

(9) Application No: PAP/2015/0585

Hill Top Farm, Church Lane, Corley, CV7 8DA

Erection of 26 dwellings with public open space, associated highway, hard and soft landscaping and external works, for

Introduction

The receipt of this application was reported to the Board at its October meeting. The previous report is attached at Appendix A.

Background

The Section 106 Agreement relating to the Nursery site has now been completed and planning permission granted for 17 dwellings on the site – 7 to be affordable.

There have been no amendments to the application received since that last report. However Members will be aware that an appeal decision relating to residential land in Eastlang Road, Fillongley has been published. This is considered to be material to this current application. The decision letter is attached at Appendix B.

Representations

Corley Parish Council – It objects on the following grounds:

- The site is in the Green Belt and part of it has been the subject of a recently dismissed appeal.
- The “need” has been unreliably evidenced
- Corley has no facilities or services
- Increased traffic
- Increased pressure on existing infrastructure

The CPRE – It objects on the following grounds

- The site is in the Green Belt
- There has been a previous appeal dismissed here
- There are no very special circumstances

62 objections have been received using a pro-forma template. This is attached at Appendix C. Apart from the issues raised above the letter quotes the NPPG saying that unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt.

16 individual letters of objection have been received.

Consultations

Warwickshire County Council as Highway Authority – The County Council objects not in principle but requires more detailed plans relating to the layout geometry in order to provide safe and adequate access for all vehicles using the development.

Warwickshire Wildlife Trust – No objection in principle but requires greater detail on the measures to enhance bio-diversity throughout the site.

Assistant Director (Leisure and Community Development) – There is reluctance to adopt and to maintain the balancing pond and the informal play areas. There should be greater accessibility and connectivity to an existing play area on the opposite side of Church Lane through footpath improvements.

Assistant Director (Housing) – The findings of the 2013 remain valid as contact has again been made within the applicants and there have been additions from Corley residents which have been investigated and additional need has been established. All properties will be offered first to Corley residents. There has been significant interest in the site following the planning permission.

Environmental Health Officer – Houses close to the Village Hall should be fitted with acoustically treated glazing and ventilation to reduce the risk of noise pollution

Warwickshire County Council as Lead Local Flood Authority – No objection subject to a standard condition requiring full details of the surface water sustainable drainage measures.

Warwickshire Police – No objection but have made recommendations to the applicant on ways to make the layout more secure.

Warwickshire Museum - No objection subject to a standard condition.

Observations

a) The Green Belt

The site is made up of two parts – half is the rear part of the former Corley Nursery site and the other half is an adjoining grass paddock. The Nursery site benefits from the grant of a planning permission for its residential redevelopment, so the rear half of the current application site already has a residential planning permission. In effect the present proposal seeks to re-arrange the approved layout to accommodate a new access into the adjoining paddock thus extending the whole site. That planning permission is thus a material planning consideration of substantial weight. However, Members are advised that they should assess the planning merits of the current application site as a whole and not divide it. Secondly, Members are reminded that the whole site and indeed the whole of the former Corley Nursery site are within the Green Belt.

The starting point is thus to establish whether the current proposals are appropriate or not appropriate development in the Green Belt. As all new buildings are defined in the National Planning Policy Framework as being not appropriate development there is thus a presumption from the outset that this proposed development is not appropriate and thus carries the presumption of refusal given that inappropriate development cause harm to the Green Belt.

As Members are aware there are exceptions to this position and it is necessary to see if any of these apply in this case. One exception that is relevant is where new buildings would arise from the partial or complete redevelopment of previously developed land. This was found to be the case and was deemed to be one of the reasons for the grant of planning permission on the former Nursery site. It might therefore be convenient to simply repeat that argument for that part of that site now under discussion. However that is not necessarily the case. The approved scheme has twelve dwellings shown on the rear part of the Nursery site. The current proposal has eleven. In quantitative terms therefore the difference is immaterial but

in qualitative terms the current proposal reduces the openness of the Green Belt because it extends development across the whole of the rear of the nursery site thus removing the open visibility of land beyond when travelling up the cul-de-sac. The proposed therefore is contained and enclosing. In respect of the paddock then this clearly is not previously developed land and cannot be taken to meet the terms of the exception.

The other exception is where a proposal is either for “limited infilling” in a village or for “limited affordable housing for local community needs under policies set out in the Local Plan”. In the case of the first of these then the development is not considered to be “limited” being for 15 houses, and secondly the site is not “infilling”. It is open on two sides; has clear open views, is bounded by a loose range of buildings to the south and is not surrounded by built development or is it a gap between frontage developments. It is also of significant weight that the recent appeal decision confirmed that this was the case notwithstanding the Corley Nursery redevelopment scheme. The other matter is whether the development meets limited affordable housing needs. The exception here is conditional upon the Local Plan policies. Here policies NW2 and NW5 of the Core Strategy says that development for affordable housing outside of development boundaries, as here, will only be permitted where there is a proven local need; it is small in scale, is located adjacent to a village and doesn't cause environmental harm. There is no evidence from the consultation responses or from the supporting documentation to show that environmental harm would be caused, and notwithstanding the conclusion reached above it is considered that site could reasonable be said to be adjacent to the village. However the other two areas are not so clear. This is not small in scale – 15 houses – and it is not all “affordable housing” with five on this part of the site being for open market sale housing. Indeed on the Nursery part of the site there are still ten open sale houses. As a consequence when all of these matters are put together the fundamental issues are that the proposal is not for limited affordable housing. The issue of whether there is a proven local need is thus not of much weight here – 10 of the 26 houses proposed are not “affordable”. The overall proposal does not therefore meet the definition of the exception here under the National Planning Policy Framework.

As a consequence, the overall proposal here is not appropriate development in the Green Belt and thus carries the presumption of refusal because there is de facto harm to the Green Belt.

Members are now asked to assess the level of actual harm to the Green Belt.

As referred to above it is material that half of the site has the benefit of a planning permission, but that is not considered to be of significant weight as the current proposal worsens the openness of the Green Belt for the reasons set out above. The new development on the paddock has a substantial adverse impact as practically all openness would be lost. The recent appeal decision – even with less houses – shows that that case caused harm to the openness of the Green Belt too. Moreover the current proposal would impact adversely on one of the purposes of including land within the Green Belt – namely safeguarding the countryside. The overall level of actual Green Belt harm is thus considered to be substantial.

b) Other Harm

Members should now consider whether there is any other harm caused by the proposals.

The Highway Authority has objected and thus harm is likely to be caused. However the nature of the objection is not one of principle and the matters raised could in all probability be resolved. That might affect layout and thus may have a planning impact as well. As such the harm is considered at present to be limited.

There is no objection from the Local Flood Authority and the issue of the future maintenance of the drainage systems and open space could be resolved through planning condition. Hence this issue would not carry weight. There is neither a heritage nor an ecological impact to warrant harm.

There is however harm caused to the local character and distinctiveness of the area. The layout is entirely urban in character and appearance and would substantially change the character of this part of the village which is very largely dispersed low density frontage development. The proposal in terms of layout and house appearance is not in-keeping. In this regard there is considered to be significant harm caused in that neither policies NW10 or NW12 of the Core Strategy are satisfied.

As a consequence it is considered that there is additional non- Green Belt harm here.

c) Material Planning Considerations

As the development has been found not to be appropriate development in the Green Belt and to cause substantial Green Belt harm as well as other non-Green Belt harm the onus is on the applicant to put forward those material planning considerations which he considers would amount to the very special circumstances necessary to outweigh the combined level of harm.

In essence the one matter put forward is that of meeting the local affordable housing need. It is agreed that in principle this is a consideration of the substantial weight necessary to challenge the harm identified. The residential planning permission for the Nursery site only accommodated some of the identified local housing need in Corley – 7 dwellings. There is a balance to provide – another 7 dwellings. Moreover the Housing Division confirm that the level of need has increased and that the overall balance is now some twelve dwellings. The current proposal would provide nine of these twelve. This is thus a consideration of substantial weight as the proposal would assist in very largely meeting the current proven local need.

d) Very Special Circumstances

The issue is thus whether the applicant's argument is of sufficient weight to amount to the very special circumstances necessary to override the harm caused. It is considered not for the following reasons.

Firstly there is no evidence submitted to show why the development cannot accommodate the complete affordable housing need. If the scheme would not be viable in such circumstances, then there is still no evidence submitted to justify why the level of open market housing as proposed is included. If some is needed to cross-subsidise, then this should be made explicit within a verified viability appraisal. This has not been provided.

Secondly, the Council has a seven and a half year supply of housing land. It is thus not considered necessary, let alone essential, to add to that supply through the grant of a planning permission in the Green Belt for what is considered to be not appropriate development.

Thirdly even if these arguments did suggest that the balance was perhaps more finely balanced than this, the design and appearance of the development is not acceptable in its own right.

e) Conclusion

This is not appropriate development in the Green Belt which causes substantial Green Belt harm and other non-Green Belt harm by being of poor design not reflecting local character. The considerations out forward by the applicant are acknowledged to carry substantial weight in principle but do not provide for the very special circumstances here to warrant outweighing the combined harm caused by the proposals because the inclusion of open market housing has not been evidenced and because of the Council's own housing land supply

Recommendation

That the application be **REFUSED** for the following reason:

The proposal is not appropriate development in the Green Belt causing substantial Green Belt harm. There would also be additional non-Green Belt harm by virtue of the poor design and appearance of the development not being in keeping with the local character and distinctiveness of the area. The considerations put forward by the applicant are not considered to amount to the very special circumstances necessary to outweigh this combined harm. This is because the inclusion of open market houses in the proposal is not justified by explicit evidence and because the Council has a five year housing supply. The proposal is thus not in accord with policies NW2, NW3, NW5, NW10 and NW12 of the Core Strategy 2014 and the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire Museum	Consultation	27/10/15
2	Warwickshire County Council Highways	Consultation	8/10/15
3	Warwickshire Wildlife Trust	Consultation	15/10/15
4	Assistant Director (Leisure and Community Development)	Consultation	5/10/15
5	Warwickshire County Council Flooding	Consultation	13/10/15
6	Environmental Health Officer	Consultation	13/10/15
7	Warwickshire Police	Consultation	9/10/15
8	Assistant Director Housing	Consultation	1/10/15
9	Corley Parish Council	Objection	8/10/15
10	Pro-forma	62 objections	
11	Mr and Mrs Venables	Objection	19/10/15
12	Mrs Long	Objection	7/10/15
13	Mrs Miller	Objection	1/10/15
14	A Groves	Objection	7/10/15
15	Mr and Mrs Robson	Objection	7/10/15
16	Mr and Mrs Cadman-Jones	Objection	3/10/15
17	Mr Roddis	Objection	5/10/15
18	Mr and Mrs Pulley	Objection	30/9/15
19	Mrs Davies	Objection	21/8/15
20	Mr Benton	Objection	28/9/15
21	Jones	Objection	27/9/15
22	Pegg	Objection	27/9/15
23	Williamson	Objection	27/9/15
24	J MacDonald	Objection	26/9/15
25	P Cole	Objection	21/9/15
26	I Chattaway	Objection	21/9/15
27	Head of Development Control	Letter	21/10/15
28	Head of Development Control	Letter	21/9/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

(11) Application No: PAP/2015/0585

Hill Top Farm, Church Lane, Corley, CV7 8DA

Erection of 26 dwellings with public open space, associated highway, hard and soft landscaping and external works, for

Mr J Cassidy

This application is reported to the Board at the discretion of the Head of Development Control due to the application being for a number of houses in Corley on a combined site that has been the subject of two very recent decisions – one in support of and the other against new housing development. Both of these decisions are material planning considerations in this case.

The Site

The site comprises two sections – the rear of the former Corley Nursery site and a paddock/field immediately to the east. The combined area is some 1.5 hectares.

The former Corley Nursery site is a rectangular site located on the north side of Church Lane at the western end of Corley. It has strong boundary hedgerows and there is a detached house and garden (Derwent House) to its immediate east which is now in separate ownership. Beyond to the east is a further detached house with a collection of outbuildings to its rear (Hill Top). The remainder of the north side of Church Lane has a bungalow (Cartref) and the Village Hall with a bowling green. Its southern side has a selection of residential property and the access to the Corley School. The paddock referred to above is surrounded by hedgerow boundaries and is at the rear of Hill Top. There is open countryside to the north and to the west.

The general location of the site is illustrated at Appendix A.

Background

A resolution to grant planning permission for 17 new houses on the former Nursery site was made by the Council in April 2014. This resolution will be translated into a planning notice upon completion of a Section 106 Agreement which would make arrangements for the provision of on-site affordable housing – seven out of the 17 (that is 40%). The Agreement has not yet been signed and thus the Notice has not been issued. The proposals under this resolution involved the redevelopment of the site. The former nursery buildings and other outbuildings have now been cleared. The proposed access into the site would be from Church Lane. In short the reason for the resolution to grant was that the proposal represented the redevelopment of brownfield land and provided on-site affordable housing to meet in part the identified local housing needs of Corley. A copy of the layout, the subject of this resolution is at Appendix B.

The paddock referred to above was the subject of an application for five houses in 2014. This was refused planning permission and a subsequent appeal was dismissed. In short the refusal was that the development was inappropriate development in the Green Belt causing substantial harm without planning considerations which would outweigh that harm. The appeal letter is attached at Appendix C.

The Proposals

In short this is to extend residential development from the Nursery site into the adjoining paddock. All access would be through use of the access shown on the layout for the Nursery site thus extending the cul-de-sac. Five of the houses on the western side of the front half of the cul-de-sac within the front part of the Nursery site would be retained but the rear would have to be re-arranged in order to provide access into the extended site. The total number of houses would be 31 – five retained from the Nursery site and an additional 26. A balancing pond is proposed at the far eastern end of the site.

An overall layout and street scenes are attached at Appendices D and E.

The applicant is justifying the proposal on the need to provide the identified affordable housing need for Corley. The Housing Needs Survey of 2013 identified a need for 14 affordable homes. It is said that the Borough Council has since recorded an increase of five further affordable homes making a need for 19. The Corley Nursery resolution would if implemented provide 7 units. A further 9 are included in the current application thus making 16 in total and substantially meeting the updated overall need. As with the Corley Nursery site, all 16 of these units would be low-cost market housing.

The low cost houses would be made up of one four bedroom house; nine two-bedroom houses, four two-bedroom bungalows and two three-bedroom houses. The open market houses would be eleven five-bedroom houses and four four-bedroom houses.

The application is accompanied by a number of supporting documents.

A Transport Statement concludes that the development can be accommodated through the access arrangements supported under the 2014 Nursery proposals and that the layout can be designed to adoptable standards and enable larger vehicles to use the cul-de-sac. It is said that through pre-application discussion the Highway Authority is comfortable with the proposals. Car parking is provided on-site to a minimum of 200%. The Statement points out that there are bus stops around 300 metres from the front of the site providing public transport services into Coventry and Nuneaton.

A Utilities Statement states that there is sufficient capacity in terms of utility services for the proposal.

An Ecology Report concludes that the site as a whole has poor present ecological value but that there is an opportunity for bio-diversity enhancement through landscaping, the introduction of the balancing pond and smaller developments such as bird boxes etc. Precautionary measures need to be undertaken prior and during construction.

A Tree survey concludes that the development should not compromise existing tree and hedgerow cover provided that these boundary features are protected during construction.

A Visual Impact Assessment concludes that there would be limited visual impact.

A Sustainability Statement sets out the case for the development being considered as sustainable development under a series of different criteria.

The applicant appends the Borough Council's Housing Needs Survey of 2013 and a schedule of housing needs prepared by the Council's Housing Officers.

A Public Consultation report describes a local consultation event held in Corley in August 2015. Letters were sent to 318 households inviting people to attend this event. It is said that 40 written responses were returned. These indicate that Green Belt sites should not be built on and that there should be homes for local people. Responses were split 45% in favour and 42% against when asked if the proposed site was the "most suitable location to accommodate any housing/affordable housing needs of Corley".

A Planning Statement sets out the planning case for the development arguing that it is appropriate development in the Green Belt under the exceptions set out in the National Planning Policy Framework. The reasons for this conclusion are provided in full at Appendix F.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the "NPPF")

The National Planning Practice Guidance 2014

The Council's Pre-Submission Site Allocations Document 2014

Observations

The application site is in the Green Belt and thus the Board will have to assess the proposals against the definitions contained in the NPPF and the decision making process that it also contains in such circumstances. The recent planning history will also play a role in the final assessment.

At this stage the matter is just reported to the Board for its information.

Recommendation

That the receipt of the application be noted at this time

BACKGROUND PAPERS

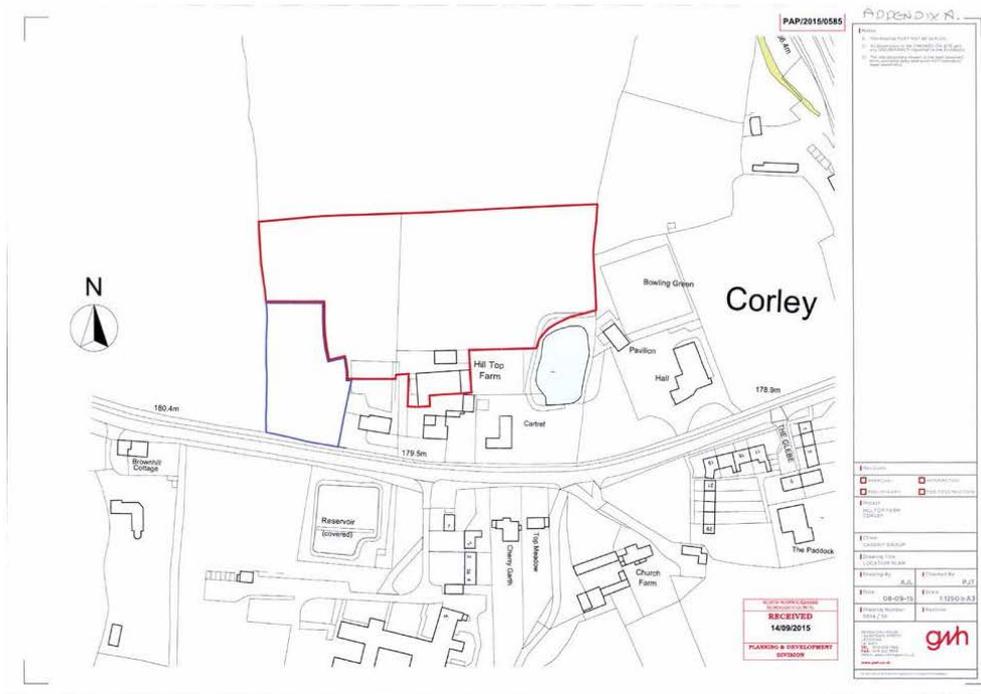
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0585

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/9/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



6/281

6/119



Appeal Decision

Site visit made on 30 September 2014

by **Stephenie Hawkins BSocSc(Hons) MPhil MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2014

Appeal Ref: APP/R3705/A/14/2222934

Land at Hill Top Farm, Church Road, Corley, Coventry CV7 8AZ

- 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 Eco-Executive Limited against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2013/0541, dated 25 October 2013, was refused by notice dated 4 February 2014.
 - The development proposed is construction of 5 No eco-executive dwellings and associated access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Eco-Executive Limited against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. I was accompanied on my site visit by representatives of the main parties. During the visit I sought confirmation of the extent of the site, which involved reference to structures associated with the property known as Hill Top Farm. A number of comments have subsequently been made by the main parties as to whether the associated structures are to remain. However, this matter does not form part of the cases of either of the main parties. Consequently, it has had no bearing on my determination of the appeal and I do not consider the interests of any party have been prejudiced by my confirmation of matters of fact on site.
4. The application form describes the existing use of the appeal site as "residential curtilage". However, curtilage is a legal concept not a use of land. The appellant describes the site as open grassland. From my site visit it appeared as a paddock in use for the grazing of a pony and goat, rather than cultivated garden land. I have determined the appeal on this basis.
5. Appeals must be determined in line with the development plan at the time the appeal decision is issued. The Core Strategy (CS) was adopted October 2014, after the application was determined but prior to determination of this appeal. The Council has supplied copies of Policies NW2 Settlement Hierarchy and NW3

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Green Belt, as relied on in their case, and have confirmed Policy ENV2 of the Local Plan, adopted July 2006, as referred to in the decision notice, is no longer relevant. I note the appellant's comment that the Core Strategy is still open to challenge. However, I am not aware that any challenge has been made or, in the event that a challenge has been made, that the operation of the plan, wholly or in part, has been suspended. Whilst this cannot be ruled out, at this time, the Core Strategy is taken as operational.

