

**Planning Appeal in respect of Land East of Rugby Road, Clifton-upon-Dunsmore**

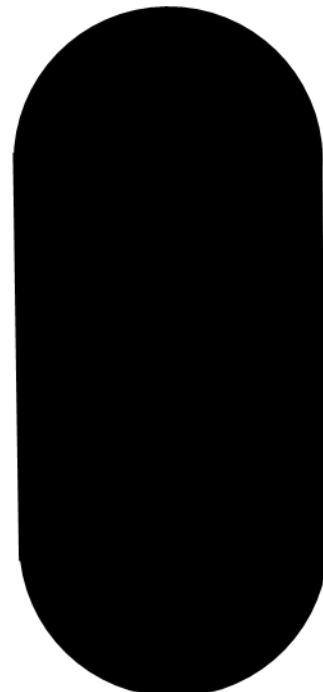
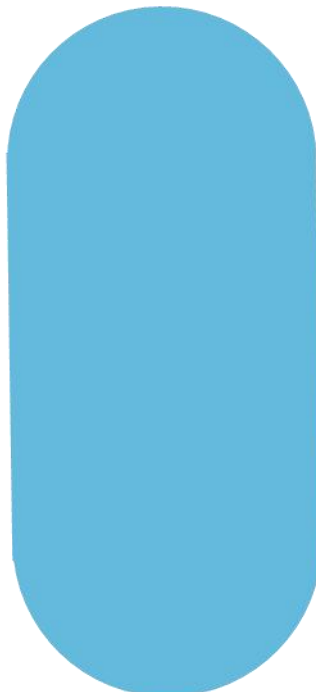
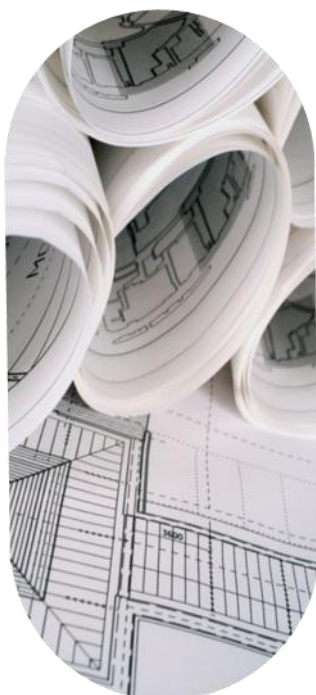
**Appellant: Richborough**

**Local Planning Authority: Rugby Borough Council**

**Application Reference: R25/0565**

**DRAFT STATEMENT OF COMMON GROUND**

**December 2025**



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## 1 Introduction

1.1 This Statement of Common Ground relates to an appeal against non-determination of a planning application made by Richborough (“the Appellant”) who applied to Rugby Borough Council (“the Council”) for outline planning permission for residential development on land East of Rugby Road, Clifton-upon-Dunsmore (“the Appeal Site”). The application was validated on the 22<sup>nd</sup> August 2025. The full description of development is as follows:

*Outline planning application for the demolition of all buildings and the residential development of up to 160 dwellings, and creation of associated vehicular access off Rugby Road, pedestrian/cycle access points, parking, landscaping, drainage features, open space, children’s play area and associated infrastructure (all matters reserved except for vehicular access off Rugby Road).*

1.2 The Statement is structured as follows:

- Section 2 describes the Appeal Site;
- Section 3 provides an overview of the Appeal Scheme;
- Section 4 provides the Matters Agreed with regard to the Development Plan;
- Section 5 provides the Matters Agreed with regard to Material Considerations;
- Section 6 provides a schedule of key documents that are to be referred to during the appeal process.

