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to: streetworks@warwickshire.gov.uk . For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 4:

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

INFORMATIVE 5:

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 6:

Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy at the site, further information is still required. The applicant may prefer to provide these additional details at a later date during the detailed design stage and therefore we have recommended an appropriate pre-commencement condition to ensure that these details will be provided for review and approval by the LPA and LLFA before the development commences. Alternatively, the applicant may wish to avoid any pre-commencement conditions therefore the information set out above should be provided at this stage prior to the determination of the planning application. Subject to the approval of such details, the LLFA would subsequently seek the agreed plans to be included within any 'built in accordance with' type condition.

INFORMATIVE 7:

Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy at the site, further information is still required as detailed above. The applicant may prefer to provide these additional details at a later date during the detailed design stage and therefore we have recommended an appropriate pre-commencement condition to ensure that these details will be provided for review and approval by the LPA and LLFA before the development commences. Alternatively, the applicant may wish to avoid any pre-commencement conditions therefore the information set out above should be provided at this stage prior to the determination of the planning application. Subject to the approval of such details, the LLFA would subsequently seek the agreed plans to be included within any 'built in accordance with' type condition.

INFORMATIVE 8:

As outlined within condition 8, the strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS such as green roofs, rain gardens and tree pits as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design. Reference is also made to our Flood Risk Guidance for Development (updated June 2023) with more details and examples of SuDS which can be incorporated at later stages of design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

INFORMATIVE 9:

It has been identified that part of the access route into the site sits within Flood Zone 2/3. The LLFA is aware that the site is considered as critical infrastructure and the management of the site will predominately be carried out offsite and therefore the presence of workers will be limited. Given the site access sits within flood zone 2/3, the applicant may wish to consider implementing an emergency evacuation plan should personnel be on site and the access is impassable.

INFORMATIVE 10:

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Borough Council Commercial Regulation Team to obtain guidance. This will reduce the possibility of enforcement action arising should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

INFORMATIVE 11:

Public footpath R76a must remain open and unobstructed at all times unless closed by legal order.

INFORMATIVE 12:

The applicant's attention is drawn to the need for the development to comply with Building Regulations Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at; www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

DRAFT

Reference: R25/0360

Site Address: Land At Windmill Farm, Northampton Lane, Dunchurch

Description: New electricity substation including transformers, creation of a temporary access via the Homestead Link Road and associated fencing, landscaping and drainage

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/40769>

Recommendation

1. Planning application R25/0360 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination as 15 or more letters of objection have been received and the application has been called to Committee by Councillor Jon Bennett.

2.0 Description of site

2.1 This application relates to part of an agricultural field located to the west of Cawston Lane and to the north of Northampton Lane, which is a restricted byway, a public right of way.

2.2 The application site boundary includes land necessary to access the public highway from the site, this land forms part of the site of the previously approved Homestead Link Road. This part of the site crosses the field from Cawston Lane to Northampton Lane in the south east, this crosses an existing hedgerow and part of this has been removed in accordance with the Homestead Link Road planning permission.

2.3 The main site where the substation is proposed is to the north and west of existing hedgerows. The land is relatively flat and currently used for arable crops.

2.4 The site also includes a thin area of land extending north from the substation towards the boundary hedge which will be used for drainage.

3.0 Description of proposals

3.1 This application proposes the provision of a substation which will serve the development proposed at South West Rugby. This will comprise a switch house building and transformers which will be enclosed within a fenced compound. This will be surrounded by landscaped areas.

3.2 It is proposed that access will eventually be provided from Windmill Street, which forms part of Homes England's hybrid application R25/0491. However, in advance of this the application site includes land to allow access to be provided from Cawston Lane at the east. During the course of the application revised plans were provided which show parking and vehicle turning within the substation area.

3.3 Surface water drainage will be provided to a shallow attenuation basin at the east of the site and this will flow to an existing ditch at the north.

3.4 The proposed switch house building is a single storey building with a pitched roof. This will measure 9.553m by 6.065m and will be around 3.22m to the eaves and 5m to the ridge. This is proposed to be constructed of brick with a tile roof, the applicants have advised they are flexible as to the type of brick to be used and have provided examples of bricks used on other sites.

3.5 Transformers are proposed to the sides of the building. These will have a maximum height of around 4.9m with a footprint of around 6.3m by 4.5m. These will be enclosed by 2.8m high palisade fencing.

3.6 The building and transformers will be further enclosed by 2.4m high mesh paladin fencing and a 2m wide pebbled area will be provided outside of this fencing, a 1m high timber fence will enclose this area.

3.7 The application also includes landscaping surrounding the compound area. This includes a hedgerow and trees to the north western boundary of the site, a hedgerow to the north east, south east and south west sides of the compound, trees to the south west boundary of the site, bulb planting and grassed areas.

Planning History

R22/0928 Full planning application for the delivery of an all-traffic single carriageway link road (the Homestead Link Road), including 2m verge, 2m footway and 3m cycleway on the development side of the carriageway, a Pegasus crossing, new junctions with the B4429 Coventry Road, Cawston Lane, Alywn Road, the A426 Rugby Road and to adjacent land allocated for residential development, plus realigned side road accesses to several existing residential properties. A new junction off Alwyn Road, its partial re-alignment and construction of a future 'spine road' (part only) that will provide access to other land allocated for residential development at SW Rugby. Associated works including street lighting, landscaping, surface water drainage infrastructure, utility diversions and ground remodelling, plus demolition of existing agricultural buildings. Creation of a landscaped buffer between the Homestead Link Road and Dunchurch, to include informal footpaths, new and enhanced ecological habitats, plus the same combination of features on land west of the Link Road.

Approval 18/02/2025

R25/0491 Outline application for up to 1,600 residential dwellings; a 2 form entry Primary School; a 6 form entry Secondary School and Community Sports Hub including floodlit outdoor sports & changing/social/indoor fitness facilities; healthcare facilities; a mixed use centre containing residential dwellings, supported living facility, up to 11,200 sqm of community and commercial development which could include retail, office, food and drink, nursery/creche, community/public hall and sui generis uses such as drinking establishments and take aways. Supporting development including open space, play areas, public realm, vehicle parking, cycle parking, a mobility hub, landscaping, drainage (all matters reserved except for access).

Full application for part of the Sustainable Transport Link between Homestead Link Road and land to the west; new estate road from the Community Spine Road to land to the north; associated landscaping and drainage. Demolition of parts of Cherry Tree Farm, Windmill Farm and Dunkleys Farm. Change of use of the retained buildings at Dunkleys Farm and Windmill Farm to commercial and community uses listed (included within the 11,200 sqm) as flexible uses under Class V of the GDPO.

This application relates to land surrounding the application site and is currently under consideration.

Relevant Planning Policies

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

- GP1 Securing Sustainable Development
- GP2 Settlement Hierarchy
- GP4 Safeguarding Development Potential
- GP5 Parish Level Documents
- DS1 Overall Development Needs
- DS8 South West Rugby
- HS5 Traffic Generation and Air Quality, Noise and Vibration
- NE1 Protecting Designated Biodiversity and Geodiversity Assets
- NE2 Strategic Green and Blue Infrastructure
- NE3 Landscape Protection and Enhancement
- SDC1 Sustainable Design
- SDC2 Landscaping
- SDC4 Sustainable Buildings
- SDC5 Flood Risk Management
- D1 Transport

The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

The Emerging Local Plan for 2024-2045 is at an early stage with the preferred options consultation having been carried out. This currently carries limited weight in decision making.