6. The Planning Practice Guidance (PPG) was updated in respect to 'Housing and economic land availability assessment' on 6 October 2014. I have sought the views of the main parties on this matter and have taken those submitted into account in determining the appeal.
7. This appeal has been determined in light of the Court of Appeal decision on 9 October 2014 to overturn the decision of Patterson J in the High Court (Ref: Redhill Aerodrome Limited and Secretary of State for Communities and Local Government, Tandridge District Council and Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)). Consequently, in considering whether very special circumstances exist to justify inappropriate development in the Green Belt, the phrase "and any other harm" in paragraph 88 of the National Planning Policy Framework (the Framework) is such that it is not restricted to harm to the Green Belt.
8. I acknowledge that there may be some shortcomings in the drafting of the decision notice. However, I consider the decision notice is sufficiently drafted to explain the Council's reasons to refuse to grant planning permission, with clarification provided within the officer's report.

Main Issues

9. In light of the above, I consider that the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land in it;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriateness

10. The appeal site comprises a paddock, together with an access from Church Lane. The site is associated with the property known as Hill Top Farm, which lies to the south, with the dwelling to the Church Lane frontage and barns/outbuildings to the rear. A further dwelling – Cartref – also lies to the south on the Church Lane frontage. A dwelling – Derwent House – and buildings associated with a former nursery lie to the west. There is a fence between the appeal site and former nursery. The Council has resolved to grant planning permission for residential development of the former nursery, to

deliver 17 dwellings, subject to a S106 agreement for on-site affordable housing (Application Ref: PAP/2014/0008). A bowling green, sited to the rear of the village hall on Church Lane, is to the east, and to a lesser extent a field that extends towards Tamworth Road. There is vegetation along the eastern boundary. A field also lies to the north of the appeal site, beyond a vegetated boundary. Whilst dwellings on Kingswood Avenue are further north, fields extend out to the west. Overall Corley is a village of development dispersed within open countryside. Given the site comprises a paddock and adjoins fields, I consider it forms part of the open countryside.

11. Policy NW3 of the CS is concerned with the extent of the Green Belt, over which national policy operates. I note the CS policy has changed from that within the proposed submission version, notably omitting a statement that "No changes to the Green Belt boundary will be made". However, as confirmed by the CS examining Inspector, the omission of the statement does not require the Green Belt boundary to be changed. This would be a matter for a future plan considered in due course in light of the circumstances at that time. Consequently, this appeal falls to be considered within the context of the constraint of the Green Belt.
12. The Government attaches great importance to Green Belts and the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate. The Framework sets out exceptions to this, including limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan. The appellant also draws attention to the exception of limited infilling or redevelopment of previously developed sites. However, the site is paddock, described by the appellant as open grassland, and I have no convincing evidence before me to suggest it could fall within the Framework's definition of previously developed land. Consequently I consider this case only falls to be considered against the exception of limited infilling in villages and limited affordable housing.
13. Neither Policy NW3 of the CS nor the Framework define limited infilling. I acknowledge that the addition of five dwellings to the village of Corley may be considered to be limited development. However, the appeal site is fairly large, agreed between the main parties as extending to 0.79ha. In addition, whilst the access would be within the built up frontage of Church Lane, the proposed dwellings would sit to the rear of the Hill Top Farm dwelling and Cartef, adjoining fields. Overall, given the size of the site, the poor relationship with the built up frontage of Church Lane and that the site is not surrounded on all sides by development, I consider it reasonable to conclude that the proposed development would not amount to limited infilling.
14. I acknowledge that the approval and implementation of application PAP/2014/0008 would alter the nature of development to the west, with the officer's report for this scheme noting an increase in the footprint and spread of the built form. However, this would not change the size of the appeal site or its relationship with Church Lane or the surrounding fields. Consequently, I do not consider that the approval and implementation of application PAP/2014/0008 would alter my conclusion that the proposed development would not amount to limited infilling.

15. Turning to the second element of the exception, the proposed dwellings would be market, rather than affordable, housing. As such the proposed development cannot be considered as limited affordable housing.
16. I note the appellant offered a financial contribution towards off-site affordable housing during the application process. Notwithstanding whether or not this is an acceptable alternative to on-site provision, if the offer still stands, there is no mechanism before me to secure it, such as a completed Unilateral Undertaking. Consequently this has had no bearing on my determination of the appeal.
17. For the reasons given above, I conclude that the proposed development would be inappropriate development within the Green Belt. According to the Framework inappropriate development is, by definition, harmful to the Green Belt. In line with the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness.

Openness and Green Belt purposes

18. As set out above, the appeal site currently comprises a paddock forming part of the open countryside. As such it contributes to the openness of the Green Belt, which the Framework states is an essential characteristic of Green Belts. In addition, it assists in safeguarding the countryside from encroachment, one of the five purposes of Green Belts as set out in the Framework.
19. The proposal would introduce built development to the currently undeveloped appeal site. As such, it would significantly reduce the openness of the Green Belt. I accept that public views of the proposed development would be limited. However, openness is an absence of development, rather than development that is screened from view. Moreover, the proposed dwellings would be fairly substantial, including as each would be two-storey with a third-storey in the roof space. As such, even with additional landscaping to assist the proposed development to integrate with its surroundings, I consider that glimpses would be afforded from surrounding land and buildings.
20. For the reasons given above, I conclude that the proposed development would significantly reduce the openness of the Green Belt. In addition, by developing land that forms part of the countryside, it would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. In line with the Framework, I attach substantial weight to this harm to openness and the purposes of the Green Belt.

Character and appearance

21. I note the appellant's comments that proposed development respects the locality. In this respect, I saw on my site visit that whilst frontage development may prevail, the pattern of development in the vicinity of the appeal site is fairly loose, with some views of development in depth including the existing development on the nursery site, and I note that the appeal site extends no further back from Church Lane than this site. However, whilst the proposed development may respect the locality in this respect, I consider insufficient regard has been given to the relationship between the built form and open countryside – that is, that Corley is a village of development dispersed within open countryside. In this respect, the proposed development would result in the loss of a not insubstantial part of the open countryside that

separates development on Church Lane, Tamworth Road and Kingswood Avenue. As such, it would unduly unbalance the relationship between the built form and open countryside. This would be evident in glimpses of the built form afforded from surrounding land and buildings.

22. For the reasons given above, I conclude that the proposed development would materially harm the character and appearance of the area. Whilst the Council has not brought any conflict with the development plan to my attention in this regard, it would conflict with the Framework's requirement for good design.

Other considerations/very special circumstances

23. The appellant sets out that the proposed development would deliver high quality housing, which is acceptable in respects of matters such as living conditions, to contribute to the Borough's housing supply. In this respect, I note the officer's report sets out an undersupply of housing land weighed in favour of the proposal. However, the Council now state that they have an adequate supply of housing land, which the appellant disputes. I have limited evidence before me in this regard and cannot therefore draw a conclusion. Nonetheless, even if there is an undersupply, I could only give it limited weight.
24. I note the appellant's argument that an undersupply of housing land means the proposal should be assessed in relation to the presumption in favour of sustainable development and the tests within paragraph 14 of the Framework, in particular that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. However, a further test is unless specific policies in the Framework indicate that development should be restricted, with a footnote referring to policies protecting sites such as those within the Green Belt. The PPG bolsters this by advising that in decision taking unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. It is this context, together with the extent of Green Belt land that would be lost and the modest number of dwellings that would be delivered, that leads me to only give limited weight to any undersupply of housing land.
25. The eco-credentials of the proposal, based on Vibration Sun Technology, are not disputed by the Council and are a benefit that weighs in favour of the proposal. However, there appears to be no dispute between the parties that sustainability needs to be considered in the round and I note the appellant's emphasis on the total carbon footprint of the development. In this respect, the Council contends that Corley is not a sustainable location, with reference to the settlement hierarchy within Policy NW2 of the CS. Whilst I note the appellant's submissions in respect of Corley's position in the hierarchy, the CS has recently undergone examination and is operational. However, I cannot be certain that the Council have an adequate supply of housing land and in the event of an undersupply the Framework states that policies for the supply of housing, such as Policy NW2, should not be considered up-to-date. This aside, whilst the appellant has provided details about facilities and services, including public transport, in and around Corley, they have not provided any robust evidence of the total carbon footprint for the development. Consequently, this limits the weight that I can attach to the eco-credentials of the proposal. In addition, the

weight I can attach is limited by the modest number of dwellings that would be delivered by the proposal and that planning permission has recently been granted for a similar eco-dwelling in Corley so that it does not score as an exemplar project. Overall, at best, I can afford the eco-credentials of the proposal modest weight.

26. Planning permission has recently been granted for an eco-bungalow on Kingswood Avenue (Application Ref: PAP/2013/0164), known as the Homer House development. The appellant contends that the benefits of Vibration Sun Technology were accepted in this development. The appellant also contends that this development sets a precedent for the appeal proposal. However, I have not been provided with the full details of this development to enable me to fully assess its relevance to the appeal proposal. Moreover, from the information that is before me, it is not directly comparable. From my site visit, I saw that it relates to a small site that has a clear frontage to the street and is surrounded by development, whereas the appeal site is fairly large and has a poor relationship with the street and partly adjoins open countryside. In addition, it appears that whilst the Council may have initially resisted the Homer House development, they later concluded, taking account of site circumstances, that it was limited infilling and thus not inappropriate development in the Green Belt – that is, the context is different. Consequently, I can only give the Homer House development limited weight.
27. In addition, as noted above, the Council has resolved to grant planning permission for the residential development of the former nursery adjacent to the appeal site, subject to a S106 Agreement for on-site affordable housing. I note the appellant challenges whether or not the affordable housing should be considered as such, with reference to financial information. However, this appeal is not an appropriate channel to challenge the Council's decision and as such the appellant's submission in this respect have had little bearing on my consideration of this appeal.
28. I do not know the full details of the nursery site scheme, but the appellant has provided a copy of the officer's report. Whilst the Council found redevelopment of this site to be inappropriate development that would reduce the openness of the Green Belt, the delivery of 40% of the dwellings as affordable housing, of a type and tenure to meet local needs, was considered a significant benefit. This, together with the housing land supply position and that the site comprises previously developed land, amounted to the very special circumstances necessary to justify the harm to the Green Belt. As set out above, the proposal before me does not comprise previously developed land and would not deliver affordable housing, either on or off site, and, as such, is not directly comparable to the nursery site scheme. Consequently, I can give the nursery site scheme limited weight.
29. I have found harm to the Green Belt by reason of inappropriateness. In addition, I have found harm in respect of openness and the Green Belt purpose of safeguarding the countryside from encroachment. I accord substantial weight to the harm to the Green Belt that I have identified. I have also found that the proposed development would harm the character and appearance of the area, which weighs against the proposal. On the other hand, I can only give limited weight to the other material considerations I have reviewed above, with the exception of the eco-credentials of the proposal. However, the modest weight that I can accord this benefit would not clearly outweigh the

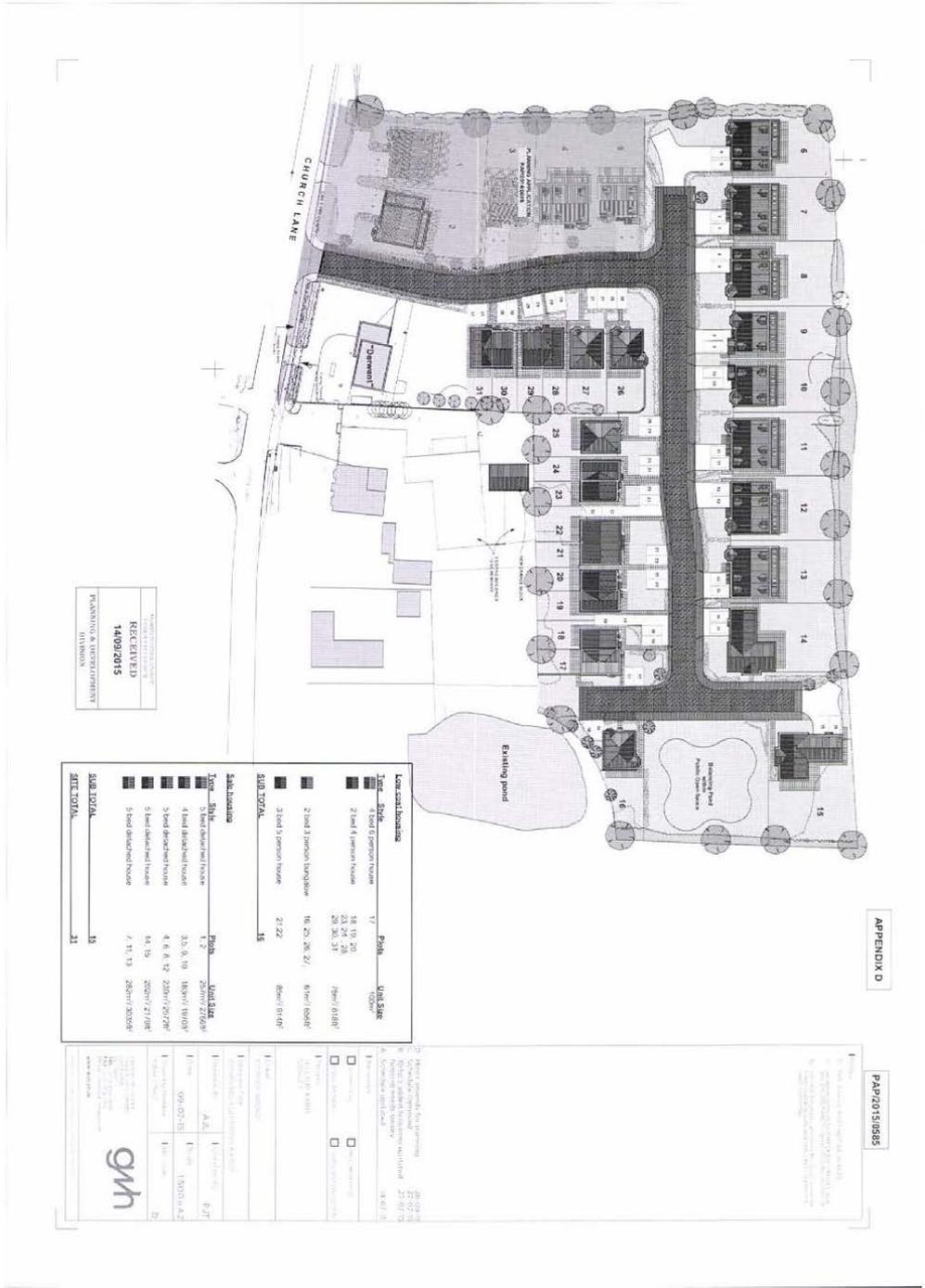
harm the proposal would cause. Consequently there are not the very special circumstances necessary to justify the proposal. The proposal would therefore be contrary to the guidance within the Framework.

Conclusion

30. For the reasons given above, the appeal should be dismissed.

Stephenie Hawkins

INSPECTOR



APPENDIX D

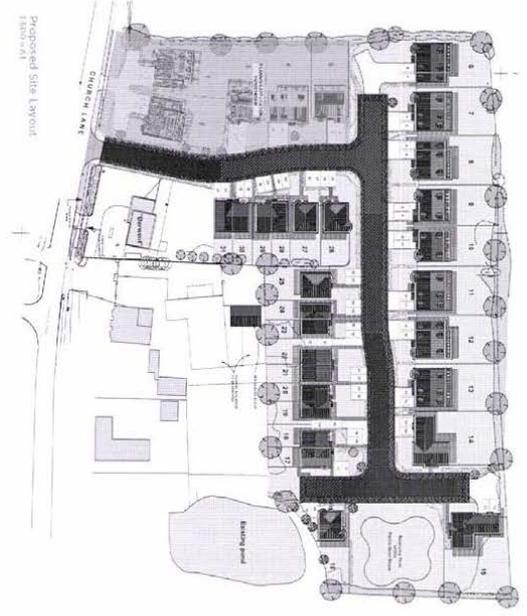
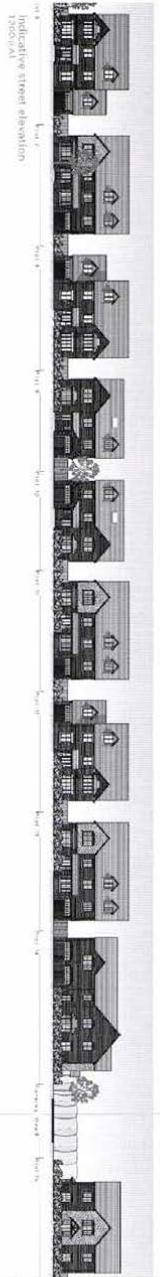
PAP/2015/0685

RECALLED
14/09/2015
PLANNING & INVESTMENT
DIVISION

Lot No.	Type	Area (sqm)	Area (sqft)	Volume (m ³)	Volume (cu ft)
1-15	1st floor detached house	17	183	17	183
16-20	2nd floor detached house	17	183	34	366
21-25	3rd floor detached house	17	183	51	549
26-30	4th floor detached house	17	183	68	728
31	5th floor detached house	17	183	85	917
SUB TOTAL		85	903	170	1783

Lot No.	Type	Area (sqm)	Area (sqft)	Volume (m ³)	Volume (cu ft)
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31	5th floor detached house	17	183	85	917
SUB TOTAL		85	903	170	1783

APPENDIX E
PAP00155818



Lot	Area	Area	Area
1	1000	1000	1000
2	1000	1000	1000
3	1000	1000	1000
4	1000	1000	1000
5	1000	1000	1000
6	1000	1000	1000
7	1000	1000	1000
8	1000	1000	1000
9	1000	1000	1000
10	1000	1000	1000
11	1000	1000	1000
12	1000	1000	1000
13	1000	1000	1000
14	1000	1000	1000
15	1000	1000	1000
16	1000	1000	1000
17	1000	1000	1000
18	1000	1000	1000
19	1000	1000	1000
20	1000	1000	1000
21	1000	1000	1000
22	1000	1000	1000
23	1000	1000	1000
24	1000	1000	1000
25	1000	1000	1000
26	1000	1000	1000
27	1000	1000	1000
28	1000	1000	1000
29	1000	1000	1000
30	1000	1000	1000
31	1000	1000	1000

DECLARATION
I hereby certify that the information provided in this document is true and correct to the best of my knowledge and belief.

gwh

Signature: _____
Title: _____
Date: _____

not have dividing fences which will promote greater involvement between neighbours and help with the open aspect of the development. The design has been influenced by recommendations within safer public space guidance and through input from the Warwickshire Police Architectural Liaison Officer and will meet set standards by design standard reducing crime and disorder.

- Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

The design incorporates an adoptable access road which has been designed with input from Warwickshire Highways, providing safe and legible pedestrian routes. A high quality public space has been designed by the introduction of a public open space area.

Para 70 in part states to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities & services

NWBC when considering the application for 31 homes at Corley Nursery & Hilltop should take into account its central location, the improvements to the local economy through new housing, and the immediate availability of community services & facilities, all available within a short walk of the site.

Para 73 in part states access to high quality open spaces and opportunities for sports and recreation can make an important contribution to the health and well being of communities. The proposed 31 rural homes are located within walking distance of the Corley village park. The scheme has been designed to ensure that there is a direct pedestrian access providing a safe route to the public open space which is a central feature of the development.

9 – Protecting Green Belt Land

Para 79 states the Government attaches great importance to Green Belts, the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts and their openness and performance.

Para 80 - Green Belt serves five purposes. These are:

- To check the unrestricted sprawl of large built up areas

The proposed development is not in a large built-up area and could not be classed as unrestricted sprawl. The number of affordable units are based purely on the identified rural need and a small number of market sale houses for viability based on para 54 of the NPPC. Furthermore over half of the site already has planning permission being the Corley Nursery and the additional land to the rear of Hilltop is basically in-fill in nature between the existing Corley Village Bowling Club and Hall, two residential properties Cartref and Hilltop, and the existing Corley Nursery site. The northern boundary has a 4-6m high dense hedgerow therefore the proposal cannot be classed as unrestricted sprawl.

To prevent neighbouring towns from merging into one another

As above the proposed development should be classed as limited in-fill with well defined boundaries, also the village of Corley is some miles from the nearest town and therefore the proposal could not be classed as merging with other towns.

- To assist in safeguarding the countryside from encroachment

As above the land is in-fill in nature with existing properties or developments on three sides and large mature trees and hedgerows on the northern boundary. The proposed development cannot be viewed due to its location which has been clearly shown within our visual impact assessment, based on this the site cannot be viewed as encroaching into open countryside. Furthermore this is the most appropriate site offering the least impact on the Green Belt to develop to meet fully identified affordable housing need, and by developing this site it will prevent open countryside having to be developed and encroached upon to meet this need.

- To preserve the setting and special character of historic towns; and

The proposed development is not within a conservation area of Corley. The architecture and layout has been designed to be in keeping with the area to be attractive including an open green space. The proposed site has been chosen as it cannot be seen from the main road, is in-fill in nature, and offers the least impact on the village of Corley.

- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

The proposed development of 31 affordable and market sale rural homes meets a specific identified housing need as identified within the Corley housing needs survey August 2013 (updated July 2015) by ensuring that local residents can stay within their community, this will provide greater income for the village which in turn enables facilities such as shops, public houses, schools etc all to be used to maximum effect which in turn help with regeneration within the village of Corley.