## 2 The Appeal Site and Context

2.1 The Appeal Site comprises 9.21 hectares (ha) of greenfield land located to the east of Rugby Road, outside but adjacent to the settlement boundary of the village of Clifton-upon-Dunsmore. The Site and its context are described in full within the Application documents, including the Design and Access Statement, submitted with the Appeal. For the purposes of this Statement of Common Ground, the following points should be noted:

- The Appeal Site is primarily a single, large agricultural field with no features, save for boundary hedgerows, trees and fencing;
- The Appeal Site adjoins the public highway on Rugby Road to the west, and includes highway land associated with Rugby Road and Newall Close for the means of access to the proposed development;
- The Appeal Site includes a small strip of land within an adjacent field to the south east which is proposed for drainage purposes associated with the proposed development;
- The Appeal Site is solely within Flood Zone 1, with small areas of surface water flood risk;
- The Appeal Site is not designated for its environmental or landscape value, and is outside of the West Midlands Green Belt;
- The Appeal Site has a slight gradient, with a gradual rise in a north easterly direction; and:
- The Appeal Site adjoins existing housing to the north and west within the village of Clifton-upon-Dunsmore on Rugby Road, Newall Close and Shuttleworth Road. Also, immediately north of the Appeal Site lies Clifton Recreation Field, which is owned and maintained by the Parish Council and the main recreational resource serving the village, providing sports pitches, tennis courts, play areas and associated facilities;

- To the south west of the Appeal Site lies allotment gardens serving the village, which are accessed through the Appeal Site, beyond which is Houlton Way which is a newly constructed route (vehicle and active travel) connecting the village with Houlton which is a major urban residential development of 6,200 homes and associated schools, shops and services which is under construction;
- To the south and east of the Appeal Site lies agricultural land;
- Clifton-upon-Dunsmore is designated as a Main Rural Settlement in the Development Plan and has a primary school, shops, public house, church, village hall, playing fields, and regular bus services;
- Clifton-upon-Dunsmore is also on the north-eastern outskirts of Rugby (less than one mile), which is a large town with significant areas of employment, retail and leisure, and mainline railway station with connections to major cities; including London, Birmingham and nearby Coventry.

2.2 In summary, the Appeal Site is not designated for its environmental or landscape value, and is primarily a large agricultural field with no features of interest (save for boundary trees and hedgerows). The Appeal Site adjoins existing development within Clifton-upon-Dunsmore on two sides and is in a sustainable location, being within walking distance to services and facilities within the village and nearby Rugby.

### 3 The Appeal Scheme

3.1 The full description of development is as follows:

*Outline planning application for the demolition of all buildings and the residential development of up to 160 dwellings, and creation of associated vehicular access off Rugby Road, pedestrian/cycle access points, parking, landscaping, drainage features, open space, children's play area and associated infrastructure (all matters reserved except for vehicular access off Rugby Road).*

3.2 The plans submitted for approval comprise the following:

- Location Plan – Dwg P10-001 Rev E
- Land Use and Access Parameter Plan – Dwg SK-02 Rev G
- Proposed Site Access Junction – Dwg T21542 001 Rev D

3.3 The plans submitted for illustrative purposes comprise the following:

- Illustrative Landscape Masterplan – Dwg 1686-L-D-PL-200 V1

3.4 A full schedule of application documents and plans is set out at **Appendix 1**. The Appeal Scheme is described in full within the Application documents, including the Design and Access Statement, submitted with the Appeal. For the purposes of this Statement of Case, the following points should be noted.

#### *Provision of market and affordable housing*

3.5 In the context of a National housing crisis and a Government objective to boost the supply of homes, the Scheme provides a deliverable opportunity for up to 160 homes, including 30% affordable (up to 48 affordable homes). In the context of the shortfall in housing supply within the Borough, and urgent need to boost market and affordable housing, the provision of housing helps in addressing shortfalls. Further evidence will be provided in relation to housing need and supply, and how the Appeal Scheme can assist.

*Economic benefits*

- 3.6 At a time of economic uncertainty across the UK, the Appeal Scheme will support the local economy through the creation of construction jobs, additional spending in the local economy generated by residents, and additional council tax revenues and payments. Further evidence will be provided in relation to the economic benefits of the Appeal Scheme.