National Planning Policy Framework, 2024 (NPPF)

South West Rugby Masterplan Supplementary Planning Document, December 2024

Air Quality Supplementary Planning Document, July 2021

South West Rugby Design Code, 2025

Technical consultation responses

National Grid	Comment	No assets in area of site
Tree & Landscape Officer	Comment	Suggest enhanced planting and changes to species
WCC Ecology	No objection	Subject to conditions
WCC Highways	Comment	Require turning and parking
WCC Rights of Way	No objection	Subject to informative

Revised plans

Environmental Health	No objection	Subject to condition and informative
Tree & Landscape Officer	No objection	
WCC Highways	No objection	Subject to condition

Third party comments

- Councillor Jon Bennett Objection
- Application should be determined by Planning Committee.
 - Proposals would block the wildlife corridor required by Local Plan.

Dunchurch Parish Council Objection

- Development is contrary to policy DS8 which requires a continuous green and blue infrastructure corridor to provide connectivity between ecological sites, specifically Cawston Spinney and Cock Robin Wood;
- Substation would block wildlife corridor, undermine existing and potential habitats, impede species movement and conservation efforts;
- Ecological linkages are essential for wildlife and the character of the area;
- Substation should be moved to a site that does not compromise the wildlife corridor and complies with policy.

Local residents (65) Objection

- Proposals will affect wildlife corridor required by Local Plan and SPD.
- Unacceptable cumulative loss of green infrastructure and ecological connectivity.
- Other applications in the area are affecting wildlife habitat.
- Application claims the development will enhance biodiversity, but not enough mitigation.
- Development conflicts with allocated Green Infrastructure corridor and prevents a continuous corridor being provided between Cawston Spinney and Cock Robin Wood;
- Will have a negative impact on habitats and wildlife, including bats and badgers.
- Tree canopy cover should be provided for bats.
- NPPF seeks to protect ancient woodland, unless wholly exceptional circumstances apply.
- Buffer from ancient woodland appears is less than Natural England's 15m minimum.
- Denser planting and trees should be provided.
- Landscaping includes non-native species and species not common to the area.
- Landscape guidelines recommend oak, ash and silver birch make up 80% of planting.
- Solar power should be used from nearby warehouses.
- Would have a huge impact on this beautiful area.
- Will affect wellbeing of local residents and the climate crisis.
- Area is used by hundreds of people for recreation.
- Loss of agricultural land for housing.
- No Design and Access Statement or Statement of Compliance with the SPD.
- Unclear why this site has been chosen, power is coming from the north not the south.
- Contrary to policies in the Local Plan and South West Rugby SPD.
- Dunchurch will become a suburb of Rugby.
- Homes England are not proposing affordable housing at South West Rugby.
- Application must be referred to statutory consultees such as Natural England and the Warwickshire Wildlife Trust and subjected to a full Environmental Impact Assessment.

4.0 Assessment of proposals

4.1 The key issues to assess in the determination of this application are whether the principle of the proposed development is acceptable, the impact on biodiversity and the proposed wildlife corridor, the impact in terms of highway safety, visual amenity and landscape must also be considered.

5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

5.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.

5.3 Policy DS1 of the Local Plan sets out the proposed levels of housing and employment development for the borough between 2011 and 2031. This policy goes on to state that development will be high quality and sustainable and fully supported by infrastructure provision and environmental mitigation and enhancement, as required elsewhere in the plan.

5.4 Policy GP2 sets out the settlement hierarchy for development throughout the borough and states that Rugby town and allocated Sustainable Urban Extensions, such as this, are the main focus for development.

5.5 The application site falls within an area to the South West of Rugby which is allocated for development by the Local Plan. Policy DS8 sets out the overall requirements within the South West Rugby allocation.

5.6 As detailed above the Local Plan is over 5 years old and an assessment must be made as to whether policies within it are out of date. In accordance with paragraph 78 of the NPPF and footnote 39 it has been determined that Policy DS1 of the Local Plan is in need of updating due to the age of the plan and the evidence in relation to housing and employment which has been published (HEDNA 2023). In addition, the Council cannot demonstrate a 5 year housing land supply. Policies DS1 and GP2 are therefore out of date but are given significant weight in relation to this application.

5.7 It is recognised by the courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period. As these policies set out the strategic aims for the Borough throughout the plan period and beyond it is considered that these should be given significant weight in decision making.

5.8 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 11(d) details that in cases where the policies most important in determining an application are out of date the “tilted balance” is engaged and permission must be granted unless policies within the NPPF provide a strong reason for refusal or the adverse impacts would significantly outweigh the benefits. The engagement of the tilted balance will be concluded in the planning balance.

5.7 Paragraph 12 of the NPPF states 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.”

5.8 The proposed substation is required to support the development of South West Rugby in accordance with the Local Plan policies and allocation. The overall principle of the development is therefore considered acceptable.

5.9 Policy GP4 states development will not be permitted if it would prevent the development of other land, the comprehensive development of allocated sites or the provision of necessary infrastructure. It is considered the proposed development will assist in the development of the wider South West Allocation in accordance with this policy.

6.0 Biodiversity

6.1 Policy NE1 refers to biodiversity and states that designated species will be protected and that significant harm to biodiversity should be avoided, mitigated or compensated for.

6.2 Policy NE2 states existing the Green and Blue Infrastructure should be protected and retained and new Green and Blue Infrastructure corridors should be provided to link into the existing network. The provision of a continuous Green and Blue Infrastructure corridor linking to adjacent networks and specifically between Cawston Spinney and Cock Robin Wood is also required by policy DS8, the SPD and Design Code.

6.3 Guidance within the NPPF also refers to the need to minimise impacts on and provide gains for biodiversity, including by establishing ecological networks. This goes on to state that where significant harm to biodiversity resulting from a development cannot be avoided, mitigated for or as a last resort, compensated for, then planning permission should be refused.

6.4 As the application was received after April 2024 there is a requirement for 10% Biodiversity Net Gain (BNG) to be provided, either on-site or through off-site mitigation, in accordance with the Town and Country Planning Act.

6.5 The application was accompanied by a Preliminary Ecological Appraisal (PEA) providing details of the existing habitat on the site, ecological features and species using the site.

6.6 The PEA advised that the site comprised an arable field with a short section of hawthorn hedge at the north eastern corner. There were no Habitats of Principal Importance within 250m of the site, no ponds and potential ditches within 250m of the site, no ancient or veteran trees within 100m of the site and no ancient woodland within 250m of the site.

6.7 In relation to protected species bat roosts have been recorded within 5km of the site. However, there are no structures or features within the site which would be suitable for roosting bats. The hedgerows close to the east and south boundaries could act as linear features and provide commuting and foraging resources to bats within the area. However, the site is considered to be of “negligible” suitability due to the predominance of cereal crops.

6.8 In relation to birds habitats within the site are considered to hold very limited opportunities for nesting birds. Although ground nesting birds such as skylark may incidentally use the site, it is not considered suitable to support notable bird assemblages due to the limited extent and disturbance of habitats present.