Para 81 in part states local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport & recreation; to retain and enhance landscapes, visual amenity and bio diversity. The proposed development of 31 rural homes is on a private area of land that the public have no access to. This land is defined as Green Belt however its development would provide improved access to outdoor sports & recreation as it is within 200m of Corley Village Park. The proposal retains existing mature trees & hedgerows and includes an area of landscaped open green space which will provide a visual amenity. There is also a balancing pond to be constructed as part of the proposal, this will in turn improve bio diversity on a piece of land that our ecologists have stated within their report offers limited habitat and bio diversity.

Para 84 in part states when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. This policy clearly states that local authorities should take account of the need to promote sustainable development. The proposed 31 homes in line with para 89 of the NPPF meet an identified need and the site is clearly within a sustainable central location as it is within 200m of the village park, hall, church and within 290m of sustainable modes of transport. Corley Parish is spread out over three areas, Corley Moor, Corley Village and Corley Ash. The proposed site is in the most suitable central location

within Corley Village offering the most efficient links to local services and facilities and therefore should be viewed as a sustainable pattern of development.

Para 85 in part states when defining boundaries local planning authorities should:

- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent

The proposed development site complies with para 85 as it has clearly defined boundaries with physical features that are permanent on three sides being the previously approved Corley Nursery development for 17 homes, the existing Corley Village Bowling Club and Hall, and two residential properties Cartref and Hilltop.

Para 87 states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The proposed development of 31 rural homes includes 16 (52%) affordable homes which meet a specific identified affordable housing need based on the results of the Corley housing needs survey August 2013 (updated July 2015) and 15 (48%) market sale homes. However, the site is basically split into two elements, Corley Nursery and land to the rear of Hilltop. Corley Nursery is a Brownfield site with planning permission (ref PAP/2014/0008) for 17 homes being 7 affordable and 10 market sale. This application for 31 rural homes is to increase the development from the current 17 approved to include land to the rear of Hilltop. The additional housing to that already approved consists of a further 9 (65%) affordable homes based on the identified rural housing needs of Corley Parish and 5 (35%) market sale homes for viability based on para 54 of the NPPF. As the development proposal, when taking into account the previously approved Corley Nursery site, consists of 14 further homes, 65% of which are affordable to meet the identified housing need of Corley Parish, this clearly represents the very special circumstances as set out in para 89 and as such the land to the rear of Hilltop as part of the overall application should be considered a rural exception site.

Paragraph 88 goes on to say that when considering any planning application, LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is against this 'very special circumstances' test by which the planning application for 31 homes on the Corley Nursery & Hilltop site is considered to be fully justified. The proposed development meets a fully identified affordable housing need and therefore should be considered as meeting the criteria of very special circumstances. Furthermore we consider that development on land to the rear of Hilltop with the inclusion of the previously developed Corley Nursery site is the most appropriate site for a development to meet the housing need as it offers the least harm or impact on the Green Belt as the site cannot be viewed from the road and is land-locked with well defined boundaries and only accessible through the previously approved Corley Nursery site. As part of this application Cassidy Group have prepared a document in which we consider 20 sites within the Corley Parish and it is only land to the rear of Hilltop that offers the least harm to the Green Belt.

Para 89 states that a local planning authority should regard the construction of new buildings as being inappropriate in the Green Belt. There are six exceptions to this. The exception to which this planning application relates is exception point 5 as follows:

- Limited in filling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

The proposed development of 31 rural homes being 16 affordable and 15 outright sale is based on the

specific identified local housing need through the carrying out of the Corley housing needs survey August 2013 (updated July 2015). The proposed site offers the least visual impact and harm to the Green Belt compared to other potential sites within Corley Parish. Land to the rear of Hilltop including the previously approved Corley Nursery site is the only site within Corley Parish that could possibly be considered as being limited infilling. The site has development on three sides as previously stated and well defined boundaries in terms of dense hedgerows and mature trees.

Previously the land to the rear of Hilltop was subject to a planning application which was refused by the LPA and the Inspectorate as it was not considered that the land was limited in-filling. However, this point is certainly open to interpretation and debate, what is abundantly clear is land to the rear of Hilltop is the only site within Corley Parish that could in any way be classed as limited in-filling and offers the least visual impact as it cannot be viewed due to its land-locked location and therefore we believe it should be classed as limited in-filling and the most appropriate location for meeting the identified affordable housing need in terms of access, sustainability, visual impact and other harm to the Green Belt.

The proposal is further supported by para 54 of the NPPF which states that local authorities should plan for housing development to reflect local needs especially affordable housing, including through rural exception sites. The proposed development on the previously approved Corley Nursery site and land to the rear of Hilltop is either Brownfield or should constitute a rural exception site. Para 54 further states that planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. The proposal includes 9 affordable homes (65%) and 5 market sale homes (35%). The 5 market sale complies with para 54 as they are needed for viability purposes and their construction allows for a significant development of much needed affordable homes. The 9 affordable homes that have clearly been identified within the Corley housing needs survey August 2013 (updated July 2015) could not be delivered on a stand-alone basis as this would simply not be commercially viable and can only be delivered based on para 54 with an enabling development of 5 market sale homes which only represent 35% against 65% affordable homes.

In summary of para 89, the proposed development of 31 rural affordable & market sale homes should be approved as it complies with both national and local policies summarised below.

- The proposed development site is land-locked and cannot be viewed by the public as it lies behind existing housing, buildings and well defined hedgerow boundaries
- The proposed development site represents the only site within Corley Parish that should be classed as limited in-filling in villages
- Provides much needed rural affordable housing to meet an identified local community need
- The market sale housing is required to ensure the delivery of significant additional affordable housing in compliance with para 54 of the NPPF
- The site should be classed as a rural exception site as it meets an identified rural affordable housing need
- The proposal respects and underpins para 80, the five purposes of the Green Belt
- The proposal does not represent a negative impact on the openness of the Green Belt as it is adjacent to residential properties and surrounded by mature trees and hedgerows and is in-fill
- The site represents a windfall as it provides extra housing numbers to that identified in the Core Strategy or Local Plan, both of which recognise the importance that windfall sites have in delivering the borough's housing need shortage
- The proposed development will include renewable energy which will provide wider environmental benefits

- The proposal includes a public open space and a balancing / detention pond, which will include a footpath and seating area which will encourage interaction between local residents and improve community cohesion.
- The balancing / detention pond meets the objectives of the NPPF in terms of climate change and improved habitat and bio diversity

Para 91 in part states when located in the Green Belt, for projects to proceed, developers must demonstrate very special circumstances such as increased production of energy from renewable sources. The proposed development of 31 rural homes will include renewable energy systems such as solar panels, whole house ventilation, specialist boiler & heating systems which will provide wider environmental benefits and increase energy production. Furthermore 52% of the properties will be affordable homes and will be built to achieve code level 3 for sustainable homes.

~~10 Meeting the challenge of climate change, flooding and coastal change~~

~~Paragraph 94 states Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations.~~

~~Paragraph 95 states to support the move to a low carbon future, local planning authorities should:~~

- ~~• plan for new development in locations and ways which reduce greenhouse gas emissions;~~
- ~~• actively support energy efficiency improvements to existing buildings; and~~
- ~~• when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.~~

~~Paragraph 96 states in determining planning applications, local planning authorities should expect new development to:~~

- ~~• Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and~~
- ~~• Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption~~

~~The proposed development is meeting the challenge of climate change and flooding by the following~~

- ~~• Carrying out a Flood Risk Assessment, demonstrating that the proposed homes are located outside of a flood risk area~~
- ~~• The use of sustainable urban drainage solutions suitable for the ground conditions to reduce the impact on surrounding drainage infrastructure~~
- ~~• The construction of a sustainable above ground detention pond for the retention of storm water~~
- ~~• The properties will include renewable energy including such as solar panels, heat recovery and whole house ventilation~~
- ~~• 52% of the properties will be affordable and built to achieve code level 3 for sustainable homes~~
- ~~• The proposed development is committed to reducing the embodied energy of all new buildings erected and will be designed with a fabric first approach and will include sourcing construction materials from local~~

Appeal Decision

Site visit made on 8 September 2015

by **R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/R3705/W/15/3087232
Eastlang Road, Fillongley CV7 8EQ

- 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 James Cassidy, Cassidy Group (UK) Limited against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2014/0520, dated 30 September 2014, was refused by notice dated 14 April 2015.
 - The development proposed is described as 2 No 4b6p houses, 2 No 3b5p houses, 11 No 2b4p houses, 9 No 2b4p bungalows, 3 No 3b5p bungalows including associated highways, external works, landscaping and boundary treatments.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cassidy Group (UK) Limited against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. During the course of the planning application the scheme was amended, and it is the amended scheme that the Council determined. It is on this basis that I have determined the appeal.

Main Issues

4. The appeal site is located within the West Midlands Green Belt. Accordingly the main issues are:
 - whether the proposal would constitute inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and its purpose; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development?

5. The appeal site comprises a grassed field that is roughly triangular in shape, enclosed on 2 sides by mature landscaping, beyond which is a recreation ground and playground to the north and agricultural fields to the east. To the south and west is residential development in Church Lane and Eastlang Road. The appeal site extends to 1.31 hectares and the proposal is for 27 dwellings, comprising 21 affordable homes and 6 market homes. Access would be from Eastlang Road and public open space would be provided upon the site.
6. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves limited infilling in villages. Whilst there is no definition within the Framework of 'limited', 'infilling' or 'village', it is clear from the inset map within the North Warwickshire Borough Council Local Plan that the appeal site is located outside of, but adjacent to the development boundary for Fillongley. Accordingly, for planning policy purposes the site is located within the countryside.
7. Having regard to the above, the relationship of the site to existing residential development and the size of the appeal site relative to neighbouring development, I do not concur with the appellant that the scheme would result in limited infilling in the village. Although Policy NW3 of the North Warwickshire Local Plan Core Strategy (Core Strategy) establishes that infill boundaries in the Green Belt will be brought forward to indicate where limited infill and redevelopment would be permitted, I have not been provided with evidence that this is applicable to Fillongley at this time.
8. However, the Framework makes it clear that limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate development in the Green Belt. This is supported by Core Strategy Policy NW5 which allows for small scale affordable housing schemes outside of development boundaries, providing that there is a proven local need and that important environmental assets are not compromised.
9. There have been a number of Housing Needs Surveys (HNS) within Fillongley; the first published in April 2009 identified a need for 10 dwellings comprising both rented and shared ownership units. A survey published in January 2014 also identified a need for 10 units of accommodation based on respondents who left contact details. A 'potential need' was also identified, although this could not be verified as respondents did not leave their contact details. Due to the size of this 'potential need', a further survey was undertaken with the appeal site identified as a possible site. The appellant undertook this second survey, although the responses were sent to the Council so that it could identify the housing need for the Parish. This time over 40 respondents left their contact details and the Council translated the survey results in June 2014 as there being a need for 27 new homes in the Parish.
10. I note that the appellant has undertaken similar HNS with the support of the Council in different Parishes and that the results have been accepted. Be that as it may, it is clear from the Council's decision notice that it did not consider that a proven local need for the housing had been demonstrated in this case. The Council and Parish Council question the validity of the most recent survey, considering that it lacked independence as the appellant's details were included on the questionnaire. Also, as a specific site was identified, this could have raised respondents' expectations. Moreover, the Council questions the increased housing need that this survey

identified in the space of a few months, and consider that this casts doubt on whether there is a proven local need.

11. Whilst noting these concerns, I understand that it was the Council who contacted the respondents of the survey to establish the housing need for the Parish. The Council have accepted a similar developer partnership approach in HNS elsewhere and I have no reason to doubt that the findings of the most recent survey lack independence. Indeed I find that the results confirm the 'potential need' that was identified within the January 2014 survey. On the basis of the evidence before me, I am therefore satisfied that it has been demonstrated that there is a local community need for affordable housing in the area.
12. However, the proposed scheme is not exclusively for affordable housing. It includes 6 market units. There is no provision within development plan policies for this housing mix within the countryside, nor is there provision within Green Belt policy within the Framework. There would therefore be conflict with the objectives of Policy NW5 of the Core Strategy and the Framework. Given my findings and the nature of the proposal it is not necessary for me to establish whether the scheme would be 'small in scale' or result in 'limited affordable housing'.
13. In light of my findings above, as the proposal is not exclusively for affordable housing, the scheme would result in inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purpose

14. Openness is an essential characteristic of Green Belts, as is their permanence. Green Belts serve five purposes, one of which is to assist in safeguarding the countryside from encroachment. The addition of built development on the existing undeveloped site would have an effect on openness, in that it would be significantly reduced. The proposal would also extend the built development of Fillongley into the countryside which would conflict with the purpose of including land within the Green Belt. These matters would be harmful to the Green Belt and carry significant weight in my overall decision.
15. The proposal would be harmful to the openness of the Green Belt and would conflict with the purpose of including land within it. This brings the scheme into conflict with the environmental asset objective of Policy NW5 of the Core Strategy, and national Green Belt policy. Whilst the existing mature landscaping would contain the site, this would not mitigate the harm identified.

Other considerations

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
17. There is dispute between the main parties as to whether the Council can demonstrate a 5 year supply of deliverable housing sites. The Council have produced evidence that there was a 7.6 years supply of housing land in March 2015. I have not been provided with substantive evidence to cast doubt upon this figure, and accordingly I find that the Council's policies for the supply of housing are up-to-date.

18. Notwithstanding my findings above, the proposal would provide much needed affordable housing in a Borough which has identified the provision of affordable housing as one of its main priorities for the future. I have no reason to doubt the appellant's submission that the scheme can be delivered. I note that there are no technical objections to the scheme. These matters carry considerable weight in favour of the proposal. The proximity of the site to local services and facilities, including the recreation ground weighs in the scheme's favour, and attracts moderate weight in my overall decision.
19. The provision of 6 market houses would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of housing. However, given my findings above in respect of housing land supply, this number of dwellings could be constructed upon sites where there would be no conflict with development plan policies. Accordingly this matter only attracts limited weight in my decision.
20. I acknowledge that Paragraph 54 of the Framework supports local planning authorities considering whether to allow some market housing to facilitate the provision of significant additional affordable housing to meet local needs. However, there are currently no development plan policies to support this approach, nor is such an approach supported as an exception to new buildings in the Green Belt. Whilst noting that the appellant considers that the scheme would not be viable if the 6 units of market housing were not provided, I have not been provided with evidence to demonstrate this. I am therefore only able to attach limited weight to these matters.
21. There would clearly be economic benefits associated with the scheme, including the support future occupiers would give to local businesses and services. However this would be so regardless of where the new houses were built and thus this carries limited weight.
22. I do not doubt that the proposed scheme would be of a high quality design or that renewable energy features would be incorporated, which would make a positive contribution to the environmental and social roles of sustainability. Again, such benefits could be achieved regardless of where the housing was built and as such these matters are only neutral in my decision. I attach similar weight to the retention of mature trees/hedgerows and the proposed landscaping contributing to biodiversity on the site, as it is likely that the undeveloped nature of the site would have a similar effect.

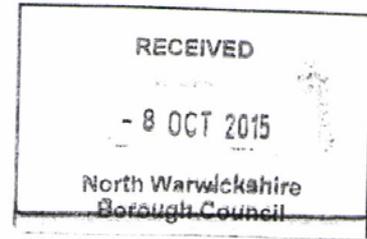
Conclusion

23. I have considered the matters cited in support of the proposal, including Officer support for the scheme. However, I conclude that even when taken together, these matters do not outweigh the totality of the harm to the Green Belt, which is the test they have to meet. Consequently very special circumstances do not exist to justify inappropriate development in the Green Belt. The release of a site within the countryside and the Green Belt for new housing is not justified in this case.
24. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

APPENDIX C.



21 September 2015

North Warwickshire Borough Council
Planning Development Control
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Ref: Planning Application PAP/2015/0585 Hilltop, Corley

I wish to register my rejection of this planning application on the following grounds:-

- a) There is an alternative site in Common Lane which planning has already granted to build 11 marketable homes on the brownfield site but required the Green Belt land to be returned to pasture usage. So the similarity between the Common Lane and Corley Nursery/Hilltop cannot be ignored, which should show that the Hilltop site application should be rejected.
- b) In the consideration for the Common Lane application It was acknowledged that the site was not appropriate for on-site affordable housing given the lack of locally accessible services and facilities, I cannot then understand how additional affordable housing at Hilltop can be any different.
- c) The Hilltop site is Green Belt land and has been used for pasture grazing, so any new development will have a considerable impact of the openness and thus the "integrity" of the Green Belt as previously is was a flat open field. The Government guidance in its National Planning Practice, clearly states that, "unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm, to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt".

If planning approval is granted for the Hilltop site then this surely will set a precedent as the Cassidy Group could apply to build affordable homes that have been identified as needed above the current 16, on any Green Belt land that carries a *presumption of refusal*.

Regards

(10) Application No: PAP/2015/0607

Land Adjacent To Fir Tree Paddock, Quarry Lane, Mancetter, CV9 2RD

Use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayroom, for

Mr William Gough

Introduction

The application is reported to the Planning and Development Board for determination under the Council's Adopted Scheme of Delegation at the discretion of the Assistant Chief Executive and Solicitor to the Council.

The Site

The application site lies to the north east of a vehicular access road leading from Quarry Lane and adjacent to the Coventry Canal. Formerly part of a larger nearby farm, the authorised use of the land is agriculture. Following the sale of the farm land, the area now comprises smaller parcels of land some of which are actively used as smallholdings. The neighbouring site to the north has an occupied static caravan.

The Proposal

The proposal is to change the use of the land edged red on the site location plan (copy attached at Appendix 1) for the stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayroom. The statement accompanying this planning application confirms that occupation of these caravans will be restricted to gypsies and travellers.

Background

Planning permission was granted at appeal under ref: PAP/2007/0730 for the change of use of the adjoining land to a residential gypsy caravan site for one gypsy/traveller family including the stationing of a caravan. This caravan is occupied. Appendix 1 depicts the location of this neighbouring site with a star (*).

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV13 (Building Design); ENV14 (Access Design) and TPT (Access and Sustainable Travel and Transport).

Other Relevant Material Considerations

The National Planning Policy Framework 2012

Planning Policy for Traveller Sites August 2015

The Gypsy, Traveller and Travelling Show people Accommodation Assessment: North Warwickshire and Nuneaton and Bedworth, June 2013

Consultations

Warwickshire County Council as Highway Authority – It has no objections to the proposal subject to the imposition of a condition requiring the existing access into the site for vehicles to be surfaced with a bound material for a distance of 20.0 metres.

Warwickshire Museum – It has no archaeological comments

Environmental Health Officer – He has no comments

Representations

Mancetter Parish Council – The Parish objects to the proposal as it considers that there is sufficient provision within the Parish of Mancetter for Gypsy/Traveller sites. They consider that the utility room is far too big to support the occupants of one mobile home and one caravan and would result in the over development of the site.

18 letters of objection from local residents relating to:

- The size of the amenity building proposed looks like a “nice retirement bungalow” and could easily be lived in as a separate house;
- Concerns regarding whether the applicants fit the Government’s description of a gypsy/traveller;
- Is there a need for a gypsy site?
- Why there is a need for this amenity building as surely this is contrary to the gypsy lifestyle.

Observations

The site lies outside the Development Boundary for Mancetter and so within an area of open countryside as defined within Policy NW2 in the Core Strategy 2014.

This proposal for additional gypsy and traveller pitches in the Borough needs to be assessed against a number of issues.

a) Need for Gypsy and Traveller Pitches

Policy NW7 (Gypsy and Travellers) in the Core Strategy allocates the number of pitches required for gypsy and travellers in the Borough. This Policy states that between 2011 and 2028, nine residential pitches will be provided within the Borough. None of these pitches have been allocated and so the Council does not have a 5 year land supply for Gypsy and Travellers. This is a material consideration of substantial weight in favour of the proposal.

Policy NW8 (Gypsy and Travellers Sites) provides a criteria based policy to assist with the provision of the sites required and for windfall sites to be assessed against. However this proposal for the change of use for the stationing of caravans has the potential to conflict with Policy NW8 (Gypsy and Travellers Sites) which states that site suitability will be assessed against a number of criteria including:

“The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range and of services and infrastructure, limited to a maximum number of 5 pitches per site.”

A condition specifying the maximum number of caravans is necessary to limit the scale of the development to the plans provided as limitations in the description of the development applied for are not enforceable. For the size of the site proposed and its location, it is recommended that not more than two pitches are provided on the site. As stated in Policies NW2 and NW8 residential development of this site would be treated as an exception site and so it is necessary that any permission granted is subject to a condition limiting occupancy to Gypsy and Travellers as defined in Government Guidance:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.

b) Site’s suitability as a Gypsy Site

Policy NW8 states that sites will be permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. This site is 1 km from the development boundary of Mancetter. This settlement is classed as a Category 1 Market Town settlement under Policy NW2. Approximately half of this distance involves walking along a private access track which is a public footpath. The remainder involves walking along Quarry Lane which does have a footpath for some of its length.