6.9 The PEA also advised that the proposals were unlikely to impact on the local nature reserve at Cock Robin Wood, 1.3km east of Fox Covert and Cawston Spinney local wildlife site, around 300m north west.

6.10 The PEA recommends that work is carried outside of the bird nesting season, or checks for nesting birds carried out, and that temporary or permanent lighting is designed to minimise the impact on bats, this can be controlled by conditions (condition 4 – Construction Environmental Management Plan and condition 5 – lighting). On this basis the County Ecologist raised no objection to the proposals and this is considered acceptable in accordance with policy NE1.

6.11 As detailed above policy DS8, the SPD and Design Code include requirements for the provision of a continuous Green and Blue Infrastructure corridor linking to adjacent networks and specifically between Cawston Spinney and Cock Robin Wood. Objections have been received on the basis that the current application will prevent this corridor being provided contrary to these requirements.

6.12 The Green Infrastructure Plan within the SPD shows the current application site as open space within the buffer area adjacent to the Homestead Link Road and shows the site forming part of a continuous tree corridor. Paragraph 7.2 explains that the SPD outlines the

wider spatial elements of connectivity and open space but that the details including integration into the future layout of the masterplan will be a matter of development design.

6.13 The approved scheme for the Homestead Link Road includes a landscape and open space buffer that will form a key part of the Green and Blue Infrastructure corridor. To the east of the current application site this buffer will be provided to the south of the Homestead Link Road, where the road bends southwards close to the site the buffer will be provided on the west of the road.

6.14 The Homestead Link Road proposals include a wildlife crossing under the road adjacent to the substation site. Immediately adjacent to the substation the approved landscaping includes woodland planting with a width of around 15m to the south east and 10m to the south west. This provides a connection to woodland planting approved to the south of the road.

6.15 The current application includes the provision of landscaping surrounding the substation.

This includes a hedgerow and trees to the north western boundary of the site, trees to the south west boundary of the site, a hedgerow to the north east, south east and south west sides of the compound, bulb planting and grassed areas.

6.16 The site cannot be considered in isolation and the proposed tree and hedgerow planting will provide connections to the landscaping to be provided in relation to the Homestead Link Road and will allow the continuation of the Green and Blue Infrastructure further to the north as part of future applications. The proposed landscaping will provide increased planting and greater connectivity than the existing arable field.

6.17 Comments received from the County Ecologist did not raise any objections in relation to the proposed position of the substation. They advised that the wildlife crossings to be provided in connection with proposed Homestead Link Road do not appear to be impacted by the chosen location of the substation.

6.18 It is therefore considered that the proposed planting will contribute to the required Green and Blue Infrastructure corridor in accordance with the relevant policies.

6.19 In relation to BNG the matrix and report originally submitted with the application included the planting approved as part of the Homestead Link Road as part of the assessment. In order to ensure this is not "double counted" revised BNG information was provided which omitted this landscaping from the assessment.

6.20 The revised assessment states that the existing habitats on site comprise 1.1 area units and 0.04 hedgerow units. Following the development there will be 1.34 area units and 0.69 hedgerow units resulting in increases of 0.24 (22.16%) area units and 0.65 (1814.21%) hedgerow units. This exceeds the 10% biodiversity gain requirement and will be secured through the deemed condition. To ensure the proposed habitat is suitably managed for the required 30-year period the County Ecologist recommends a condition requiring a Habitat Management and Monitoring Plan to be agreed (condition 6).

6.21 Objections also refer to the proximity of the site to Cawston Spinney and Fox Covert and comment that these woodlands will be adversely affected and that the required buffer of 15m has not been provided. The substation site is over 250m from the woodland and no concerns regarding the impact were raised by the County Ecologist or the Tree and Landscape Officer, the impact on these woodlands is therefore considered acceptable.

7.0 Landscape

7.1 Policy NE3 refers to landscape and states development should aim to conserve, enhance or restore important landscape features. Policy SDC2 also states that important landscape features should be identified for retention. In relation to proposed planting SDC2 states that new planting should comprise native species of ecological value and appropriate to the area and that, where appropriate, planting should be used around the perimeter of sites to minimise visual intrusion.

7.2 The majority of the application site comprises an arable field which does not include important landscape features. The application site includes a small area of hedgerow in the north of the site which is to be retained.

7.3 Landscaping is proposed around the perimeter of the site and this will include tree and hedgerow planting. The Council's Tree and Landscape Officer commented on the planting scheme initially proposed and recommended the enhancement of the planting proposed to the site frontage and north west boundary. They also recommended the inclusion of Oak, Scots Pine, Birches, Wild Cherry, Rowan and Field Maple trees and Dogwood, Dogrose and Blackthorn within the hedgerow.

7.4 Revised landscape plans were received taking these comments into account and including the recommended species within the planting scheme. On this basis the Tree and Landscape Officer raised no objection to the proposals. A condition is suggested to ensure the landscape scheme is implemented and suitably maintained (condition 7).

8.0 Visual amenity

8.1 Policy SDC1 refers to design and states that development must demonstrate high quality design and must be of a scale, density and design which responds to the character of the area where they are situated. Factors such as massing, height, landscape, layout and materials are key considerations in the determination of applications.

8.2 As detailed above the proposed switch house building is a single storey building with a pitched roof. This will measure 9.553m by 6.065m and will be around 3.22m to the eaves and 5m to the ridge. The transformers will have a maximum height of around 4.9m with a footprint of around 6.3m by 4.5m. A 2.8m high palisade fence is proposed around the transformers. A lower 2.4m fence is proposed around the switch house and transformers area, this was originally proposed as palisade fence, however revised plans have been received which propose a paladin, mesh, fence which reduces the visual impact.

8.3 Whilst the site is currently an agricultural field consideration must be given to the South West Rugby allocation and the approved Homestead Link Road adjacent to the site. The proposed substation will be seen in the context of the approved road and will not form an isolated feature within the landscape.

8.4 The proposed switch house building and transformers will have a maximum height of around 5m. The substation will also be at a lower level than the Homestead Link Road and the access at the west which reduces the visual impact. As set out above landscaping is proposed around the substation which will reduce the impact on visual amenity. The landscaping approved as part of the Homestead Link Road will also provide screening from the south and west and from users of the approved road.

8.5 The switch house building will be constructed of brick with a tile roof. The applicants have advised they are flexible regarding the type and colour of materials to be used for the building and the colours of fencing proposed. A condition is therefore proposed requiring the materials to be agreed (condition 3).

8.6 Subject to this condition the impact on visual amenity is considered acceptable.

9.0 Highways and Transport

9.1 Policy DS8 sets out the requirements for development within South West Rugby. In relation to transport and highways this refers to the need for an all traffic spine road network, a comprehensive walking and cycling network, high quality public transport services and other measures to mitigate transport impacts as deemed necessary.

9.2 Policy HS5 states developments should promote a shift to sustainable transport modes and low emission vehicles and that proposals should be located where the use of public transport, walking and cycling can be optimised.

9.3 Policy D1 states that development will be permitted where sustainable transport modes of transport are prioritised and measures designed to mitigate transport impacts are provided. This policy states that small scale developments should be supported by a Transport Statement. A Transport Statement was provided with the application.

9.4 In relation to transport impacts the NPPF states 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.

9.5 It is proposed that access will eventually be provided from Windmill Street, which forms part of Homes England's hybrid application R25/0491. However, in advance a temporary access will be provided via the Homestead Link Road.

9.6 The site is located adjacent to the approved Homestead Link Road which includes walking and cycling provision. In addition bus services are proposed as part of the overall South West Rugby development. The application was accompanied by a Transport Statement which sets that once operational the substation is expected to generate very little traffic with occasional visits for maintenance and servicing. It is therefore unlikely to be practical for the substation to be accessed by the available sustainable transport methods.

9.7 The Highway Authority, Warwickshire County Council commented on the application and raised no objection subject to a condition requiring a Construction Management Plan to be agreed (condition 8).

9.8 Northampton Lane to the south of the site is a restricted byway, a type of public right of way. Warwickshire County Council Rights of Way Team comment that the proposals will not impact on this right of way. They requested an informative setting out the requirements in relation to this right of way (informative 1).

10.0 Air Quality, Noise and Vibration

10.1 Policy HS5 states that development which creates floorspace within the Air Quality Management Area and is not air quality neutral must address the impacts of poor air quality due to traffic on building occupiers, public realm and amenity space and provide measures to mitigate any impacts.

10.2 There will be infrequent vehicle visits to the site, which is located with proposed roads to the south and west and the proposed school car park and fields to the north and east. There will therefore not be adverse impacts due to traffic on building occupiers, public realm or amenity space. Notwithstanding this the proposed landscaping and tree planting will provide mitigation.

10.3 Environmental Health commented on the application and did not raise any objection subject to condition relating to a Construction Management Plan (condition 8).

11.0 Climate Change and Sustainable Design

11.1 The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.

11.2 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.

11.3 The application is accompanied by sustainability checklist which provides details of how the development includes sustainable drainage, landscaping and biodiversity enhancements and is located outside areas at risk of flooding.

11.4 It is considered that the applicant has demonstrated sustainability has been incorporated within the development and therefore the development complies with Policy SDC4

12.0 Other matters

12.1 Policy GP5 states that neighbourhood level documents, such as Parish Plans, are a material consideration in determining planning applications. Parts of the application site fall within Dunchurch Parish, however Dunchurch does not have a Neighbourhood Plan, Parish Plan or Village Design Statement.

12.2 Policy SDC5 states that development should be located in areas with the lowest probability of flooding. The site is located within Flood Zone 1 which is in accordance with this policy.

12.3 Objections received in relation to the application make comments regarding the overall South West allocation and other applications for the wider area. South West Rugby was allocated for development by the Local Plan and this is accepted in principle. Matters related to other planning applications do not impact on the current proposals and will be considered in relation to the relevant applications in due course.

12.4 Comments refer to the proposed position of the substation towards the south of the allocation when the connection will be made to the north. The applicants advised that whilst the eventual point of connection is the substation north of Elliots Field Retail Park, the route of the cabling does not enter the site from the north, it will run along Rugby Road to the east of the site, then Northampton Lane and the Restricted Byway. The proposed location also allows a dedicated access to be provided close to the Homestead Link Road, allows the substation to be provided in advance of proposed homes and utilises land adjacent to the proposed school car park where landscaping can be provided.

13.0 Community Infrastructure Levy

13.1 The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010.

13.2 In this case, the proposal is for a substation within a strategic allocation and therefore is not liable for CIL.

14.0 Equality Implications

14.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

14.3 There are no known equality implications arising directly from this development.

14.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

15.0 Planning Balance and Conclusion

15.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

15.2 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. It is considered that the most important policies (as referenced within paragraph 11 of the NPPF) for determining the application are Policies GP1, DS8, SDC1 and SDC2 of the Local Plan (2019). All of these policies are up to date and therefore it is considered that the “tilted balance” is not engaged and the application should be determined in accordance with the development plan.

15.3 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development. The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location. Paragraph 8 of the NPPF refers to three overarching objectives of sustainability which are interdependent. These are the economic, social and environmental objectives.

15.4 Economic objective

The NPPF details that the coordination and provision of infrastructure contributes to the economic objective. The proposals will result in the delivery of a substation which is necessary to allow the development of housing to help meet the Borough’s housing needs as set out in policy DS1.

15.5 The proposed development is required to allow the development of the South West Rugby allocation. This would lead to money being invested in construction in terms of jobs, materials and new residential development with household economic spending which may increase the viability of nearby retail uses, services and businesses. This would have a positive impact on the local economy and weighs in favour of the proposal.

15.6 It is considered that the economic benefits outlined above should carry substantial weight in favour of the proposed development.

15.7 *Social objective*

The social objective in the NPPF refers to the need to provide homes to meet the needs of current and future generations and the need for accessible services and open spaces.

15.8 The substation will allow the provision of housing allocated by policy DS8 and will also allow the provision of schools and other community facilities within the South West Rugby Allocation.

15.9 It is considered that the clear social benefits outlined above should carry substantial weight in favour of the proposed development.

15.10 *Environmental objective*

The NPPF refers to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use resources prudently, minimise waste and pollution and adapt to climate change.

15.11 The proposals include a sustainable drainage system, landscaping and lead to biodiversity enhancements. They will not result in the loss of trees or hedgerows. These are considered to be positive environmental benefits that should be afforded weight in favour of the scheme.

15.12 It is therefore concluded that the benefits of the proposed development outweigh the factors against the proposals. The proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social and environmental benefits.

15.13 The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.

15.14 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

16.0 Recommendation

1. Planning application R25/0360 be approved subject to the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R25/0360

DATE APPLICATION VALID:
14-May-2025

APPLICANT:

Anna Bend, Homes England, 3 Arena Central, 19 Holiday Street, Birmingham, B1 1HH

AGENT:

Rebecca Flisher, AtkinsRealis, 3 Piccadilly Place, Manchester, M1 3BN

ADDRESS OF DEVELOPMENT:

Land At Windmill Farm, Northampton Lane, Dunchurch

APPLICATION DESCRIPTION:

New electricity substation including transformers, creation of a temporary access via the Homestead Link Road and associated fencing, landscaping and drainage

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall be carried out in accordance with the plans and documents detailed below:

Switch House Plan & Elevations - P-0104843/DWG/204

Proposed Site Plan and Elevations - P-0104843/DWG/203

General Arrangement - 5220620 ATK SB ZZ DR C 350700/C02

Existing and Proposed Levels - 5220620 ATK SB ZZ DR C 350600/C02

Received 29/07/2025

Site Location Plan - 5220620 ATK SB ZZ DR C 350101/C02

Substation Soft Landscape Layout - 5220620 ATK SB ZZ DR L 171020/P02.01

Swept Path Analysis - 5220620 ATK SB ZZ DR C 350710/C02

Received 25/07/2025

Biodiversity Net Gain Assessment - UK0037610/002

BNG Metric

Received 18/07/2025

Preliminary Ecological Appraisal Report - UK0037610/001

Planning Statement - 5220620

Transport Statement – 5220620/V2.0

Received 11/04/2025

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 3

Notwithstanding the details shown on the approved plans, no above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used in the fencing and on all external surfaces of the switch house building, together with samples of the facing bricks and roof tiles, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION: 4

No development shall take place (including demolition, ground works and vegetation clearance) unless and until a Construction Environmental Management Plan for Biodiversity (CEMP-B) has been submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON:

To ensure that protected species are not harmed by the development.