A further criterion in Policy NW8 is that the site is suitably located within a safe, reasonable walking distance of a public transport service, with access to a range of services including school and health services. As stated above, the development boundary of Mancetter is 1.0km away. There is public transport available in Mancetter with good links to Atherstone, Tamworth and Nuneaton.

The Planning Inspector handling the appeal case for the adjoining site has also found this site to be located within a sustainable location stating that the site is reasonably well located to Mancetter which contains a primary school, Church and some local shops including a post office and is adjacent to Atherstone. She further stated that Atherstone and Mancetter are one of the Main Towns where the majority of development, including housing growth will be directed. Although she acknowledged that the site is outside the development boundary limits, he considered that the location of the appeal site would be acceptable in principle and in the context of gypsy sites, a sustainable location.

It is considered that the site is located within a sustainable location in the context of the provision of gypsy sites. This is a material consideration of significant weight.

c) Highway Safety

Saved Policy TPT3 (Access and Sustainable Travel and Transport) in the North Warwickshire Local Plan 2006 requires that development will not be permitted unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation. The use of Quarry Lane by up to 2 towing vehicles plus other vehicles has been assessed by Warwickshire County Council as Highways Authority. It has no objections to the use of this shared access. However, it is concerned that the shared access is still in a poor condition with multiple potholes and material being transferred from

the access on to the public highway. As such it requires improvements to the vehicular access into the site.

As a consequence it is considered that the access on to the public highway along with the road network in the vicinity can accommodate this additional traffic generated by this proposed change of use.

d) Impact on the setting of the open countryside

Policy NW13 (Natural Environment) states that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced. A utility building is proposed measuring some 40 square metres and a cubic content of some 90 cubic metres. The building will be a brick and tile structure. In his justification for this building, the applicant's agent makes reference to the Good Practice Guide produced in 2008 for Designing Gypsy and Traveller Sites which has now been withdrawn. Paragraph 4.4 from this Guide is quoted which makes reference to a utility building on a pitch. Paragraphs 7.17 – 7.26 go on to describe the essential facilities within these utility buildings and Annex B.6 gives an example of a pair of amenity buildings on a permanent site. The Government Document entitled "Planning policy for traveller sites" August 2015 is silent on the need to provide amenity buildings on sites.

If this amenity building proposed is to be shared between the caravans proposed on this site then its size is more in keeping with the pair of amenity buildings shown in the withdrawn Good Practice Guide.

Although Drawing Number 15_711_GOUG2 received on 23 September 2015 shows the land beyond the proposed hardstanding proposed to be used as residential garden, this plan is incorrect as the site location plan submitted does not show this land within the proposed change of use boundary. This land will remain as agricultural land. This is consistent with the appeal decision for the adjoining land whereby the Inspector stated that an amended site plan was submitted at the hearing which indicated a reduced red-edged site area.

A condition can be added to any consent granted to reiterate that this land falls outside of the boundary for this change of use permission and so remains as agricultural land.

e) Impact on neighbouring properties

Policy NW10 (Development Considerations) states that development should avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution. The development site adjoins a residential caravan. It is not considered that the development proposed will have unacceptable impacts upon neighbouring amenities.

Conclusions

Based on the above it is considered that this site will provide two of the pitches required under Policy NW7 (Gypsy and Travellers) and will meet the criteria as laid out in Policy NW8 (Gypsy and Travellers Sites) for the provision of these sites. Planning conditions can be imposed to ensure that only two pitches are provided on the site, that the vehicular access can be improved and the land beyond this site boundary remains within an agricultural use.

Recommendation

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

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

- 2) The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan numbered 15_711_001 received by the Local Planning Authority on 23 September 2015 and the plans numbered 15_711_003 and 15_711_004 received by the Local Planning Authority on 23 September 2015.

REASON

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

- 3) The site shall not be occupied by any persons other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such as defined in adopted Government Guidance.

REASON

In view of the need to provide sites within the Borough to be occupied exclusively by gypsies and travellers travelling together as such as defined in adopted Government Guidance.

- 4) The residential use hereby permitted shall be restricted to a maximum number of two pitches each comprising no more than one mobile home and one touring caravan at any one time.

REASON

In recognition of the limitations of the site to accommodate further residential caravans.

- 5) Notwithstanding the detail on approved Drawing No: 15_711_003 received on 23 September 2015, the area of land the subject of this change of use permission is that restricted to the hardstanding area only as shown within the red line boundary on the approved Site Location plan No: 15_711_001 received on 23 September 2015. The land beyond this red line boundary remains as agricultural land.

REASON

In the interests of preserving the setting of the countryside in this location.

6) No development shall be commenced before details of the:-

- (a) facing bricks and roofing tiles
- (b) wall cladding
- (c) surfacing materials

to be used have been submitted to and approved by the Local Planning Authority in writing.

Only the approved materials shall then be used.

REASON

In the interests of the amenities of the area.

7) Prior to commencement of the development hereby permitted, the existing access to the site for vehicles shall be surfaced with a bound material for a distance of 20.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of highway safety and to ensure a safe and satisfactory means of access in accordance with current design standards.

8) Prior to any development commencing, a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development shall be submitted to and approved in writing by the local planning authority.

REASON

In the interests of preserving this countryside setting.

9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravan; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

REASON

In the interests of preserving this countryside setting.

10) No commercial activities shall take place on the land ,including the storage of materials

REASON

In the interests of preserving this countryside setting.

Notes

1. In dealing with this application, the local planning authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
2. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
3. Condition number 7 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: 01926 412515. 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. 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.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

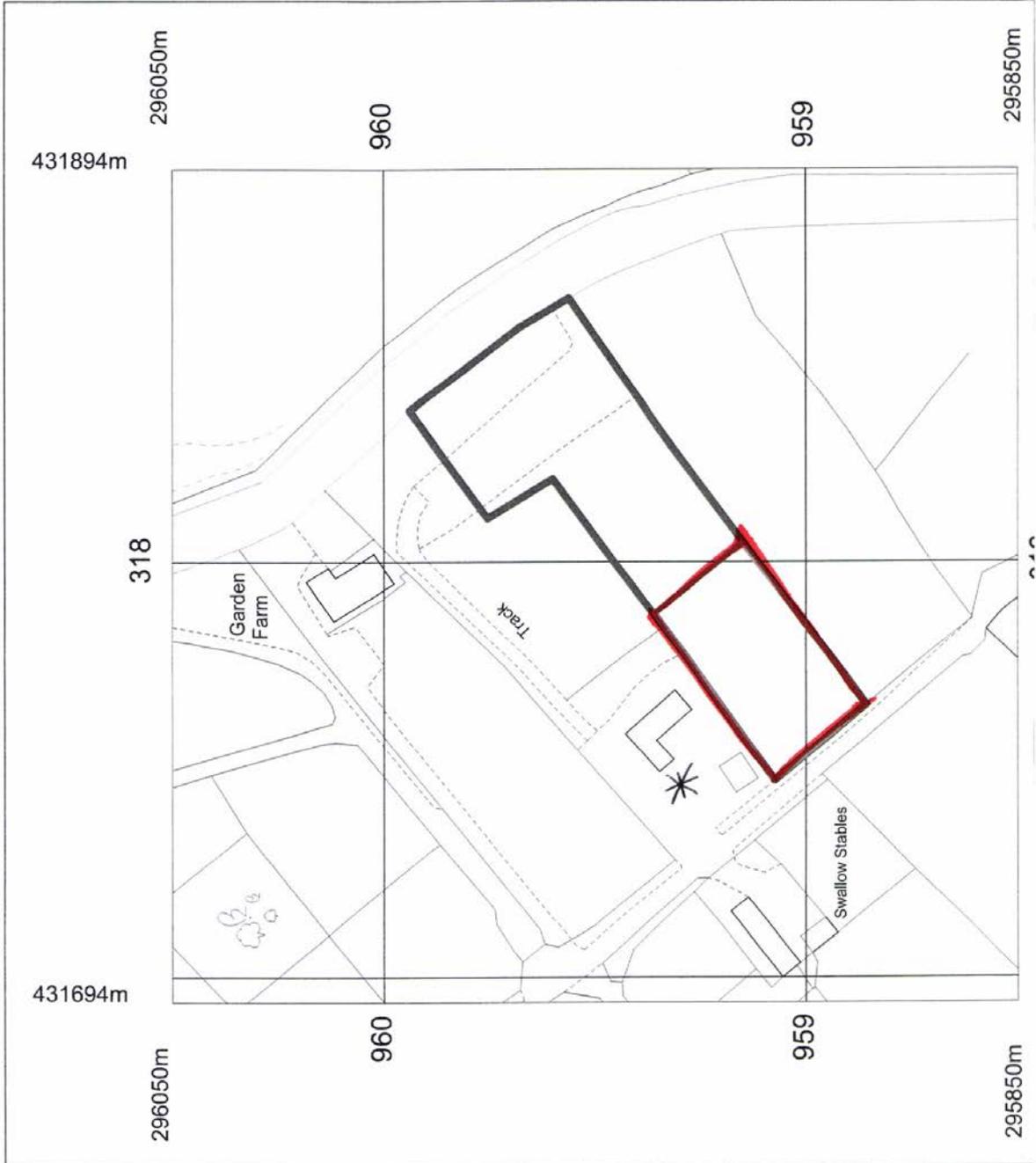
Planning Application No: PAP/2015/0607

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement	23/9/15
2	S. Wilkinson	Letter to Agent	5/10/15
3	Mancetter Parish Council	Objection	9/10/15
4	Environmental Health Officer	Consultation response	6/10/15
5	D. Messenger	Objection	15/10/15
6	B. Matthewson	Objection	15/10/15
7	S. Ford	Objection	15/10/15
8	E. Carr	Objection	15/10/15
9	C. Blakeman	Objection	15/10/15
10	J. Helps	Objection	15/10/15
11	A Richards	Objection	15/10/15
12	J. Smith	Objection	16/10/15
13	A Boland	Objection	16/10/15
14	S. Barlow	Objection	16/10/15
15	D. Wykes	Objection	16/10/15
16	Applicant's Agent	Letter	8/10/15
17	Highways Authority	Consultation response	15/10/15
18	Arragon Group	Objection	26/10/15
19	A Evans	Objection	21/10/15
20	S Harrison	Objection	19/10/15
21	Warwickshire Fire and Rescue	Consultation response	22/10/15
22	P. Clark	Objection	7/11/15
23	Warwickshire Museums	Consultation response	6/11/15
24	S. Wilkinson	Letter to Agent	5/11/15
25	T Hanks	Objection	19/11/15
26	A Rothen	Objection	1/11/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix 1



(11) Application No: PAP/2015/0614

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB

Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures, for

Mr Scott Newhouse - Blue Planet Solar

Introduction

The receipt of this application was referred to the Board at its November meeting and it was resolved that the site be visited prior to determination.

A copy of the previous report is attached at Appendix A for convenience. The site visit has been organised, but will take place after publication of the agenda for this December Board meeting and thus a record of that visit will have to be circulated at the meeting itself.

Additional Information

Since the last report there have been three additional matters which Members should be aware of.

The first is that a supplementary appraisal was prepared in respect of the potential visual and landscape impact arising from the proposed development using the end of the roads at Hill Top and Manor Close in Baddesley Ensor as the “receptor” locations together with the public footpath that runs from here to Lower House Lane. This concludes that, “the proposed solar panels in Field 3 would be partially visible from these locations, surrounded by trees. The scale of visual effect is assessed as low to low/medium. The geographic extent would be low/medium and the duration of the effect would be long term”. The overall level of visual effect is considered to be minor”.

The supplementary report is at Appendix B

The second relates to the prospect of a Community Trust. The applicant has confirmed that the applicant aims to set up a trust or a share-buying scheme by which the community would benefit directly from the proposal. This is similar it is said to other schemes that they have undertaken.

The third relates to an amended plan. This was submitted to take account of the Warwickshire Footpaths Section. There is no material change to the overall layout or appearance of the proposal. The amendment just retains the definitive line of public paths through the site. Appendix C is a copy of this amended plan.

Representations

Four letters of objection have been received. The matters referred to include:

- The industrialisation of this part of North Warwickshire
- Impact on the setting of heritage impacts
- Alteration in the character of the immediate area
- This will not enhance or protect the landscape character
- Noise and Construction traffic
- The site has been land-filled in the past

- Panels should be placed on the rooves of the industrial buildings
- Detrimental Visual impact
- Potential for Birch Coppice to spread

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions

Warwickshire County Council as Lead Flood Authority – No Objection

Warwickshire County Council Public Rights of Way – No objection

Warwickshire Police – No objection subject to standard advice

Birmingham Airport – No comments received

Environmental Health Officer – No objection subject to conditions

Warwickshire Museum – Objection as the scheme is not supported by a proper and detailed assessment of the extent of any archaeology deposits which could be threatened by the proposal.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW 13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Nature Conservation) and NW17 (Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 10 (Agriculture and the Rural Economy): ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON8 (Farm Diversification), TPT1 (Transport Considerations) and TPT2 (Traffic Management)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

National Planning Practice Guidance 2014 – (the “NPPG”)

Meeting the Energy Challenge White Paper 2007

The UK Renewable Energy Strategy 2009

UK Solar PV Strategy

Government’s Written Statement 2015

Observations

a) Introduction

The site is not in the Green Belt.

Planning policy in respect or renewable energy projects is found in the Development Plan and the National Planning Policy Framework. The latter supports “the transition to a low carbon future” and the “encouragement of the use of renewable resources” as guiding principles. It also says that “small scale projects provide a valuable contribution to cutting

greenhouse emissions". The National Planning Policy Framework therefore concludes that Local Planning Authorities should have a positive strategy to promote energy from renewable sources and "approve applications if their impacts are or can be made acceptable". The relevant policy in the Core Strategy is NW11 which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular they will need to be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy". This reflects the approach of the National Planning Policy Framework where it says that, "when determining applications, local planning authorities should approve the application if its impacts are acceptable unless material planning considerations indicate otherwise. The Government's NPPG on renewable energy projects again reflects this approach. In general terms this reiterates the commitment to increasing the amount of energy from renewable technologies. In respect of solar farms the guidance identifies a number of factors which will need to be assessed. These include whether the land is green field or brown field; the agricultural grading of the land, bio-diversity impacts, the effect of glint and glare, the need for additional infrastructure, the visual impact, the effect on landscape character together with the impacts on heritage assets.

The common theme running through these documents is that the presumption is in favour of the grant of planning permission unless the impacts are so significant that they cannot be mitigated or made acceptable through design or planning conditions. This therefore is the starting point for the assessment of this application.

It is proposed to deal with all of the matters raised by the NPPG. The most significant matters in respect of this particular case are those relating to visual impacts; the impact on landscape character and thirdly on heritage assets. Before addressing these, a number of other matters will be dealt with.

b) Agricultural Land

It is agreed with the applicant that this land is Grade 3b. As such there is no harm arising from consideration of this particular issue. The land will be put to pasture thus enabling some agricultural use. Members will also be aware that the proposal is reversible and time limited to 25 years.

c) Drainage

Given the advice of the Local Lead Flooding Authority there is no objection here in principle.

d) Bio-Diversity

There is no evidence submitted in rebuttal of the conclusions found in the applicant's own ecological survey which recommends that there is a good opportunity here to enhance bio-diversity within and around the site – the peripheral zones; the additional tree planting, the introduction of pasture and the installation of nesting boxes. Suitable conditions, including a further badger survey can protect the management of existing flora and fauna. There is no material adverse impact here.

e) Construction

The Environmental Health Officer has not raised any issues in respect of the construction management plan. This was to be expected given the temporary nature of the construction period (11 to 12 weeks); the limited amount of work and the nature of that work to be undertaken.

f) Access Arrangements

The Highway Authority has not raised objection whether the proposal is operational or during the construction period. Suitable conditions are recommended including the need for temporary signalisation during construction.

g) Noise, Glint and Glare

The Environmental Health Officer raised concern about the proximity of one of the sub-stations to an existing residential property. This can be resolved through an appropriately worded condition. It is noteworthy that he has raised no issue in respect of glint and glare.

h) Residential Amenity

There are few residential properties directly affected by the proposed development. However there are two that adjoin the site – Cope’s Rough and Stone Cottage – and a third that is on the opposite side of the road – Baddesley Farm. All occupiers have objected to the proposals. Additionally residents at the end of the culs-de-sac in Hill Top and Manor Close at Baddesley were included in the applicant’s appraisal. An objection has been received from one of these occupiers too.

These objections cover a number of issues as outlined above and these are dealt with in the various sections here. Their main objection is considered to be the visual impact on the outlook from their properties. This will be explored further in the subsequent section. It is considered that other harm to residential amenity through noise, pollution or overshadowing would be limited.

i) Landscape Character

Dealing first with the likely impact on landscape character then it is agreed that the site lies in the “Tamworth –Urban Fringe Uplands” landscape character area as defined by the North Warwickshire Landscape Character Assessment. As such the base-line against which to assess impact are the key characteristics defined in this Assessment for this area. This is best summarised as “an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy road and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizons to the south.” Attention is drawn to the mining legacy with remnant restored spoil heaps, referring to the one at Birch Coppice described as being “particularly large and a visual detractor within the local area, the base of which is now encircled by large modern industrial units”. Although farmland makes up a significant proportion of the landscape, much of this land has “a run-down character, with gappy, poorly managed hedgerows”. Tree cover is low but there are woodland blocks to the south. In overall terms it is agreed with the applicant that the value of the landscape here is of “local” significance.

It is first necessary to ask whether or not the landscape character as defined above would be altered as a consequence of this proposal – in other words could it be accommodated without changing that character. It is considered that there are factors that suggest that it could. These are the low height of the arrays; retention of the existing field pattern, ground levels and surrounding hedgerows and enhancement with additional planting. Moreover the slope of the land is towards the south within a small valley with surrounding higher land. Whilst the site itself is 11 hectares (28 acres) in extent, it still would be a small element within the overall landscape area and the development is reversible. However there is one factor that suggests that the proposal would affect the overall landscape character – and this

is the cumulative impact of this proposal together with the other non-agricultural elements on the character of this urban fringe landscape. The character description refers to “an indistinct and fragmented landscape” with “fields and pockets” of pastoral land. It is considered that this proposal would be a further step in fragmenting that landscape even further resulting in there being less pastoral land and a greater proportion of urbanising influences. It would thus add to its “indistinctiveness” whereas Development Plan policy is to set to enhance and protect local distinctiveness – NW13 of the Core Strategy. Of particular weight in coming to this conclusion are the adjoining Birch Coppice estate and the significance of the former colliery line in providing a very firm visual and physical boundary between urban and rural landscape characteristics. It is thus considered that for these reasons the cumulative impact of the proposal carries greater weight than the mitigating matters raised earlier in this paragraph. It is considered that there would be harm to the landscape character hereabouts and that that harm would be moderate.

j) Visual Amenity

As with the landscape character issue it is agreed that visual amenity impacts would be local in extent. Both the amenity of residents and visitors travelling past the site will need to be addressed. There would be a negligible impact on drivers using the Birch Coppice estate roads as they are already within an urban environment. There would be a low impact on motorists using Lower House Lane due to intervening hedgerows and trees; additional planting and the transitory nature of the impact. Pedestrians using the public footpaths over the site and from the one extending down from Hill Top in Baddesley would experience high adverse impacts because the proposal would be clearly visible as the paths adjoin or pass through the development. Regardless of the proximity of the Birch Coppice buildings, this would be an immediate and additional adverse impact even though it would be transitory.

In terms of residents then the closest panels in the direct line of sight from Cope’s Rough Lodge would be some 70 metres distant. When the surrounding hedgerows are grown to three metres then there should be no view from ground level windows but first floor windows would overlook the site but intervening trees would lessen any impacts. Overall there is considered to be a moderate impact here. Stone Cottage is to the south of the site and there is hedgerow and tree screening. However there would be moderate adverse impacts from the property’s side windows. Baddesley Farm is on the opposite side of the road and higher windows would overlook the site. There would be moderate adverse impact. Overall therefore there would be moderate adverse impacts. All of these impacts would be long term although allowing peripheral planting to grow taller would mitigate them.

The residential properties at the far western end of Hill Top and Manor Close in Baddesley will have partial and limited views of the far northern section of the proposed site. Given the very wide panoramas already visible from these locations, the additional impact of the development would be limited and proportionally would not amount to a material increase in the urbanising features within that wide landscape.

In planning terms Members will be aware that there is no provision to protect private views or outlooks – this is why there is no such reference in Policy NW10 of the Core Strategy. Appeal decisions provide a useful indicator here and recent cases suggest that the visual impacts of new development on the outlook from a private property should be “overwhelming to the degree that a property would become widely regarded as an unattractive and unsatisfactory place to live” in order to give rise to a refusal. This is the “test” that is likely to be applied here if there is an appeal. It is suggested that this situation would not arise here.

k) Heritage Impacts

There are no designated heritage assets in the site. There are three Grade 2 Listed Buildings close by – Stone Cottage and an associated outbuilding together with Baddesley Farm. There are no other designated heritage assets within a kilometre of the site's boundaries.