CONDITION: 5

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. In accordance with section 4.3.4 of the Preliminary Ecological Appraisal Report lighting shall be designed to ensure there are no adverse impacts on nesting birds or bats. Any lighting shall only be erected in accordance with the approved details.

REASON:

To ensure that protected species are not harmed by the development, to prevent unnecessary light pollution and in the interests of the amenities of the area.

CONDITION: 6

No development shall commence unless and until a Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe has been submitted to and approved in writing by the Local Planning Authority.

The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile, and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

REASON:

To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy NE1.

CONDITION: 7

The landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following the first use of the development. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

To ensure the proper development of the site and in the interest of visual amenity.

CONDITION: 8

No development, including any site clearance, shall commence, unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Loading and unloading of plant/materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding.
- vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.

vii. A scheme for recycling/disposing of waste resulting from construction works.
viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

ix. the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase

x. the control of dust including arrangements to monitor dust emissions from the development site during the construction phase

xi. a piling risk assessment if such works are to take place.

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON:

In the interest of highway safety and the amenities of the area and to avoid significant adverse impacts.

DEEMED CONDITION:

In accordance with the Environmental Act 2021, Schedule 14, paragraph 13 and the Town and Country Planning Act 1990 Schedule 7A, paragraph 13:

the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rugby Borough Council.

INFORMATIVE: 1

- Restricted byway R169z must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.

- The applicant must make good any damage to the surface of restricted byway R169z caused during works.

- Any disturbance or alteration to the surface of restricted byway R169z requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new structure on the restricted byway.

INFORMATIVE: 2

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday - Friday - 7.30 a.m. - 6.00 p.m.

Saturday - 8.30 a.m. - 1.00 p.m.

No work on Sundays & Bank Holidays.

AGENDA MANAGEMENT SHEET

Report Title: Diversion of footpath R235 Dipbar Field Dunchurch

Name of Committee: Planning Committee

Date of Meeting: 8 October 2025

Report Director: Chief Officer - Legal and Governance

Portfolio: Growth and Investment

Ward Relevance: Dunsmore

Prior Consultation: Yes

Contact Officer: Adam Mouhib, Legal Assistant 01788 533557 or adam.mouhib@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

Summary: Confirmation of Public Path Order

Financial Implications: None

Risk Management/Health and Safety Implications: None

Environmental Implications: None

Legal Implications:	None
Equality and Diversity:	None
Options:	Confirm unopposed Public Path Order
Recommendation:	Confirmation of Borough of Rugby (Part of Footpath R235 Dipbar Field Dunchurch) Public Path Diversion Order 2025
Reasons for Recommendation:	No objections

Planning Committee - 8 October 2025

Public Footpath R235

Public Report of the Chief Officer - Legal and Governance

Recommendation

Confirmation of Borough of Rugby (Part of Footpath R235 Dipbar Field Dunchurch)
Public Path Order 2025

On 26 November 2014 planning permission R13/0690 outline planning application for the development of the site for up to 86 dwellings (Use Class A3) and associated works including means of access from the A45/M45 roundabout and an emergency access from Daventry Road, all other matters reserved at Dipbar Fields, Daventry Road, Dunchurch (R13/0690)

On 02 July 2025, an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 was made and advertised. The effect of the Order is to stop up part of footpath R235 and create a replacement footway as shown on the attached plan and described in the attached Order.

The Committee is therefore asked to confirm the Public Path Order unopposed.

Name of Meeting: Planning Committee

Date of Meeting: 8 October 2025

Subject Matter: Diverison of part of footpath R235 Dipbar FieldDunchurch

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
THE BOROUGH OF RUGBY
(PART OF FOOTPATH R235 DIPBAR FIELDS, DUNCHURCH)
PUBLIC PATH ORDER 2025

This Order is made by the Rugby Borough Council (“the Council”) under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up part of **Footpath R235** and create a new **footpath** to which this Order relates in order to enable development to be carried out in accordance with the outline planning permission under Part III of the Town and Country Planning Act 1990 by the Council for the erection of 86 dwellings and associated works Reference Number R13/0690 and associated reserved matters Reference Number R19/1047

BY THIS ORDER

1. Part of the footpath R235 shown by a continuous black line on the attached map and described in Part 1 of the Schedule to the Order (“the Schedule”) shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative **footpath** R235 for use as a replacement for the said part of footpath R235 provided in Part 2 of the Schedule and shown by black dashes on the attached map
3. The stopping up of the **footpath** shall have the effect on the date on which the Council certify that the terms of Article 2 above have been complied with.

4. Where immediately before the date on which the **footpath** to be stopped up there is apparently under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they had
5. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

Between Points A-B-H-G

Stop up part of footpath from Point A (Grid reference 450243 271173) north for approximately 3.2 metres to Point B (Grid reference 450241 271171) south easterly for approximately 188 metres to Point H (Grid reference 450371 271013) south for approximately 22 metres to Point G (Grid reference 450302 271023)