The applicant's submitted evidence suggests that there may be a low likelihood of archaeological interest here. However the response from the Warwickshire Museum suggests that this evidence has not been thoroughly based on a full assessment as there has been no site evaluation. It thus raises an objection until further analysis is undertaken. As a consequence this objection would align with the approach taken in saved policy ENV16 of the Local Plan. Without the more detailed evidence available it is not possible to assess the impact of the proposal on the potential heritage of the area in respect of its archaeological interest. There is thus non-compliance with the NPPF.

The remit of the Council in assessing the impact here on the listed buildings is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. In all three cases here it is considered that the material issue is to assess the impact of the development on the setting of the buildings.

Stone Cottage is a mid to late 18th Century stone building formerly divided into two, reflecting both internal and external contemporaneous characteristics. The outbuilding is late 18th Century. Their heritage significance derives from this physical fabric evidential of the vernacular style of the time; their grouping and their historic value as being remnants of the rural economy. The cottage is surrounded by gardens enclosed by mature trees and hedgerows. This provides a strongly defined immediate setting contributing to its significance. The wider agricultural land surrounding this curtilage – that containing the application site - was once part of the same landholding in the late-18th and mid-19th Centuries. The building's wider setting therefore does contribute to its significance. The proposed development is unlikely to adversely impact on the principal factors contributing to this overall significance – the architectural detail; the grouping, the strong road facing principal elevations and the strongly defined immediate curtilage. However there would be limited harm to the wider setting removing the agricultural characteristic of the location.

Baddesley farmhouse is believed to be 17th Century but it was re-faced and extended in the 18th Century. There are contemporaneous internal and external architectural features. Its principal significance is thus as a vernacular farmhouse illustrating its historic and architectural interest. The farmhouse is within a working farm complex and this together with an enclosed garden contributes to its overall setting and thus its significance. The wider area includes agricultural land maintaining a link to the farmhouse and thus is historic significance. However there is no historic link to the land on the other side of the road. The proposed development is unlikely to adversely impact on the principal factors contributing to the significance of the asset itself nor on the immediate setting. However there would be limited harm to the wider setting removing the agricultural characteristic of the location.

As a consequence of these assessments it is considered that the overall level of harm to these existing heritage assets would be moderate. Whilst Stone Cottage and Baddesley Farmhouse would each experience limited harm, it is considered that the cumulative impact would be greater. This is because of the proximity of the two assets to each other and their similar architectural and historic characteristics. In particular it is their shared setting of the wider agricultural surrounding land that adds more weight here.

Additionally there is the objection raised by the Museum leading to a refusal reason.

I) Conclusions

The introduction pointed out that both the NPPF and the Development Plan support renewable energy projects in principle, provided that there is no overall significant harm caused. The assessment of the various factors above, points to there being moderate harm to landscape character; visual amenity and to the setting of heritage assets. The issue for the Board is thus to see whether the combination of these impacts is of sufficient weight to override that support.

In this case it is considered on balance that it is. Development Plan policy NW13 requires the quality, character, diversity and local distinctiveness of the natural environment to be protected and enhanced. Policy NW11 says that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular it is the individual and cumulative impacts that will need to be considered. The combination of the impacts here does not achieve these objectives. In particular it is the fact that the proposal here oversteps a significant visual and physical marker in the landscape character of the area – the former railway line. This provides an evident boundary between the urban features found on its northern side and the rural features on its southern side. The development would in the language of the landscape character assessment, further fragment this area and significantly increase the proportion of urbanisation in this urban fringe area. This is supplemented by the consequential visual amenity impacts on the most immediate residential occupiers and the wider agricultural setting of two heritage assets. The Council is already acting to define the Meaningful Gap between Tamworth and Polesworth and Dordon as required by Development Plan policy NW19. It is not suggested that this site is in that Gap, but that issue raises the role of the Council in maintaining the balance between new urban development; the retention of settlement identity and the protection of the rural character particularly along an urban fringe.

Moreover the objection from the Museum and the uncertainty about the impact on archaeological assets is supported by Development Plan policy.

Recommendation

That planning permission be **REFUSED** for the following reasons:

1. “Notwithstanding the support given in the Development Plan for renewable energy projects and the likelihood of a Community Trust in this case, it is considered that the greater public benefit in the Council’s view is the protection of the landscape character in this particular area of the Borough. The proposed development is considered to have moderate harm to landscape character; visual amenity and to the setting of heritage assets, which when combined have sufficient weight to override the support referred to above. As a consequence the proposal does not accord with Policies NW11 and NW13 of the North Warwickshire Core Strategy 2014”
2. “The proposed development is not supported by a thorough archaeological site evaluation which would enable a detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened to be considered and thus allow a full assessment to be made of the impact of the development. This approach is supported by saved policy ENV16 of the North Warwickshire Local Plan 2006; Policy NW14 of the Core Strategy 2014 and the National Planning Policy Framework”.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0614

Background Paper No	Author	Nature of Background Paper	Date
1	Mr McCabe	Objection	18/10/15
2	Mr and Mrs Roberts	Objection	17/10/15
3	D Snow	Objection	30/10/15
4	Mr Cole	Objection	21/10/15
5	Warwickshire Museum	Consultation	19/10/15
6	Case Officer	E-mail	20/10/15
7	Applicant	E-mail	23/10/15
8	Warwickshire Police	Consultation	28/10/15
9	Warwickshire Rights of Way	Consultation	28/10/15
10	Warwickshire County Council Highways	Consultation	30/10/15
11	Environmental Health Officer	Consultation	16/10/15
12	Environmental Health Officer	Consultation	3/11/15
13	Warwickshire Museum	Consultation	6/11/15
14	Case Officer	Letter	10/11/15
15	Applicant	E-mail	11/11/15
16	Applicant	Amended plans	5/11/15
17	Applicant	E-mail	17/11/16
18	Warwickshire County Council (Flooding)	Consultation	23/11/15
19	Warwickshire Museum	Consultation	24/11/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

(13) Application No: PAP/2015/0614

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB

Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures, for

Mr Scott Newhouse - Blue Planet Solar

Introduction

This application is reported to the Board for information at this time. A further determination report will be produced in due course. This current report will describe the proposals and identify the relevant Development Plan policies applicable to the application.

The Site

This amounts to 12.45 hectares of agricultural land to the south of the former Baxterley Colliery rail line beyond the current Birch Coppice Business Park and west of Lower House Lane. Wood End is some 900 metres to the west. Fields Farm and Baddesley Farm are located on the other side of Lower House Lane. There is scattered residential property to the south – noticeably Cope's Rough which adjoins the site to the south-west, the Wood End Leisure Park and Stone Cottage to the south-east. Beyond this there are large woodland areas. The far western end of Baddesley Ensor – Hill Top and Manor Close - is further to the east and on higher ground than the application site.

The site has a distinct slope running south to north with a height difference of around 25 metres.

There are public footpaths crossing the site – the AE59 and AE60 – which run essentially east/west through the whole site and a further one skirts the eastern boundary – the AE58.

The site is illustrated at Appendix A.

The Proposals

This is a proposal for a solar farm to generate renewable electricity for a period of 25 years. The ground mounted panels would have an electrical output of around 4MW along with associated infrastructure, landscaping and ancillary structures. It is said that this would provide annual power for around 1216 residential properties. The associated development includes power inverter stations, transformer stations, security fencing and associated access gates. Gravelled roads are also proposed within the development for access and maintenance.

The panel layout would run east/west across the whole site. The arrays are ground mounted and would be around 0.7 to 2.4 metres high so as to give a 25 degree angle to maximise solar gain. The arrays would be blue/black matt coloured and treated with a coating to minimise solar glare. They would be 8.5 metres apart. Three inverter/transformer buildings would be located throughout the site – each being a pre-cast concrete building, 5 by 3 by 3 metres tall. The substation would be at the far south western corner of the site – 6 by 2.4 by 3.5 metres tall. The development would link to the National Grid to the south of the site via an underground connection.

A deer fence of two metres in height would be erected around the perimeter and be supported on wooden poles. Gaps will be retained for the movement of animals. CCTV cameras would be pole mounted at regular intervals along this fence.

A Landscape and Bio-Diversity Plan has also been prepared to ensure that existing vegetation and new planting is managed appropriately. Existing trees are to be coppiced in order to reduce over-shadowing and the main features of the proposals include retention of existing hedgerows at three metres in height; additional trees to be added to hedgerows where appropriate, wildflower and grass sward planting in the fields and the addition of bat boxes, habitat piles and pond management.

A temporary construction compound is to be located in the far south western corner with direct access onto Lower House Lane. Construction is likely through an 11/12 week period and HGV deliveries are estimated to amount to some 125 movements in that time.

The proposed arrangements as set out above are shown at Appendix B.

A cross section through the site is shown at Appendix C

There are several supporting documents that accompany the application.

The Transport Assessment says that construction will take around 11 or 12 weeks with a start being made in the Spring of 2016. The development would be completed in one phase. The assessment indicates a likely 125 deliveries in that period – 250 actual movements – with a frequency of around three or four a day. Smaller and lighter vehicles would amount to some ten movements a day. All access to the construction compound would be via an upgraded existing field gate access onto Lower House Lane and the routes taken would be to the north to the A5. A wheel wash would be provided.

An Arboricultural report says that trees are largely limited to the northern boundary of the site alongside the railway line embankment with others as individual specimens around the perimeter or within the hedgerows in the site itself – eighteen in total together with nine other small groups of trees and eight lengths of hedgerows. The trees do “shade” the panels and if the maximum capability of the site is to be achieved, the eighteen individual trees would have to be removed. Hedgerows are around 2 metres tall and would not affect overall capability if kept at this height.

An Agricultural Land Classification Assessment concludes that due to the soil structure and texture the site is Grade 3b. This is described as moderate quality land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range such as grass which can then be grazed.

A Habitat Survey concludes that the site is characterised by arable land, poor semi-improved grassland bordered by ditches, hedgerows and woodland with a single pond. The report concludes that the proposed development would be unlikely to have any adverse impacts on a nearby SSSI – Kingsbury Wood 1.8 km away – or on the nine Local Wildlife Sites around the site. Retention of as many of the hedgerows and trees is recommended together with enhancements such as nesting boxes and bat boxes. A pre-commencement badger survey is recommended and mitigation measures installed. The bio-diversity enhancements proposed in the perimeter corridors will be a positive step.

A Heritage Statement concludes that the development proposals will have no physical impact on any known heritage assets. There is a low-level of prehistoric activity in the local landscape and no specific evidence suggests that the site is thus affected. Roman activity is likely to be concentrated to the north. The site appears to have formed part of the agricultural hinterland of the surrounding farmsteads and village settlements of the medieval period. There is evidence of ridge and furrow from photographs but on-site work suggests that modern plough work has removed these features. The hedgerows may well represent historic boundaries and thus should be retained. There are three Grade 2 Listed Buildings within a kilometre of the site – Stone Cottage; Stone Cottage outbuildings and Baddesley Farmhouse - but none would be adversely affected with only small levels of harm to their setting.

A Landscape and Visual Assessment states that the site is in the “Tamworth – Urban Fringe Farmlands” designation as defined by the North Warwickshire Landscape Character Assessment. This is described as being an undulating landform with predominantly open arable land part of a fragmented landscape comprising a complex mix of agricultural, industrial and urban fringe land uses, heavily influenced by the adjoining settlements and highway network. Views are said to be generally “internal” contained within the wider landscape by peripheral settlements, woodland and landform. It concludes that the overall effect on the existing landscape would be adverse but to a minor degree; the effects of new planting, both for trees and hedgerows would be beneficial with the overall effect on the character of the landscape as being adverse but to a minor degree. In terms of visual impact then publically accessible views from the footpaths would be heavily affected but would be transitory and of moderate impact in longer terms views. Impacts from the surrounding scatter of residential property is said to be adverse but only to a moderate degree.

A Planning Statement incorporates a Design and Access Statement. This sets out the planning policy background identifying Saved Policies of the 2006 Local Plan and the 2014 Core Strategy. Attention is also drawn to the relevant sections of The National Planning Policy Framework and to the same in the National Planning Practice Guidance. Specific Guidance on Solar PV projects is also referenced. The overall conclusion is that the development would bring significant benefit outweighing any harm.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Nature Conservation), NW17 (Regeneration),

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 10 (Agriculture and the Rural Economy); ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON8 (Farm Diversification), TPT1 (Transport Considerations), TPT2 (Traffic Management).

Other Material Planning Considerations

The National Planning Policy Framework 2012

The National Planning Practice Guidance 2014

Meeting the Energy Challenge White Paper 2007

The UK Renewable Energy Strategy 2009

UK Solar PV Strategy

Government's Written Statement 2015

Observations

As with other such projects Members will have to balance the likely harm created by this proposed development on a number of factors against the general support that is outlined in a number of material planning considerations specifically related to renewable energy projects and for solar projects in particular. The future report to the Board will address that balance. In the interim it is strongly recommended that the Board undertakes a site visit to and around the site in order that Members have a better understanding of the development and how it might impact visually and on the character of the local landscape.

Recommendation

That Members visit the site and its surroundings.

BACKGROUND PAPERS

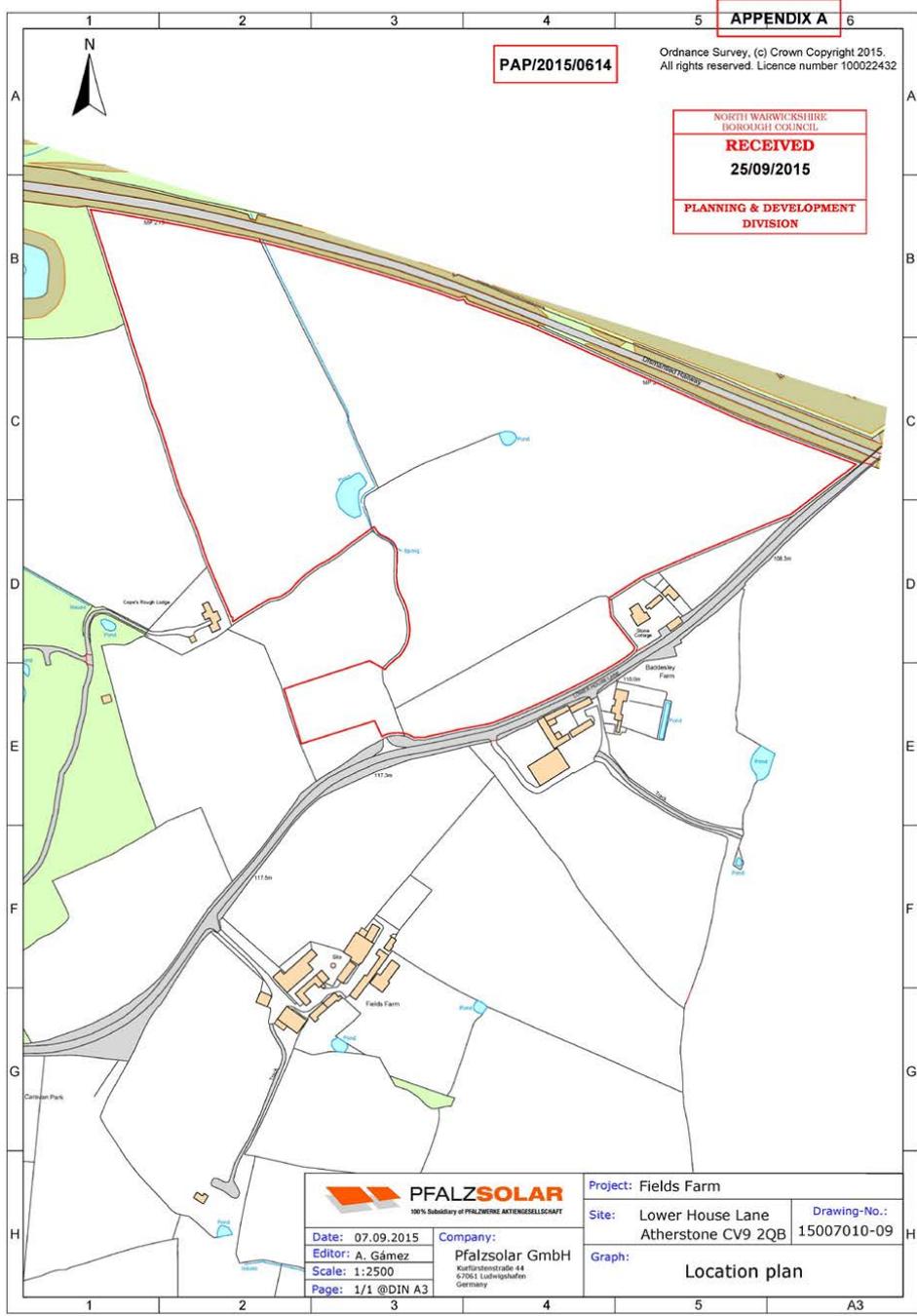
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0614

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/10/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.





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APPENDIX B

PAP/2015/0614

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

11/11/2015

**PLANNING & DEVELOPMENT
DIVISION**

**PROPOSED SOLAR FARM AT
FIELDS FARM, LOWER HOUSE LANE
BADDESLEY ENSOR, WARWICKSHIRE**

**LANDSCAPE & VISUAL IMPACT APPRAISAL
ADDENDUM**

Prepared for:

Blue Planet Solar

Prepared by:

Allan Moss Associates Ltd
Culmeyre House
Holmer Lane
Telford
TF3 1QJ

October 2015

1.0 ADDITIONAL VISUAL RECEPTORS

- 1.1 North Warwickshire Council's Case Officer has made a request for additional visual receptors to be assessed on the western edge of Baddesley Ensor at Hill Top/Manor Close.
- 1.2 There are approximately 7 or 8 dwellings at Hill Top/Manor Close with potential middle distance views of Field 3. These properties are approximately 850-920m away from the application site at an elevation of 130m AOD.
- 1.3 In addition there is a public footpath that runs from Hill Top to Lower House Lane with a similar view.
- 1.4 The Visual Receptor Plan (Appendix 1) has been updated to include these receptors. The view from the footpath is illustrated in Photograph 11 (Appendix 2).

2.0 VISUAL IMPACT ASSESSMENT

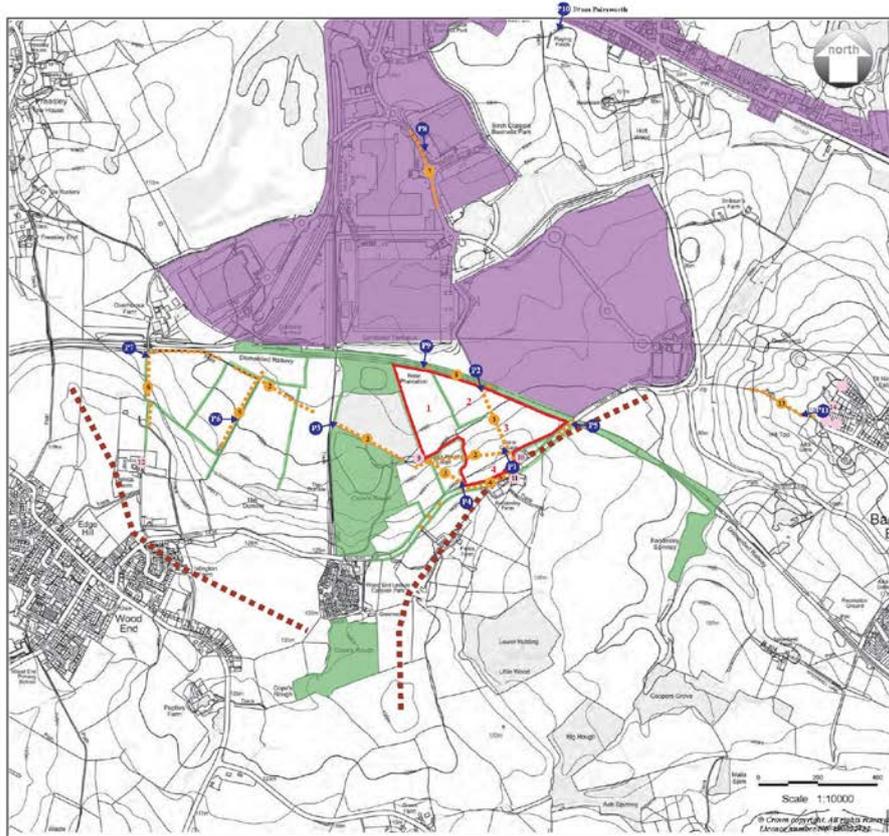
- 2.1 An addendum to the Summary of Assessment of Visual Effects (Table 17) has been provided below summarizing the visual impact assessment for these additional receptors.
- 2.2 The users of the public footpath have been assessed as having Medium/High susceptibility to change in the same way that the other footpaths were assessed. The occupants of residential properties at Hill Top/Manor Close have been assessed as having Medium susceptibility on the basis that these are properties on the edge of an existing urban area. In both cases the value of the views are of Local Level value.
- 2.3 The proposed solar panels in Field 3 would be partially visible from both these receptor locations, surrounded by trees. The scale of visual effect is assessed as Low to Low/Medium. The geographical extent would be Low/Medium and the duration of effect would be Long Term in both cases.
- 2.4 The overall level of visual effect is considered to be Minor adverse in both cases.

**Allan Moss BA (Hons), BPI, MRTPI, Dip LA, CMLI
October 2015**

Table 17 (Addendum): Summary of Assessment of Visual Effects							
Effect	Sensitivity of Visual Receptor		Magnitude of Visual Effect			Level of Visual Effect	
	Visual Amenity Value	Visual Receptor Susceptibility	Scale of Visual Effect	Geographical Extent	Duration & Reversibility		
Ref	Public Views:						
13	Footpath from Hill Top to Lower House Lane Walkers	Local	Medium/High	Low to Low/Medium adverse	Low/Medium	Long Term	Minor adverse
	Private views:						
14	Dwellings at Hill Top/Manor Close Residents/visitors	Local	Medium	Low to Low/Medium adverse	Low/Medium	Long Term	Minor adverse

APPENDIX 1

Visual Receptor Plan Rev A



KEY:

- Site Location
- Local ridgelines
- Important woodlands and hedgerows
- Major built development
- Photograph Locations
- Public locations with potential views of site:
 1. Footpath AE58
 2. Footpath AE59
 3. Footpath AE60
 4. Lower House Lane
 5. Footpath AE68
 6. Footpath AE67
 7. Danny Morson Way
 8. Dismal Railway
 13. Footpath from Hill Top to Lower House Lane
- Private dwellings with potential views of site:
 9. Cape's Rough Lodge
 10. Stone Cottage
 11. Baddesley Farm
 12. Delves Farm
 14. Dwellings at Hill Top Manor Close

Job: **Proposed Solar Farm at Fields Farm, Lower House Lane Baddesley Ensor, Warwickshire**

Title: **Visual Receptor Plan**

Scale: **1:10,000** Date: **Oct 2015**

Drawing No: **1460.02** Rev: **A**

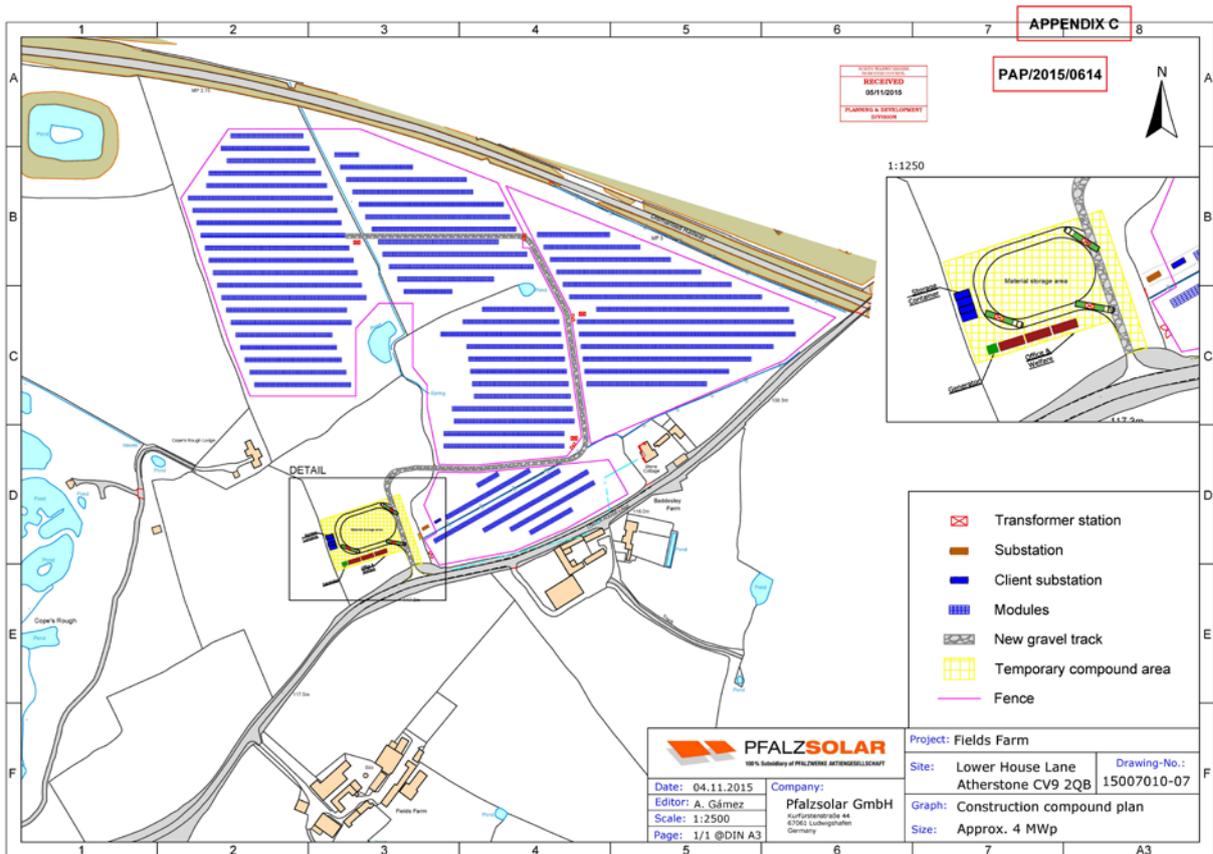
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APPENDIX 2

Photograph 11



Photograph 11: View from footpath from Hill Top to Lower House Lane looking westwards.



(12) Applications PAP/2015/0631 and 0645

Blackberry Barn, Coleshill Road, Maxstoke

Retrospective planning and listed building applications for the change of use of stables to storage use ancillary to the main dwelling house and site access wall for

Mrs Z Miller

Introduction

This case is referred to the Board at the request of Member in view of the circumstances of the case being a breach of planning control.

The Site

A converted listed barn stands on the south side of the Coleshill Road in Maxstoke close to its junction with New End Road to the east and Castle Lane to the west. There are recently refurbished dwellings adjoining the property. The building the subject of this application is at the rear. There is a vehicular access off the road

The site is in an area of open countryside with only a few other buildings in the neighbourhood.

The general location is shown at Appendix A.

Background

In 2012 and 2013 planning permission and listed building consent were granted for the residential conversion of the barn and other courtyard ranges of buildings. The consent included the erection of a separate new building comprising a double garage and stable block at the rear together with a new vehicular access onto the road. Work commenced on the conversions and these are now complete. The separate building was also constructed but that work did not follow the approved plans.

A copy of the approved drawing for this building is at Appendix B.

The Proposals

Following investigation concerning the breach of planning control relating to this building, the owners elected to seek a retrospective planning permission to retain the works undertaken. This application represents that course of action.

The application is thus to retain the building as constructed. This is to be used for garaging and household storage with no stable use. The appearance of the building has been altered from the approved plans in the following ways:

- Rather than have two buildings – the garage and the stables – joined by a covered way, the built development now is one whole building.
- The overall height has been increased by 0.5 metres to the garage element and 0.34 metres to the rear storage element.
- External appearance changes involve removing the canopy and introducing patio doors; roof lights and a side gable window

- Having one large single garage door rather than two.
- Slight increase in the footprint of the rear storage element by 0.25metres.

The plans showing the current building that it is proposed to retain are attached at Appendix C.

Additionally a stone wall has been added alongside the new access track into the site within the site. This is shown on Appendix C.

Photographs of the site; the conversion and both external and internal pictures of the building itself are attached at Appendix D.

In order to assist Members, the location of the building is as approved. The changes in dimension are:

	Approved	Current
Overall Footprint	109.06 sq m	112.98 sq m
Overall Volume	421.33 m3	455.95 m3
Ridge height (front garage)	5.6 metres	6.1 metres

The applicant has submitted a draft Section 106 Agreement which would retain the use of the current building as ancillary to the host dwelling. A copy is attached at Appendix E.

Representations

Maxstoke Parish Council – It objects as the description of the application and the wording in the draft Agreement in ambiguous. The building’s appearance too adds to this ambiguity.

One letter of objection has been received referring to the same issue and that there is a breach of the sale covenant in that changes to the building have taken place without the consent of the vendor of the building and land

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV15 (Access Design) and ENV16 (Listed Buildings)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - (the “NPPF”)

Observations

Members will be aware that the submission of a retrospective application is not in itself a reason for refusal. It is necessary to assess the degree of change from the approved plans and thus to consider whether they would have led, if considered at the initial submission stage, to a refusal. In this case there have been no changes to the Development Plan since the earlier approval and neither have there been changes of other material planning considerations.

Members should treat this as a new building because it is materially different to the approved one. Members should also be aware that the applicant can revert the building back to that shown on the approved plans without further reference to the Council.

The site is in the Green Belt. New buildings here are not appropriate development and thus the presumption is one of refusal. However one of the exceptions to this as outlined in the NPPF, is that replacement buildings are not inappropriate development if it is not “materially larger” than the one it replaces. Here the building is on the same site as the one approved and as can be seen from the table in the earlier part of this report it is not considered that the increase in volume and height is material (8% approximately). Moreover there is little more adverse impact on the openness of the Green Belt here as a consequence of the alterations. Additionally it is a material planning consideration of substantial weight that the Council has just recently approved a new building here. As a consequence of these matters it is considered that, given there is no change to the Development Plan, that there is no objection to the physical size and scale of the present building.

The converted barn and associated range of outbuildings are included in the Scheduled List of Buildings of Special Architectural and Historic Merit. The “listing” would extend to include the curtilage of the buildings. It was concluded that the original permission here for the separate building would also require Listed Building Consent as it is in the curtilage of the Listed Building. The current application therefore seeks a retrospective Listed Building Consent to retain the current building. The significance of the heritage asset here is the historic interest of the agricultural buildings as examples of their age and particular architectural characteristics evident both externally with stone walls and internally with substantial wooden roof trusses and vertical open spaces. The inclusion of the new separate building within the original permission indicates that there was unlikely to be any harm to this significance. Members also need to assess whether the changes to that building would increase the likelihood of harm occurring. Given that building is on the same site and not materially larger than that approved, it is considered that any additional harm would be minor and not significant enough to affect the setting of the converted range. As a consequence there is no reason to refuse the grant of the retrospective listed building consent on the grounds of its physical size, scale or location.

There are no adverse impacts affecting nearby residential occupiers as a consequence of the size or scale of the current building.

It is now necessary to look at the use of the building. It is this has given rise to the objections as it was considered to be “ambiguous”. It is clear that the underlying consideration here is that the building could or might become a separate dwelling either through a subsequent application or possibly be “default” through the passage of time.

The approved use of the building is a garage and stabling. It is proposed to retain the current use of garaging and household storage. The current use is not as a dwelling. The language used in the application description and the draft Agreement is wholly a consequence of planning legislation and should not be treated as deliberately creating “ambiguity”.

Members will be aware that buildings can be erected within the curtilage of any residence for uses incidental to the use of the main building as a dwelling house. This would include green houses, sheds and detached garages but can also include summer houses, garden rooms, games rooms, covered swimming pools and studios. The crucial factor is that their use is dependent on the main dwelling providing the essential residential activities. The current use of this application building falls into this category and the internal arrangements reflect that conclusion too.

Members are strongly advised not to deal with this application on speculation as to what might happen in the future. This is why the draft Undertaking is so significant and material. It obligates the owners of the property to maintain the use of the building as ancillary accommodation to the main house in perpetuity. If there is found to be a breach of the Agreement then action can be taken in the Courts by the Council. The draft Agreement requires the building “not to be occupied as independent or separate residential accommodation from the main dwelling at any time and that it be used for no purpose other than ancillary to the residential occupation of the main dwelling, or to be sold off or otherwise disposed of separately from the rest of the land”. Members have agreed to this form of Agreement on other similar cases.

The wording of the draft Agreement provides more certainty than perhaps the objectors had seen at first sight. As a consequence of these matters it is considered that the use is the same as that approved and thus still remains as appropriate development in the Green Belt and that secondly, that there is no planning policy reason here for refusal.

Objectors too feel that the appearance of the building with its patio doors perhaps suggests potential alternative uses. The draft Agreement as set out above answers this possibility. Members should be aware that if the ancillary use here was a garden room or as a studio then patio doors might be likely features. The remit of the Board here is not to establish the exact actual use of the building but to establish its use within the parameters of planning legislation. In this case that is as an ancillary residential use to the main dwelling. The application accomplishes that outcome.

The alterations to the access arrangements through the addition of the walls are not considered to be so material as to adversely impact on the visual amenity of the area given that a new access has been approved here or on the significance of the heritage asset.

The possibility of a potential breach of a covenant is a matter for the individual to follow up privately and no weight at all should be given by the Board to this representation.

Recommendations

a) **PAP/2015/0631** – That planning permission be **GRANTED** subject to the completion of the Section 106 Agreement as outlined and the following additional conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 699-01 A (plan 2) received by the Local Planning Authority on 12 October 2015, and to the site location plan (plan A), and to the block plan (Plan B) received by the Local Planning Authority on 16 November 2015.

REASON

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

3. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

4. No development whatsoever within Class E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

5. The ancillary storage/accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Blackberry Barn, Coleshill Road, Maxstoke, B46 2QE, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

6. The garage space shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

b) PAP/2015/0645 – That Listed Building Consent be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 699-01 A (plan 2) received by the Local Planning Authority on 23 October 2015, and to the site location (plan 3) received by the Local Planning Authority on 16 November 2015.

REASON

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

3. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

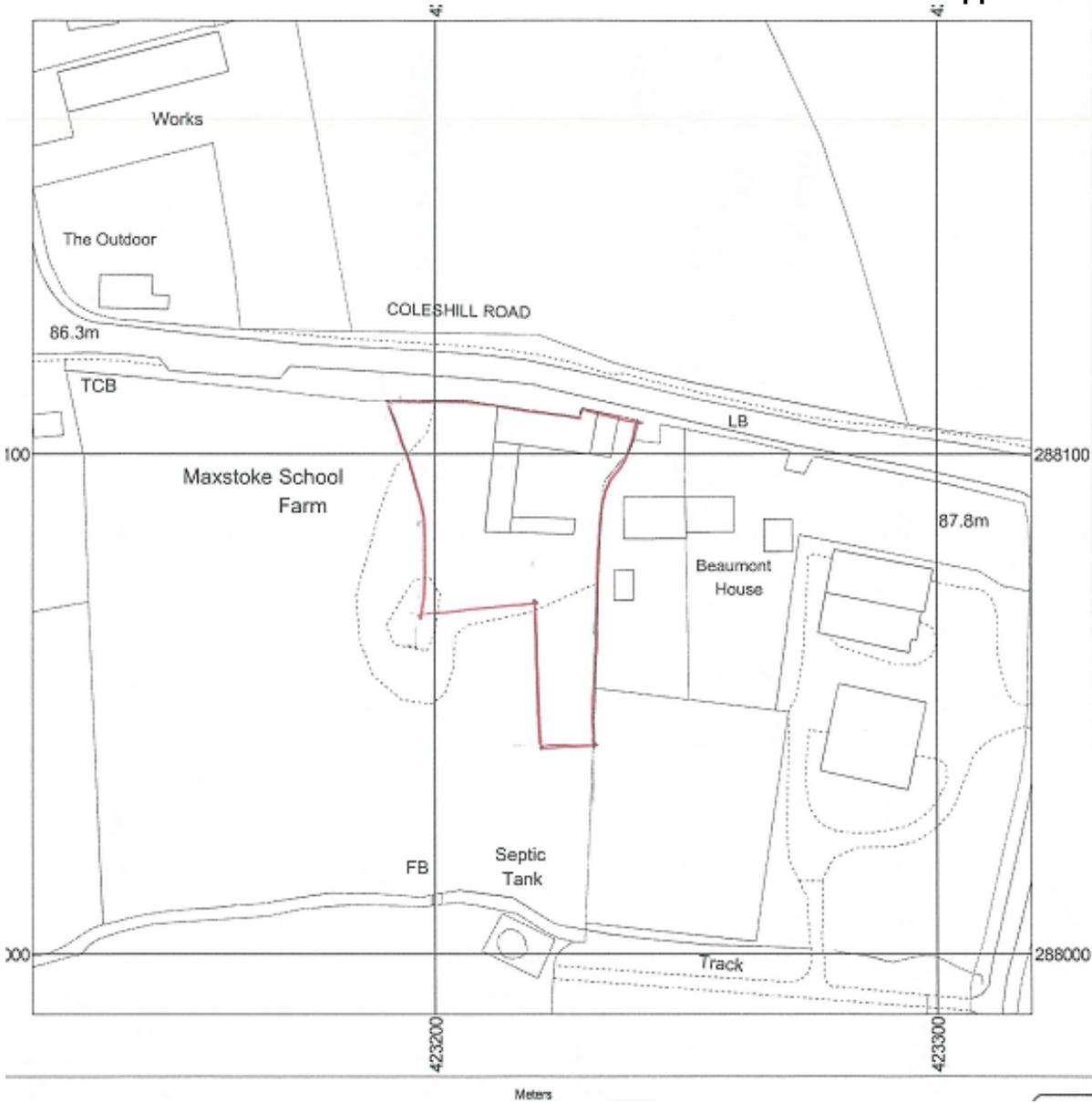
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0631 and PAP/2015/0645

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8/10/15
2	WCC Archaeology	Holding email	2/10/15
3	NWBC	Email to agent	10/10/15
4	NWBC	Email to agent	10/10/15
5	NWBC	Email to agent	10/10/15
6	Agent and NWBC	Email correspondence	15/10/15
7	Agent	Email to NWBC	22/10/15
8	NWBC	Email to agent	22/10/15
9	NWBC Solicitor	Email S106	4/11/15
10	Agent	Email S106	4/11/15
11	NWBC Solicitor and Agent	Email exchange	Oct – Nov 2015
12	NWBC and Agent	Email correspondence	10/11 – 11/11/15
13	NWBC Solicitor	Revised S106	12/11/15
14	NWBC, NWBC Solicitor and agent	Email correspondence	12/11/15 – 19/11/15
15	Agent	Email S106	3/11/15
16	Agent	Email	3/11/15
17	Maxstoke Castle	Objection (0631)	16/11/15
18	Maxstoke Castle	Objection (0645)	17/11/15
19	Cllr Simpson	Request for information	6/11/15
20	NWBC Case officer	Email consultation with Councillors	19/11/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Appendix B



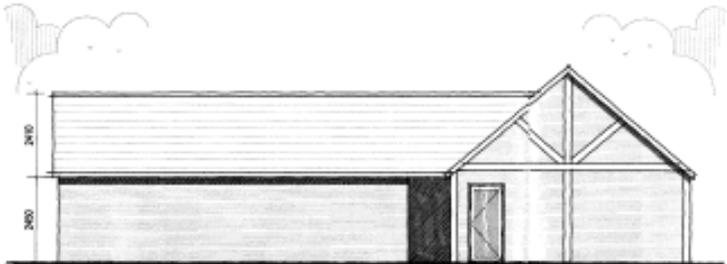
Garage North Facing Elevation
Scale 1:100



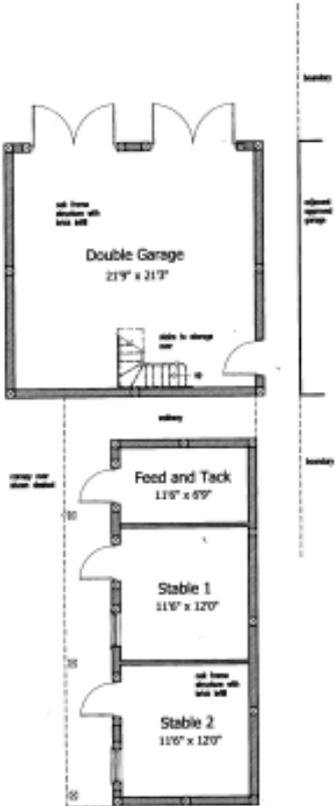
Garage West Facing Elevation
Scale 1:100



Garage South Facing Elevation
Scale 1:100



Garage East Facing Elevation
Scale 1:100



Garage Floor Plan
Scale 1:100

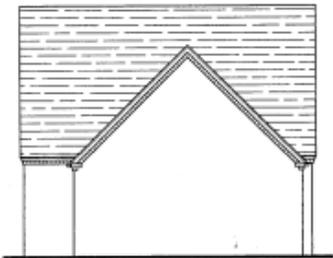
Appendix C



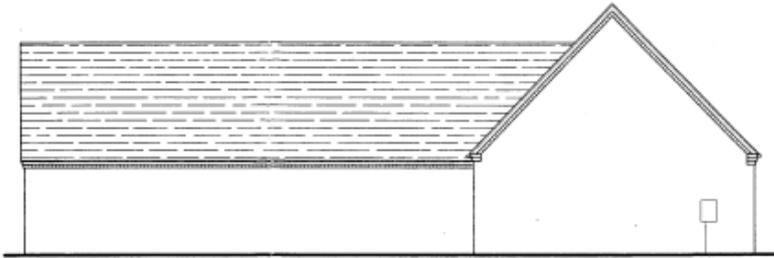
garage block
front elevation 1:100



garage block
side elevation 1:100

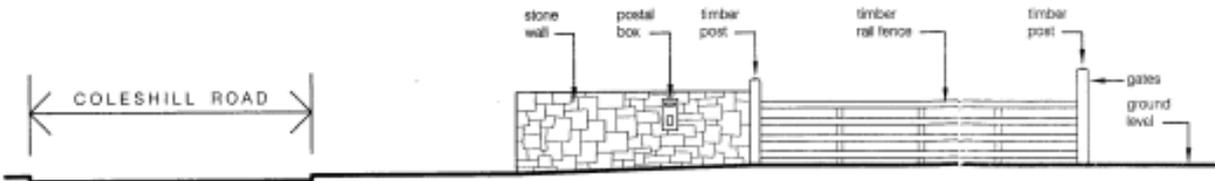


garage block
rear elevation 1:100



garage block
side elevation 1:100

block plan 1:100



site entrance
wall and fence elevation A 1:100

Appendix D



DATED

2015

NORTH WARWICKSHIRE BOROUGH COUNCIL (1)

and

ZOE MILLER AND ADRIAN KNIGHT (2)

PLANNING OBLIGATION BY DEED

Made pursuant to Section 106 of the Town and
Country Planning Act 1990, Section 111 of the
Local Government Act 1972

Relating to

Land at Blackberry Barn, Coleshill Road, Maxstoke, Warwickshire

THIS DEED is dated 2015 and made between:-

1. **NORTH WARWICKSHIRE BOROUGH COUNCIL** of The Council House South Street Atherstone Warwickshire CV9 1DE (the "Council") and
2. **ZOE MILLER and ADRIAN KNIGHT** of Blackberry Barn, Coleshill Road, Maxstoke, Coleshill, Warwickshire B46 2QE ("the Owner")

NOW THIS DEED WITNESSES AS FOLLOWS:

WHEREAS

RECITALS

- 1 The Borough Council is the Local Planning Authority for the purposes of section 106 of the 1990 Act and for the purposes of this Deed for the area within which the Site is situated and by whom the obligations contained in this Deed are enforceable
- 2 The Owner is the freehold owner of the Site
- 3 The Owner has by the Application applied to the Borough Council for permission to develop the Site in the manner and for the uses set out in the Application and in the plans specifications and particulars deposited with the Borough Council and forming part of the Application
- 4 The Council has not yet determined the application and the parties hereto enter into this Agreement in the knowledge that the Planning Permission may not be granted.