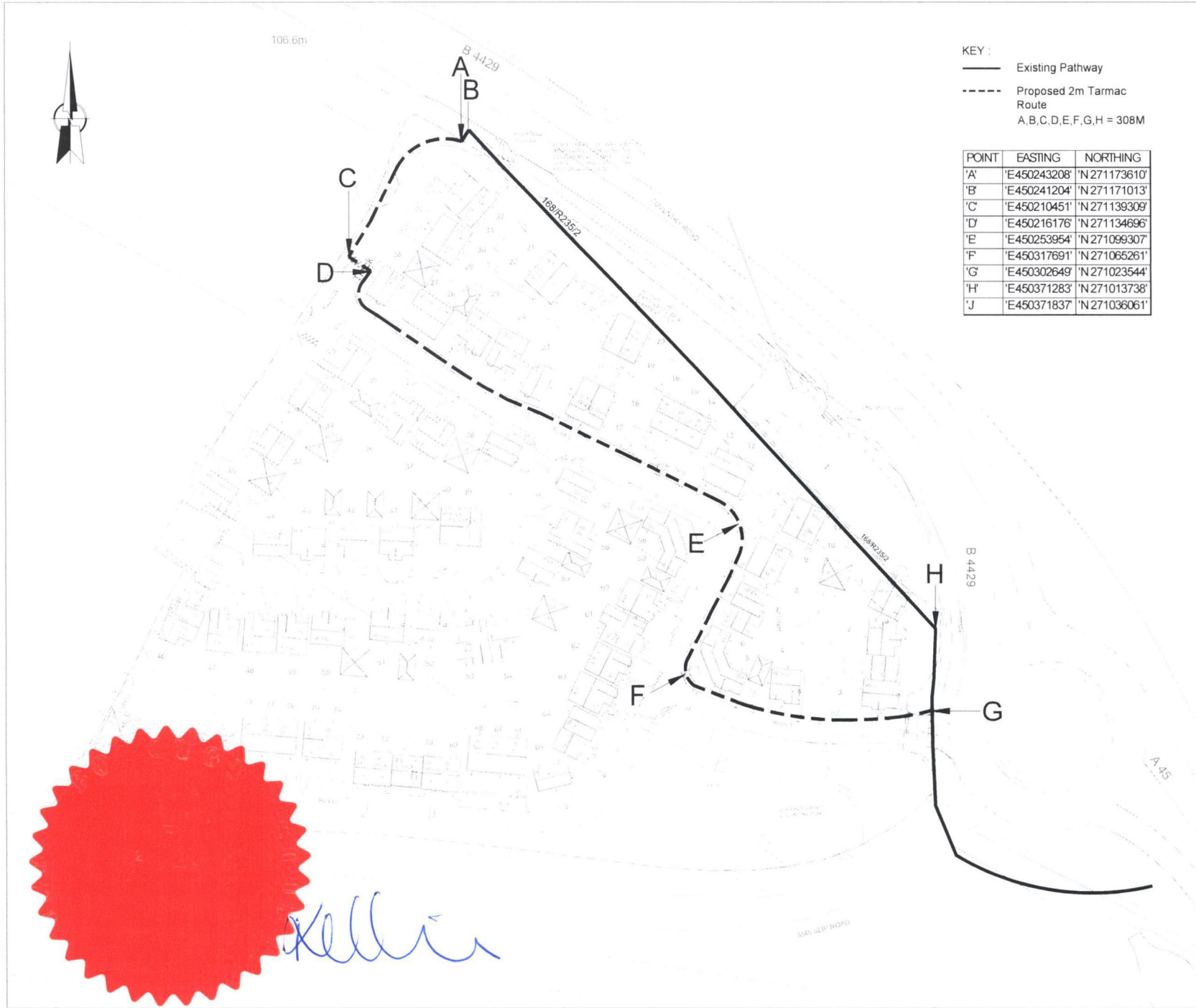
PART 2

DESCRIPTION OF SITE OF NEW FOOTPATH

Between Points A-C-D-E-F-G on the Order Plan

Create a new footpath from Point A (Grid reference 450243 271173) south westerly for approximately 49 metres to Point C (Grid reference 450210 271139) curving slightly easterly for approximately 8.8 metres to Point D (Grid reference 450216 271134) easterly for approximately 132 metres to Point E (Grid reference 450253 271099) turning southerly for approximately 46 metres to Point F (Grid reference 450317 271065) finally turning easterly for approximately 71 metres to Point G (Grid

Appendix 1



KEY :
 — Existing Pathway
 - - - Proposed 2m Tarmac Route
 A, B, C, D, E, F, G, H = 308M

POINT	EASTING	NORTHING
'A'	'E450243208'	'N271173610'
'B'	'E450241204'	'N271171013'
'C'	'E450210451'	'N271139309'
'D'	'E450216176'	'N271134696'
'E'	'E450253954'	'N271099307'
'F'	'E450317691'	'N271065261'
'G'	'E450302649'	'N271023544'
'H'	'E450371283'	'N271013738'
'J'	'E450371837'	'N271036061'

Disclaimer
 © The drawing is the copyright of Persimmon Homes Central (PHCE) and may not be reproduced or used except by written permission.
 This drawing may include information provided by third parties including civil and structural, M&E and other specialist consultants and sub-contractors. PHCE relies on the specialist knowledge and expertise of these third parties and does not warrant the accuracy of this information and this is to be treated as illustrative only.
 If you notice any discrepancies between drawings/information supplied by PHCE and drawings/information supplied by other consultants, specialist sub-contractors or discrepancies within PHCE's drawings/information please notify PHCE immediately detailing the discrepancies which have been identified.
 Unless otherwise expressly agreed, PHCE's design responsibility is limited to the design of the permanent works as finally constructed only in accordance with PHCE's design.
 Do not scale - use given dimensions only.
 Read this drawing in conjunction with the specification.
 Check site dimensions prior to fabrication.
 Whether specifically scaled or not, all work is to comply with:
 The Building Regulations.
 The requirements of the NHBC/Zeich.
 The client's general development brief.

C 21.05.2025 Points updated to comments KA
 B 22.04.2025 Table with coordinates of the route points added KA
 A 14.04.2025 Points A-J & proposed footpath distance added KA

REV	DATE	AMENDMENT	BY	CHK

JOB TITLE
 DAVENTRY ROAD
 DUNCHURCH

DRAWING
 PROW - Diversion Plan



PERSIMMON
 PERSIMMON HOMES CENTRAL
 TAMESIDE DRIVE
 CASTLE BROMWICH
 BIRMINGHAM B35 7AG
 T: 0121 748 9820
 F: 0121 748 9822

SCALE	1:500 @ A1	DATE	05.03.2025
DRAWN	KA	CHECKED	SK
JOB NO	024		
DWG NO	024-PL03	REV	C

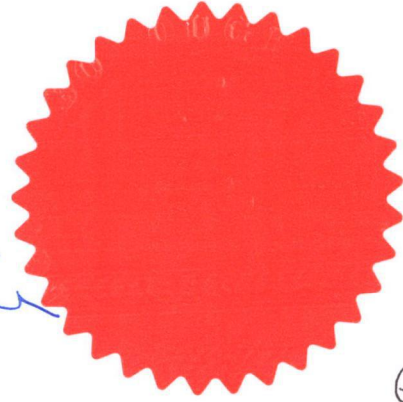
Handwritten signature in blue ink
 [Red circular stamp]

67/25

Reference 450302 271023)

The **footpath** will be **2 metres** wide of tarmac surface

THE COMMON SEAL OF
RUGBY BOROUGH COUNCIL
was hereunto affixed
the 12 day of June 2025
in the presence of



67/25

Authorised officer on behalf of the Council
(The Officer appointed for this purpose)

KAREN HILLMAN

DATED 12 June 2025

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE RUGBY BOROUGH COUNCIL
(PART OF FOOTPATH R235 DIPBAR FIELD, DUNCHURCH
PUBLIC PATH ORDER 2025

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 21 August 2025 to 17 September 2025
Name of Committee:	Planning Committee
Date of Meeting:	8 October 2025
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment, Digital and Communications
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chief Officer - Growth and Investment
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	<p>This report relates to the following priority(ies):</p> <p><input type="checkbox"/> A Healthier Rugby – To support people to live healthier, longer, and more independent lives.</p> <p><input type="checkbox"/> A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre.</p> <p><input type="checkbox"/> A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change.</p> <p><input type="checkbox"/> A Fairer Rugby – To reduce inequalities and improve housing across the Borough.</p> <p>Corporate Strategy 2025-2035</p> <p><input type="checkbox"/> This report does not specifically relate to any Council priorities but</p>
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
Financial Implications:	There are no financial implications for this report.
Risk Management/Health and Safety Implications:	There are no risk management implications for this report.

Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers.