THIS UNDERTAKING WITNESSES AS FOLLOWS: -

1. DEFINITIONS AND INTERPRETATION

1.1 For the purposes of the recitals and this Agreement, the following expressions shall have the following meaning:

"Act" means the Town and Country Planning Act 1990;

"Annexe Building" means the building the subject of the Planning Application and marked "Building A" on Plan A at Schedule 2 to this Undertaking;

"Main Dwelling" means the dwelling house situate on the Land;

"Land" means the land against which this Agreement may be enforced at Blackberry Barn, Coleshill Road, Maxstoke, Coleshill, which is in the freehold ownership of the Owners and is shown for identification purposes edged in red on Plan A at Schedule 2 to this Undertaking;

"Planning Application" means the application for planning permission for change of use of stables to storage use and other uses ancillary to the main dwelling house under reference PAP/2015/0631;

"Planning Permission" means the planning permission and plans to be granted pursuant to the Planning Application.

1.2 Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting any one gender shall include all genders and words denoting persons shall include bodies corporate, unincorporated associations and partnerships.

1.3 References in this Agreement to any statute or statutory provision shall be construed as a reference to the same as it may from time to time be amended, extended, modified, consolidated or re-enacted whether before or at the date of this Agreement.

1.4 Unless the context otherwise requires, reference to any clause, paragraph, subclause or schedule or appendix is a reference to a clause, paragraph, subclause, schedule or appendix of or to this Agreement.

1.5 The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of this Agreement.

1.6 Where a party includes more than one person named as a party any obligations of that party shall be joint and several unless there is an express provision otherwise.

1.7 References to any party to this Agreement shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to the Council's respective functions.

2. STATUTORY PROVISIONS

2.1 This Agreement is made pursuant to section 106 of the Act, section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 to the intent that it will bind the Owner.

2.2 The covenants, restrictions and requirements imposed upon the Owner under this Agreement create planning obligations pursuant to section 106 of the Act and are enforceable by the Council as local planning authority against the Owner without limit of time.

3. CONDITIONALITY

3.1 Save where otherwise provided, the obligations in this Agreement are subject to and conditional upon the grant of the Planning Permission.

4. MISCELLANEOUS

4.1 Nothing contained or implied in this Agreement shall prejudice or affect the rights, powers, duties and obligations of the Council in exercise of their functions as local planning authority and their rights, powers, duties and obligations under all public and private statutes, bylaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

4.2 If any provision in this Agreement shall be held to be invalid, illegal or unenforceable then the validity, legality and enforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement.

4.3 No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the covenants undertakings obligations or restrictions contained in this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants undertaking or obligation from acting upon any subsequent breach or default in respect thereof by the Owner.

4.4 Nothing in this Agreement shall be construed as a grant of planning permission.

4.5 Unless expressly agreed otherwise in this Agreement, the covenants in this Agreement shall be enforceable without any limit of time against the Owner.

4.6 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission granted (whether or not on appeal) after the date of this Agreement.

4.7 This Agreement cannot be amended or discharged without the prior consent in writing of the Owner and the Council.

4.8 In the event of the planning obligations contained in this Agreement being modified a note or memorandum thereof shall be endorsed upon this Agreement.

5. THE OWNER'S PLANNING OBLIGATIONS

The Owner covenants with the Council so as to bind the Land to observe and perform the obligations contained in Schedule 1.

6. ARBITRATION

6.1 All disputes, differences or questions arising out of this Agreement or as to the rights or obligations of the parties under it or in connection with its construction shall be referred to arbitration by a single arbitrator to be agreed between the parties or, failing agreement, within 21 days by an arbitrator to be appointed at the request of any party by the President of The Royal Institute of Chartered Surveyors as the case may be having due regard to any representations made to him as to the appropriate qualifications of such arbitrator.

6.2 The arbitration shall take place in Warwickshire and shall be in accordance with the Arbitration Act 1996 or any re-enactment or modification of such Act for the time being in force, unless otherwise agreed in writing by the Council.

7. THIRD PARTIES

A person who is not named in this Agreement does not have any right to enforce any term of this Agreement under the Contracts (Rights of Third Parties) Act 1999.

8. JURISDICTION

This Agreement is governed by and interpreted in accordance with the law of England and Wales.

IN WITNESS of which this Undertaking has been duly executed as a Deed and has been delivered once dated.

EXECUTED as a DEED by
affixing THE COMMON SEAL of
THE COUNCIL OF THE
BOROUGH OF NORTH WARWICKSHIRE in
the presence of :-

Authorised Signatory

EXECUTED as a DEED by

ZOE MILLER

in the presence of:

Witness:

EXECUTED as a DEED by

ADRIAN KNIGHT

in the presence of:

Witness:

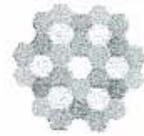
SCHEDULE 1

1. The Annexe Building shall not;
 - (a) be occupied as independent or separate residential accommodation from the Main Dwelling at any time
 - (b) be used for any purpose other than ancillary purposes in relation to the residential occupation of the Main Dwelling
 - (c) be sold or otherwise disposed of separately from the rest of the Land

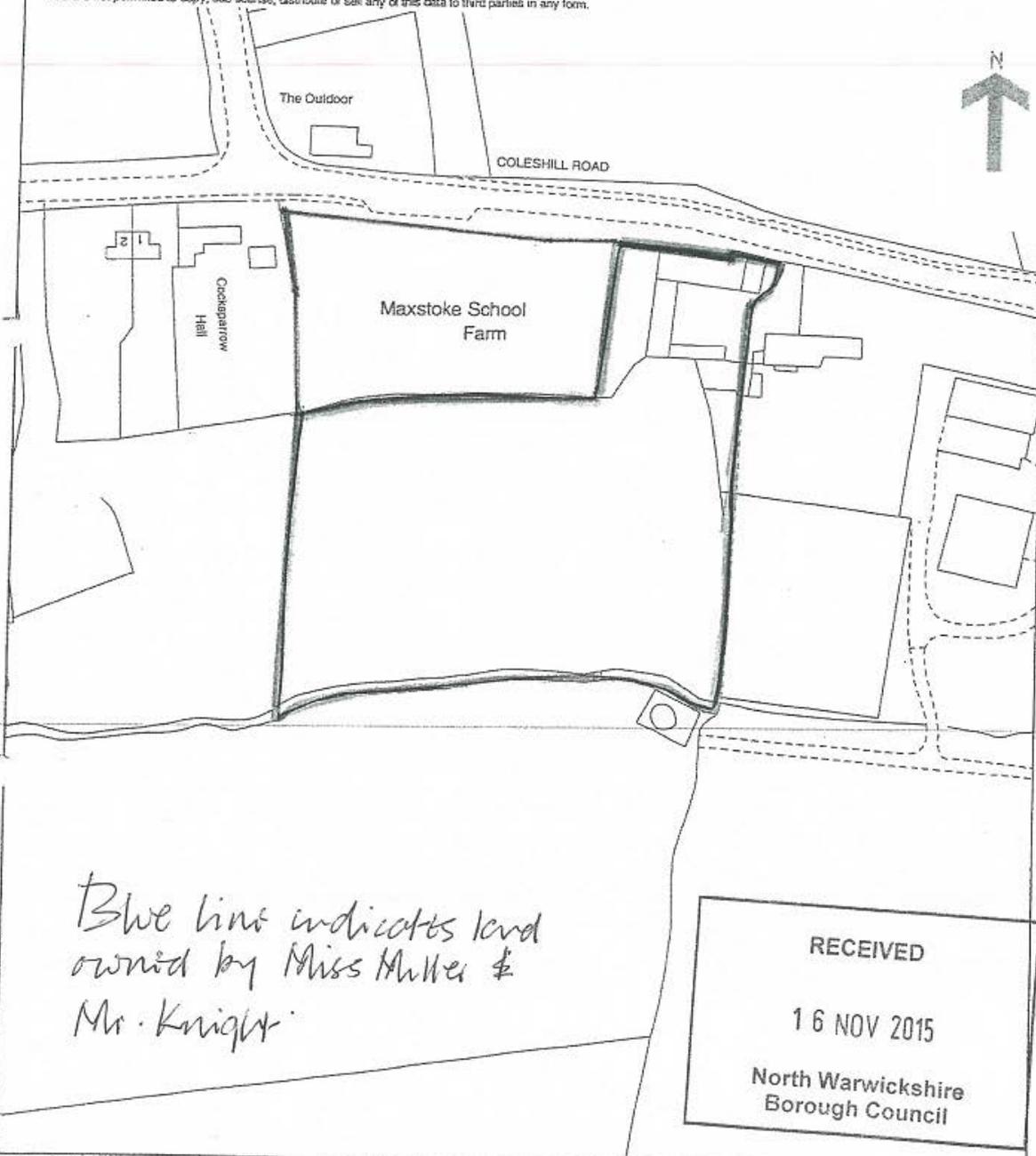
2. To pay a contribution towards the Council's reasonable legal costs on completion of this Deed, that contribution being limited to £750

Land Registry
Official copy of
title plan

Title number **WK466179**
Ordnance Survey map reference **SP2388SW**
Scale **1:1250** enlarged from 1:2500
Administrative area **Warwickshire: North**
Warwickshire



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You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



This official copy issued on 13 December 2012 shows the state of this title plan on 13 December 2012 at 13:12:06. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.
This title is dealt with by Land Registry, Gloucester Office.

(13) Application No: PAP/2015/0674

Former Social Club, 66 Station Road, Nether Whitacre, Coleshill, B46 2EH

Demolition of redundant clubhouse, change of use to residential and erection of 10 houses with ancillary site works, for

Arnold Holdings Ltd

Introduction

This application is reported to the Board given the interest shown by the Board in housing proposals within the Parish.

The Site

This is the site of the former Ex-Serviceman's Social Club on the west side of Station Road and south of Cottage Lane at the southern end of Whitacre Heath. It amounts to some 0.2 hectares in extent and has frontages to both of the above roads. It is level ground and presently accommodates the former Club building which is now vacant and its associated car park. The parish hall is sited immediately to the north. There is open agricultural land to the south and west; residential development beyond Cottage Lane and the Village Hall to the east on the opposite side of Station Road.

Its location is shown at Appendix A.

The Proposals

This is a detailed application for the erection of ten houses involving the demolition of the existing club premises. All vehicular access would be via an improved access arrangement onto Station Road. This would provide a small cul-de-sac with a mix of three and four bedroom detached two storey houses. None are proposed to be affordable.

The proposed layout and elevations are shown at Appendix B.

The application is accompanied by a Design and Access Statement which describes the proposal in a little more detail; a bat survey which concludes that evidence of bat activity was found and therefore recommends mitigation measures.

A Flood Risk Assessment states that flooding is unlikely given the recent Environment Agency defences along the River Tame to the west. It is proposed as pre-cautionary measures in the event of a breach of the defences that all sleeping accommodation is provided at first floor level and that the minimum floor level of all dwellings is set at least 300mm above adjacent ground levels (69.3 AOD). Surface water would be dealt with via a sustainable system preferably through natural infiltration.

The application is accompanied by a Viability Appraisal said to evidence why no affordable housing is being proposed. Planning policy would require 20% provision here – 2 on site or an off-site contribution in lieu. The Appraisal says that such a contribution would amount to £90,735. However the project costs involving demolition; remediation and the inclusion of the additional construction costs due to flooding advice, evidence that this value would make the project unviable, leaving a profit of 12%.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV14 (Access Design) and ECON 12 (Services and Facilities in Category 3 and 4 Settlements)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

The greatest part of the application site (some 95%) is within the development boundary of Whitacre Heath as defined by the Development Plan. That part within the Green Belt is a strip of land at the extreme southern end of the site between the south gable of the building and the site boundary. This is shown on Appendix A. Whitacre Heath is shown in the Core Strategy as a settlement that can accommodate a minimum of 20 dwellings within the plan period.

Members will have to address the loss of a local community facility as well as looking at the impact of the development on the openness of the Green Belt, and its impacts in terms of the access arrangements and the residential amenity of local residents. The lack of provision of affordable housing will also need to be addressed.

It is not suggested that a formal site visit be arranged as the site is wholly visible from the surrounding public roads.

Recommendation

That the application be noted at the present time.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0674

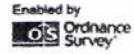
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/11/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

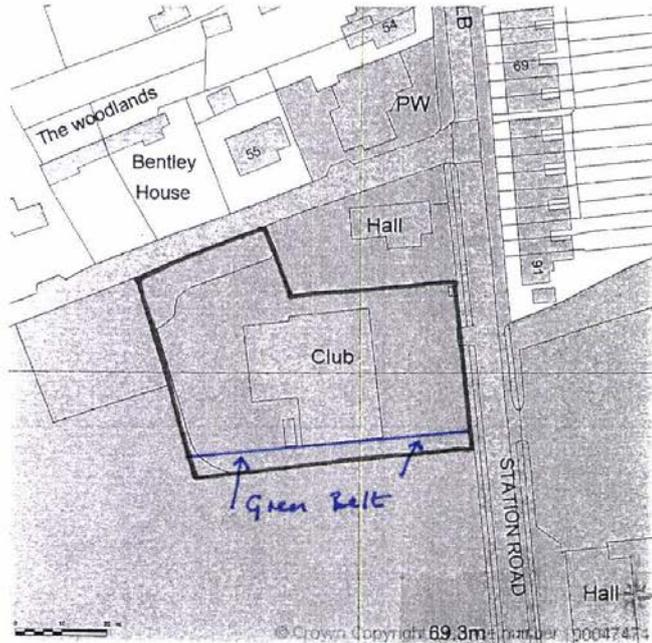
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

2015 / 0674

APPENDIX A



SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 421894 , 292510

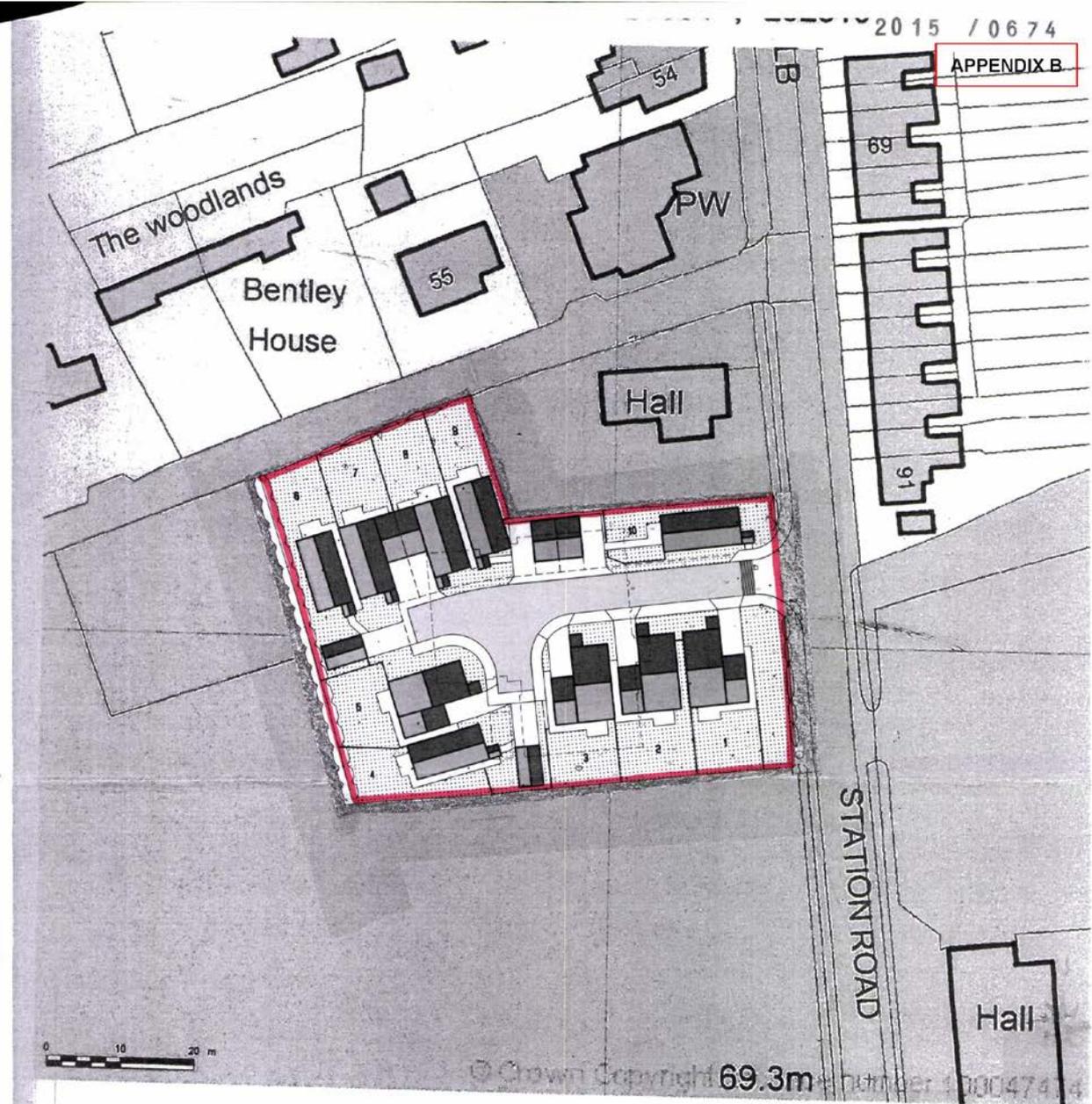


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RECEIVED
02 NOV 2015
North Warwickshire
Borough Council

drawing status				
PLANNING				
job title				
STATION ROAD WHITACRE HEATH				
drawing title				
LOCATION PLAN				
fb Architecture Ltd		Check all dimensions and verify on site. Report any errors or omissions		
first issued	drawn by	dwg sheet	scale	checked
AUG 15	GNB	A4	1:1250	MHM
job code	dwg no. prefix	dwg no.		revision
1308_15	1308	06		-





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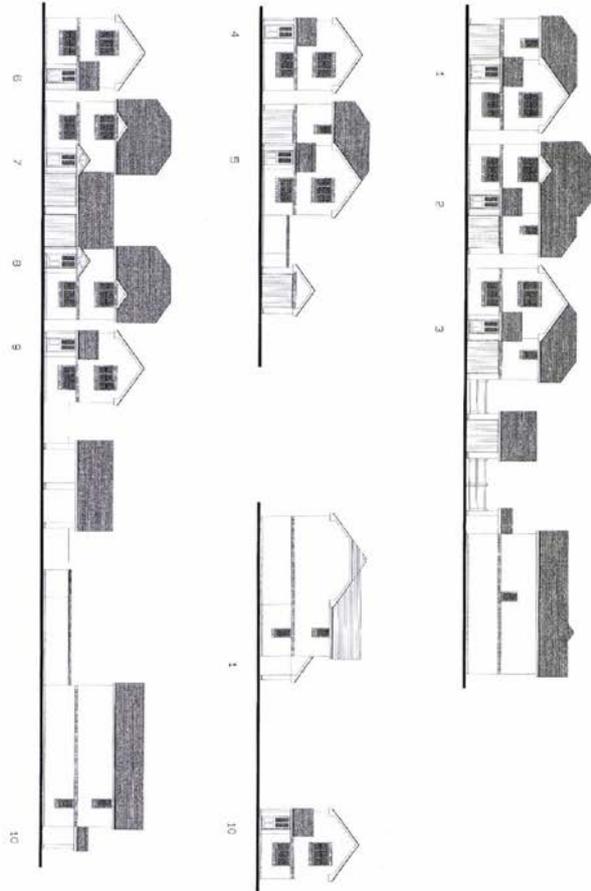
no.	date	revision	author	checked

drawing status
PLANNING
 job title
 STATION ROAD
 WHITACRE HEATH
 drawing title
 BLOCK PLAN

fb Architecture Ltd		Check all dimensions and verify on site Report any errors or omissions			
first issued AUG 15	drawn by csh	check sheet A3	scale 1:500	checked lwh	revision -
job code 1308_15	desig no prefix 1308	desig no 04			



RECEIVED
 02 NOV 2015
 North Warwickshire
 Borough Council



fb ARCHITECTURE

PROJECT	NO. 10
CLIENT	NO. 10
DATE	NO. 10
SCALE	NO. 10
DESIGNER	NO. 10
ARCHITECT	NO. 10
PROFESSIONAL	NO. 10

(14) Application No: PAP/2015/0701

Land East Of Kirby Glebe Farm, Atherstone Road, Hartshill, CV10 0TB

Change of use of the hatched area of land to use as a residential caravan site for 4 gypsy families, each with two caravans, including laying of hardstanding and erection of 2 amenity buildings. The remaining land to remain within an agricultural/equestrian use for

Mr Levi Sykes

Introduction

The application is reported to the Planning and Development Board for determination under the Council's Adopted Scheme of Delegation at the discretion of the Assistant Chief Executive and Solicitor to the Council.