Planning Committee - 8 October 2025

Delegated Decisions - 21 August 2025 to 17 September 2025

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 8 October 2025

Subject Matter: Delegated Decisions - 21 August 2025 to 17 September 2025

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks Advert

Applications Approved

R25/0382 8 Weeks Advert Approval 05/09/2025	286290, ANYA COURT, DUNCHURCH ROAD, RUGBY, CV22 6JA	Advertisement consent for three replacement wall mounted signs.
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R25/0577 8 Weeks Advert Approval 09/09/2025	Shree Kalyan Mandal, 4-6 Kimberley Road, Rugby, CV21 2SU	Retrospective advertisement consent for installation of flag pole to symbolise the Hindu Temple, mounted on front wall of the building within the boundary.
--	--	---

8 Weeks PA Applications

Applications Approved

R25/0513 8 Weeks PA Approval 26/08/2025	17, STATION ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BT	Two-storey side extension and front door porch.
--	--	--

R24/0799 8 Weeks PA Approval 29/08/2025	CHERRY TREE FARM, NETHERCOTE ROAD, WOLFHAMPCOTE, RUGBY, CV23 8AS	Demolition of existing dwelling and construction of a replacement dwelling with carport
--	---	---

Delegated

8 Weeks PA Applications Applications Approved

Avaligana, Rugby Road,
Brandon, Coventry, CV8 3GJ

R25/0440
8 Weeks PA
Approval
29/08/2025

Proposed replacement of existing
double glazing units and
installation of render to front

R25/0515
8 Weeks PA
Approval
29/08/2025

96, NEW STREET, RUGBY,
CV22 7BD

Change of use from a single
dwelling to two self contained
flats.

R25/0242
8 Weeks PA
Approval
02/09/2025

31, WISE GROVE, RUGBY,
CV21 4BA

Loft conversion with front dormer

R25/0344
8 Weeks PA
Approval
02/09/2025

27, Selborne Road, Rugby, CV22
7QA

Proposed single storey front
addition.

R25/0401
8 Weeks PA
Approval
02/09/2025

3, Kirkstone, Brownsover, Rugby,
Warwickshire, CV21 1PU

Rear Single Storey Extension

Sub-Division of existing dwelling

Delegated

8 Weeks PA Applications Applications Approved

R25/0501 8 Weeks PA Approval 03/09/2025	ANKERBROOK FARM, LUTTERWORTH ROAD, BURTON HASTINGS, NUNEATON, CV11 6RB	to create 2 separate dwellings
R25/0502 8 Weeks PA Approval 03/09/2025	221, Rugby Road, Binley Woods, Coventry, Warwickshire, CV3 2BB	Proposed single storey rear and side extensions.
R25/0547 8 Weeks PA Approval 03/09/2025	230, Norton Leys, Rugby, CV22 5RY	Proposed garage conversion.
R25/0600 8 Weeks PA Approval 03/09/2025	UNIT 3, IMPERIAL ROAD, RYTON-ON-DUNSMORE, Coventry, CV8 3LF	The erection of a temporary Modular Spray Booth Building
R25/0146 8 Weeks PA Approval 04/09/2025	46, CLIFTON ROAD, RUGBY, CV21 3QF	Single storey side/rear extension.
R25/0573 8 Weeks PA	15, Long Furlong, Rugby, Warwickshire, CV22 5QS	

Delegated

8 Weeks PA Applications Applications Approved

Approval
04/09/2025

Retrospective application for
demolition of existing bungalow
and construction of new two
storey house

R25/0054
8 Weeks PA
Approval
05/09/2025

Rugby Borough Football Club,
KILSBY LANE, RUGBY, CV21
4PN

Proposed new seating stands,
two dug outs, fencing, turnstile
and creation of two new fire
escape points.

R25/0503
8 Weeks PA
Approval
05/09/2025

25, Brockhurst Farm,
BROCKHURST LANE, MONKS
KIRBY, RUGBY, CV23 0RA

New oak framed ground floor
extension with tiled roof and
traditional lantern rooflight.

R25/0520
8 Weeks PA
Approval
09/09/2025

14, FLEET CRESCENT, RUGBY,
RUGBY, CV21 4BQ

Construction of a two-storey side
extension .

R25/0614
8 Weeks PA
Approval
09/09/2025

25, Bucknill Crescent, Rugby,
CV21 4EX

Proposed rear veranda.

Conversion of garage and rear

Delegated

8 Weeks PA Applications Applications Approved

R25/0472
8 Weeks PA
Approval
10/09/2025

176, HILLMORTON ROAD,
RUGBY, CV22 5AW

single storey extension

R24/0975
8 Weeks PA
Approval
11/09/2025

16, Top Park, Top Road,
Barnacle, Coventry, CV7 9FS

Retention of 1 pitch for Gypsy and Traveller use, including retention of 1 utility building (timber), 1 shed, gravel hardstanding, small area of block paving, small grass area, vehicular access off access track, and pedestrian access off Top Park access road, together with the retention of gates across both accesses and boundary fencing, the replacement of 1 existing tourer with 1 static caravan and siting of a second static caravan.

R24/0979
8 Weeks PA
Approval
11/09/2025

15, Top Park, Top Road,
Barnacle, Coventry, CV7 9FS

Retrospective application for the retention of 1no. Gypsy and Traveller pitch comprising 1no. static caravan, 1no. touring caravan, 1no. stable block used for storage, 1no. kitchen/utility building, 1no. dog kennel, a gravelled parking area, a block paved pathway, walls and gates along the front boundary fencing along the side and rear

Delegated

8 Weeks PA Applications Applications Approved

boundaries, and vehicular access
off Top Park access road.

R25/0489
8 Weeks PA
Approval
11/09/2025

13 Allotment Drive, Wolston,
Coventry, CV8 3NR

Installation of railings at the front
of the property.

R25/0467
8 Weeks PA
Approval
12/09/2025

Little Oaks, Flecknoe Road,
Broadwell, Rugby, CV23 8HS

Retention of a rural workers
dwelling and retrospective
associated development.

R25/0523
8 Weeks PA
Approval
12/09/2025

HOLLY HOUSE, HINCKLEY
ROAD, BURTON HASTINGS,
NUNEATON, CV11 6RG

Single storey rear extension.

R25/0649
8 Weeks PA
Approval
12/09/2025

BLACK HORSE, 43, THE
GREEN, RUGBY, CV22 7LZ

Proposed minor alterations to the
site area at the front of the Public
House premises to remove an
area of existing tarmac surfacing
and to provide new resin bound
gravel surfacing.

R25/0469
8 Weeks PA
Approval

THE MALTHOUSE, MAIN
STREET, THURLASTON,
RUGBY, CV23 9JS

Side and rear extension with
internal refurbishment

Delegated

8 Weeks PA Applications

Applications Approved

16/09/2025

R25/0500 8 Weeks PA Approval 16/09/2025	2, Lutterworth Road, Pailton, Rugby, Warwickshire, CV23 0QE	Installation of replacement windows
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Certificate of Lawfulness Applications

Applications Refused

R25/0569 Certificate of Lawfulness Refusal 16/09/2025	2, FERNDALE ROAD, BINLEY WOODS, COVENTRY, CV3 2BG	Proposed lawful development certificate for the conversion of an attic with dormer and hip to gable roof conversion.
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Applications Approved

R25/0430 Certificate of Lawfulness Approval 03/09/2025	11, Nightingale Gardens, Rugby, Warwickshire, CV23 0WT	Certificate of Lawfulness for a proposed single storey rear extension.
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R25/0596 Certificate of Lawfulness	MARCH HOUSE, BURNTHURST LANE, PRINCETHORPE, RUGBY, CV23 9QA	Certificate of Lawfulness for a (proposed) single storey rear extension.
--	---	--

Delegated

Certificate of Lawfulness Applications Applications Approved

Approval
03/09/2025

R25/0643
Certificate of
Lawfulness
Approval
15/09/2025

UNIT 9, JUNCTION ONE,
LEICESTER ROAD, RUGBY,
CV21 1RW

Certificate of Lawful development
to confirm lawful commencement
of planning permission reference
R22/0273.

R25/0253
Certificate of
Lawfulness
Approval
17/09/2025

80, Durrell Drive, Rugby, CV22
7GW

Certificate of Lawfulness to
expand existing driveway.

Conditions Applications Approved

R25/0531
Conditions
Approval
26/08/2025

MILL HOUSE, STOCKTON
ROAD, BIRDINGBURY, RUGBY,
CV23 8EE

Details of conditions 3 (Materials)
and 9 (Boundary Treatments) of
R24/0532.

R25/0552
Conditions
Approval
26/08/2025

BILTON GRANGE, RUGBY
ROAD, DUNCHURCH, RUGBY,
CV22 6QU

Approval of conditions 15
(Verification Report), and 16 (Site
Specific Maintenance Plan) of
R22/1144 (The erection of a two,

Delegated

Conditions Applications Approved

three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School.)

R25/0519
Conditions
Approval
02/09/2025

74, LOWER HILLMORTON
ROAD, RUGBY, CV21 3TF

Details of condition 3 (Brickwork)
of R22/0748.

R25/0535
Conditions
Approval
02/09/2025

20, LIME TREE AVENUE,
RUGBY, CV22 7QT

Details of condition 4 (Ecology) of
R24/0969.

R25/0376
Conditions
Split
08/09/2025

16-26a Dunchurch Road,
Lawrence Sheriff Alms-houses,
Dunchurch Road, Rugby, CV22
6AA

Approval of conditions 9
(Landscape), 13 (Species &
Habitat enhancement and
mitigation), 14 (Drainage) of
R23/0560 (New one and a half
height building to eastern end of
courtyard to provide 4 no. 1 bed
almshouses. Alterations to
existing alms-houses to include
reconfiguration and replacement
of windows and doors; removal of

Delegated

Conditions Applications Approved

chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.)

R25/0668
Conditions
Approval
09/09/2025

43, REGENT STREET, RUGBY,
CV21 2PE

Details of condition 4 (Bat & Bird Box) of R25/0211.

R25/0671
Conditions
Approval
12/09/2025

Land North of Projects Drive,
Rugby

Details of condition 27 (Travel Packs) of R24/0103, (Construction of 108 dwellings with associated access and landscaping).

R25/0514
Conditions
Approval
17/09/2025

LAND JUNCTION OF MILLERS
LANE AND, FOSSE WAY,
MONKS KIRBY

Discharge of condition 10 of R23/0850.

Committee

Discharge of Conditions Applications Approved

**Discharge of Conditions
Applications Approved**

BILTON GRANGE, RUGBY
ROAD, DUNCHURCH, RUGBY,
CV22 6QU

R22/1144

26/08/2025

The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School.

R23/0560

16-26a Dunchurch Road,
Lawrence Sheriff Alms-houses,
Dunchurch Road, Rugby, CV22
6AA

02/09/2025

New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.

R23/0560

16-26a Dunchurch Road,
Lawrence Sheriff Alms-houses,
Dunchurch Road, Rugby, CV22
6AA

08/09/2025

New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render

**Discharge of Conditions
Applications Approved**

applied to all elevations;
installation of solar array; new
wall and railings to east
boundary.

Delegated

**Discharge of Conditions
Applications Approved**

R25/0211 43, REGENT STREET, RUGBY,
CV21 2PE

09/09/2025

Internal alterations and rear
ground & first storey extensions
with alterations to roof and
addition of a dormer.

Committee

**Discharge of Conditions
Applications Approved**

R18/0936 LAND SOUTH OF COVENTRY
ROAD AND CAWSTON LANE,
COVENTRY ROAD, CAWSTON,
RUGBY,

12/09/2025

Outline planning application for
up to 210 dwellings, a two form
entry primary school, and
creation of associated vehicular
access, pedestrian /cycle and
emergency accesses, highway
improvements to Cawston Lane,
parking, landscaping, drainage
features, open space and

Discharge of Conditions Applications Approved

associated infrastructure (all matters reserved except vehicular access to the site).

Delegated

Listed Building Consent Applications Applications Approved

R25/0598 Park Farm House, Park Farm,
Listed Building Consent Spring Road, Barnacle, Coventry,
Approval CV7 9LG
08/09/2025

Listed building consent for proposed Internal alterations and structural repairs

R25/0454 73, BROAD STREET,
Listed Building Consent BRINKLOW, RUGBY, CV23 0LS
Approval
10/09/2025

Replacement of Existing External UPVC Windows with Painted Timber Windows & Door

Major Applications Applications Approved

R24/0971 Land south of Coventry Road and
Major Application Cawston Lane, Land off Coventry
Approval of Reserved Road, Cawston, Rugby
Matters
12/09/2025

Application for Reserved Matters for up to 210 dwellings and associated works relating to the layout, scale, appearance and landscaping pursuant to outline planning permission R18/0936 (for up to 210 dwellings, a two

Delegated

Major Applications Applications Approved

form entry primary school, and creation of associated vehicular access, pedestrian /cycle and emergency accesses, highway improvements to Cawston Lane, parking, landscaping, drainage features, open space and associated infrastructure).

Prior Approval Applications Prior Approval Applications

R25/0593 Ceva Logisitics Ltd, Unit 9,
Non-domestic solar Imperial Road, Ryton-On-
prior approval Dunsmore, Coventry, CV8 3LF
Not Required
21/08/2025

Prior approval for a proposed installation of a PV array on the roof.

R25/0684 141, BAWNMORE ROAD,
Prior Approval RUGBY, CV22 6JJ
Extension
Withdrawn by
Applicant/Agent
21/08/2025

Prior approval for a proposed single storey rear extension measuring 7.36 long, 3.20m high and 2.90 at eaves.

R25/0590 FISHPOOLS FARM, MAIN
Prior Approval change STREET, FRANKTON, RUGBY,
of use CV23 9PB
Required and Approved

Class Q – Change of Use (and Associated Building Operations) of 2 No. Buildings at Fishpools Farm To 5 No. C3 Dwellings

Delegated

Prior Approval Applications

Prior Approval Applications

01/09/2025

R25/0592
Prior Approval change
of use
Required and Approved
01/09/2025

6, Sun House, TOM BROWN
STREET, RUGBY, CV21 3JT

Prior approval for change of use
from use class E offices to use
Class C3 residential 1 bedroom
flat.

R25/0707
Prior Approval
Extension
Not Required
12/09/2025

19, Mellish Road, Rugby,
Warwickshire, CV22 6BB

Prior Approval for a proposed
Single Storey Rear Extension
measuring 7.28 metres long, 3.5
metres high and 2.5 metres at
eaves.

R25/0724
Demolition Prior
Approval
Not Required
12/09/2025

Disused Barn, adjacent to
Windmill Cottage, Dunchurch,
CV22 6RH

Prior approval for partial
demolition of dangerous parts of
building.