The Site

This rectangular piece of land lies immediately to the south of the West Coast Mainline (see the site location plan at Appendix 1). Access to the site is via a driveway from Atherstone Road passing along the south-western boundary of a residential property known as "Fernlea." The site is bounded by a mature hedgerow. The neighbouring site to the south is used as a caravan site for seven pitches whose occupation is restricted to members of the gypsy and traveller community.

The Proposal

The proposal is to change the use of the land edged red on the site location plan (copy attached of the layout at Appendix 2) for the stationing of caravans for residential purposes together with the formation of hardstanding and two utility/dayrooms. The statement accompanying this planning application confirms that occupation of these caravans will be restricted to gypsies and travellers.

Background

Planning permission was granted at appeal under ref: PAP/2007/0654 for the change of use of the neighbouring land to a residential gypsy caravan site. These caravans are occupied. The location of this site is marked with a star (*) on the site location plan attached at Appendix 1.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design) and TPT3 (Access and Sustainable Travel and Transport)

Other Relevant Material Considerations

National Planning Policy Framework 2012

Planning Policy for Traveller Sites August 2015

The Gypsy, Traveller and Travelling Show people Accommodation Assessment: North Warwickshire and Nuneaton and Bedworth, June 2013

Consultations

Warwickshire County Council as Highway Authority – Comments awaited.

Warwickshire Museum Field Services– No comments to make.

Environmental Health Officer – No comments to make

Nuneaton and Bedworth Borough Council – Comments awaited

Representations

Mancetter Parish Council – The Council objects to the proposal as it considers that there is sufficient provision within the Parish of Mancetter for Gypsy/Traveller sites. To allow this proposal along with the applications at Fir Tree Paddock and Oldbury Road will lead to a total of 13 residential pitches in Mancetter Parish alone with 12 emergency pitches on its border with Ansley.

2. Letters of objection from a resident relating to:

- This is an area made up of a number of small villages and so the proposal will have an impact on traffic and wildlife;
- This proposal will impact on services such as schools and doctors surgeries.
- Will the site be subsequently enlarged once planning permission is granted and who is going to monitor how many caravans occupy it?
- This is not part of the Local Authority development plan.
-

Observations

The site lies outside of any Development Boundary and so within an area of open countryside as defined within Policy NW2 in the Core Strategy 2014.

This proposal for additional gypsy and traveller pitches in this area needs to be assessed against the following issues:

a) Need for Gypsy and Traveller Pitches

Policy NW7 (Gypsy and Travellers) in the Core Strategy allocates the number of pitches required for gypsy and travellers in the Borough. This Policy states that between 2011 and 2028, nine residential pitches will be provided within the Borough. None of these pitches have been allocated and so the Council does not have a 5 year land supply for Gypsy and Travellers. This is a material consideration of substantial weight in favour of the proposal.

Policy NW8 (Gypsy and Travellers Sites) provides a criteria based policy to assist with the provision of the sites required and for windfall sites to be assessed against. This proposal for the change of use for the stationing of caravans has the potential to conflict with Policy NW8 (Gypsy and Travellers Sites) which states that site suitability will be assessed against a number of criteria particularly,

“The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range and of services and infrastructure, limited to a maximum number of 5 pitches per site.”

A condition specifying the maximum number of caravans is necessary to limit the scale of the development as the description refers to the number of families and this will not be enforceable. For the size of the site proposed and its location it is recommended that not more than four pitches are provided on the site. As stated in Policies NW2 and NW8 residential development of this site would be treated as an exception site and so it is necessary that any permission granted is subject to a condition limiting occupancy to Gypsy and Travellers as defined in Government Guidance:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.

b) Site’s Suitability as a Gypsy Site

Policy NW8 states that sites will be permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. This site is 0.56 km from the development boundary of Hartshill. This settlement is classed as a Category 3A Local Service Centre (outside of Green Belt) under Policy NW2. Approximately one-third of this distance involves walking along a private access track. The remainder involves walking along Atherstone Road which does have a footpath for some of its length.

A further criterion in Policy NW8 is that the site is suitably located within a safe, reasonable walking distance of a public transport service, with access to a range of services including school and health services. As stated above, the development boundary of Atherstone is 0.56 km away. There is a bus stop at the end of the access road which provides good public transport links to Hartshill, Nuneaton and Atherstone.

The Planning Inspector handling the appeal case for the adjoining site has also found this site, although located in an isolated rural location, was within reasonable reach of local services and facilities, including educational and medical services required to meet the needs of the applicant and their family. She concluded that the site was reasonably well located to Hartshill which contains a primary school, secondary school, Doctor’s surgery, Church and some local shops including a post office. Although they acknowledge that the site is outside the development boundary limits, she considered that the location of the appeal site would be acceptable in principle and in the context of gypsy sites, a sustainable location.

It is considered that the site is located within a sustainable location in the context of the provision of gypsy sites and of the criteria in Policy NW8 which states that the site should be within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. This is a material consideration of significant weight.

c) Highway Access

Saved Policy TPT3 (Access and Sustainable Travel and Transport) in the North Warwickshire Local Plan 2006 requires that development will not be permitted unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation. The use of Atherstone Road by up to 4 towing vehicles plus other

vehicles has yet to be assessed by Warwickshire County Council as Highways Authority. It previously had no objections to the use of this shared access for the neighbouring site to be used as a caravan site.

It is anticipated that it will not raise any objections other than require improvements to the vehicular access into the site. It is considered that the access on to the public highway along with the road network in the vicinity can accommodate this additional traffic generated by this proposed change of use. However, the recommendation attached to this report is that subject to the Highways Authority having no objections to the scheme, then permission be granted.

d) Impact on the setting of the open countryside

Policy NW13 (Natural Environment) states that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced. Two utility buildings are proposed measuring some 37.5 square metres to a height of 4.15 metres. The buildings will be brick and tile structures. The buildings will be shared between the pitches with a utility room and shower/wc room each.

The Good Practice Guide produced in 2008 for Designing Gypsy and Traveller Sites which has now been withdrawn makes reference to a utility building on a pitch. Paragraphs 7.17 – 7.26 go on to describe the essential facilities within these utility buildings and Annex B.6 gives an example of a pair of amenity buildings on a permanent site similar to the one proposed. The Government Document entitled “Planning policy for traveller sites” August 2015 is silent on the need to provide amenity buildings on sites.

The amenity buildings proposed are to be shared between the caravans on this site and so it is considered that their size is in keeping with the pair of amenity buildings shown in the withdrawn Good Practice Guide.

The Site Location Plan received on 13 November 2015 shows the whole of the site is subject to this change of use application. In accordance with the approved plan for the adjoining site, this change of use should only relate to the hardstanding area where the caravans and day rooms are proposed to be located. The plan shows the retention of the stable block. As such the plan is incorrect. The land beyond the hardstanding will remain as agricultural land. This is consistent with the appeal decision for the adjoining land whereby the Inspector stated that an amended site plan was submitted at the hearing which indicated a reduced red-edged site area.

A condition can be added to any consent granted to reiterate that this land falls outside of the boundary for this change of use permission and so remains as agricultural land.

e) Impact on neighbouring properties

Policy NW10 (Development Considerations) states that development should avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution. The development site adjoins a residential caravan. There is also a residential property along the access road into the site. This access road is used by a fishery, a farm, the residential property as well as caravan site. It is not considered that this small scale development proposed will have unacceptable impacts upon neighbouring amenities.

Conclusions

Based on the above it is considered that this site will provide four of the pitches required under Policy NW7 (Gypsy and Travellers) and will meet the criteria as laid out in Policy NW8 (Gypsy and Travellers Sites) for the provision of these sites. Planning conditions can be imposed to ensure that only four pitches are provided on the site, that any improvements to the vehicular access as required by the Highways Authority can be undertaken and that the land beyond the proposed hedgerow remains within an agricultural use.

Recommendation

Subject to the Highways Authority having no objections to the proposal that planning permission be **GRANTED** subject to the imposition of the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the Site Location Plan received by the Local Planning Authority on 13 November 2015, the Site Layout Plan received by the Local Planning Authority on 13 November 2015 and the three plans for the proposed amenity block showing the footprint, the front elevation and the side elevations as received by the Local Planning Authority on 13 November 2015.

REASON

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

3. The site shall not be occupied by any persons other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such as defined in adopted Government Guidance.

REASON

In view of the need to provide sites within the Borough to be occupied exclusively by gypsies and travellers travelling together as such as defined in adopted Government Guidance.

4. The residential use hereby permitted shall be restricted to a maximum number of four pitches each comprising no more than one mobile home and one touring caravan at any one time.

REASON

In recognition of the limitations of the site to accommodate further residential caravans.

5. Notwithstanding the detail on the approved Site Location Plan received on 13 November 2015, the area of land the subject of this residential change of use permission is that restricted to the hardstanding area only as hatched on the approved Site Layout Plan received on 13 November 2015. The land beyond this hatched area remains as agricultural/equestrian land and shall not be used as residential curtilage.

REASON

In the interests of preserving the setting of the countryside in this location.

6. No development shall be commenced before details of the:-

- (a) facing bricks and roofing tiles
- (b) wall cladding
- (c) surfacing materials

to be used have been submitted to and approved by the Local Planning Authority in writing.

Only the approved materials shall then be used.

REASON

In the interests of the amenities of the area.

7. Prior to any development commencing, a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development shall be submitted to and approved in writing by the local planning authority.

REASON

In the interests of preserving this countryside setting.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravan; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

REASON

In the interests of preserving this countryside setting.

9. No commercial activities shall take place on the land, including the storage of materials and the parking of any vehicle over 7.5 tonnes.

REASON

In the interests of preserving this countryside setting.

10. Conditions as required by the Highways Authority.

Notes

1. In dealing with this application, the local planning authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0701

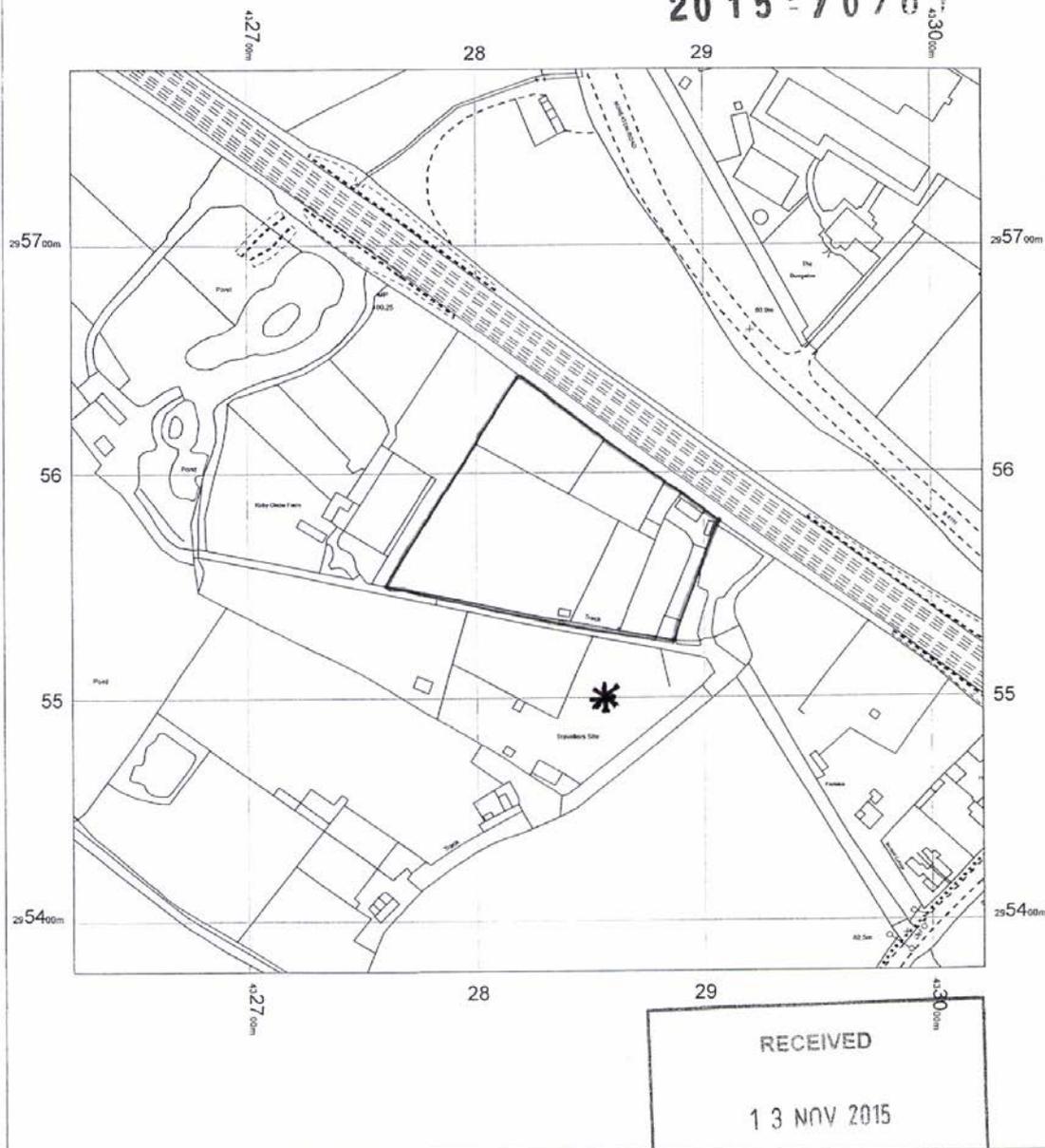
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement	13/11/15
2	Mancetter Parish Council	Objection	24/11/15
3	Environmental Health Officer	Consultation response	26/11/15
4	J. Catcliffe	Objection	20/11/15
5	D Wilson	Objection	2/12/15
6	Warwickshire Museum Field Services	Comments	2/12/15
7	Hartshill Parish Council	Objection	3/12/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix 1

2015-10701



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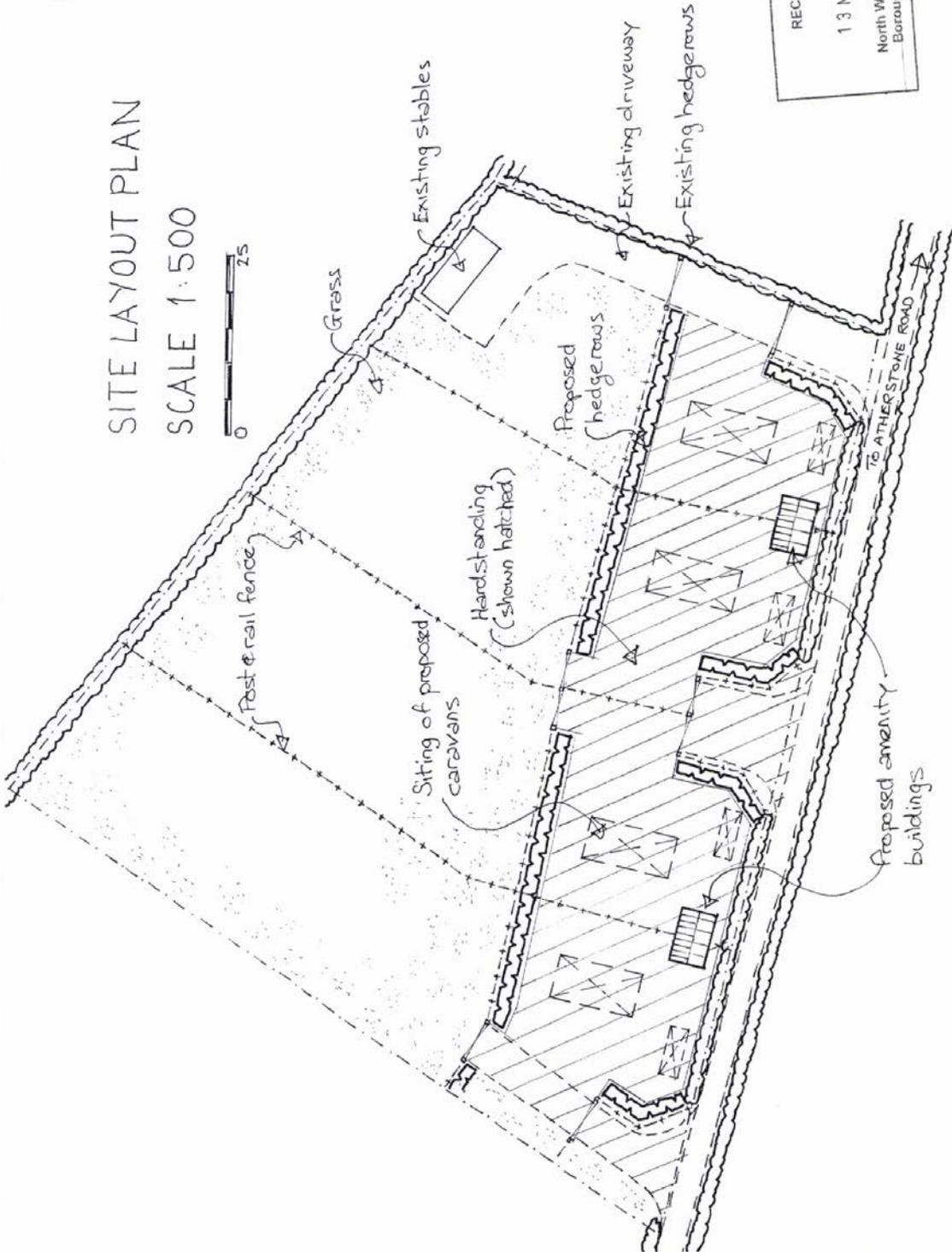
OS MasterMap 1250/2500/10000 scale
05 November 2015, ID: BLJT-00477229
www.planningapplicationmaps.co.uk
1:2500 scale print at A4, Centre: 432822 E, 295578 N
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Appendix 2

SITE LAYOUT PLAN
SCALE 1:500



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Agenda Item No 7

Planning and Development Board

9 December 2015

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 8

Tree Preservation Order - Arley - Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider appropriate legal action.

Agenda Item No 9

Tree Preservation Order – Fillongley - Report of the Head of Development Control.

Paragraph 6 – by reason of the need to consider appropriate legal action.

The Contact Officer for this report is David Harris (719222).