*Public open space and sports pitches*

- 3.7 The provision of public open space is an important component of the Appeal Scheme not only in meeting the need generated by the development, but also in helping to address an identified need for more sports pitches within the village. The Council's Playing Pitch & Outdoor Sport Strategy published in July 2023 identified a capacity issue with the sports pitches at Clifton-upon-Dunsmore Recreation Field. An extension to this existing facility is proposed within the Appeal Scheme, enabling the provision of additional sports pitches. Furthermore, the Playing Pitch & Outdoor Sport Strategy also identified the Recreation Field did not currently offer any car parking provision. The Appeal Scheme also offers the ability to accommodate additional car parking to serve the Recreation Field.

*Sustainability of the location and reducing the need to travel by car*

- 3.8 The sustainability of the Appeal Site in relation to the proximity to services and facilities is set out in the Transport Assessment and summarised in Section 2. This, alongside the package of sustainable transport measures proposed within the Transport Assessment Addendum, including improved bus stop facilities along Rugby Road and widening of the footpath and crossing points to encourage active travel into Rugby, will help to encourage opportunities for walking, cycling and use of public transport for the benefit of all residents of the village. The Appeal Scheme also offers the potential to provide improved active travel connections between the village and the adjacent allotment gardens to the southwest of the Appeal Site.

### *Flood risk*

- 3.9 The Scheme will control surface water run-off and flood risk, implementing a Sustainable Urban Drainage System (SUDS) which will reduce run-off to below existing greenfield rates, including a 40% allowance for future climate change.

### Environmental benefits and biodiversity net gain

- 3.10 The provision of green infrastructure, protection and enhancement of existing hedgerows and trees, and achieving a biodiversity net gain in excess of 10% will be a benefit of the Appeal Scheme.

### **Appeal Scheme Evolution**

- 3.11 The Appeal Scheme has evolved following pre-application consultation with the Council and Warwickshire County Council as Local Highway Authority, and public engagement with the Parish Council and local community in early 2025. Full details of the public engagement can be seen within the Statement of Community Involvement.

- 3.12 The planning application was submitted in Summer 2025 and validated on August 22<sup>nd</sup> 2025 with the planning reference R25/0565. Statutory consultation expired on October 3<sup>rd</sup> 2025. Not all consultees responded within the statutory period. A number of statutory consultees made requests for further information in relation to transport, ecology, minerals, and drainage. Information has been provided in response to these requests. Requests for further information in respect of Archaeology and Landscape require extensive further work in respect of trial trenching of the Appeal Site and photomontages respectively, which were not requested at the pre-application stage and not considered proportionate or necessary to determine this outline planning application. **Appendix 2** provides a summary of all statutory consultee responses as visible on the Council's website as at December 15<sup>th</sup> 2025.

- 3.13 The Appellant agreed an extension of time for determination of their application to December 18<sup>th</sup> 2025 to allow for further consultation on the further information provided. In the absence of a determination by the Council of its application within

this extended time period, the Appellant has submitted this appeal against non-determination of its application.

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## 4 Matters Agreed in respect of the Development Plan

### 4.1 Introduction

- 4.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.1.2. The development plan relevant to determination of this appeal consists of the Rugby Borough Local Plan 2011-2031 (RBLP) and Policies Map, adopted in June 2019.
- 4.1.3. Given the age of the Development Plan policies, the weight given to the policies of the Development Plan must have regard to inter alia their consistency with the National Planning Policy Framework (NPPF) (paragraph 232). Further, having regard to the judgement in Hallam Land Management v SSCLG, weight must also be considered in light of the nature of the restrictive policies, the interests they are intended to protect, whether they find support in policies of the NPPF, and the implications of them being breached.

### 4.2 Principle of Development

- 4.2.1. Policy GP2 of the RBLP sets out a settlement hierarchy which supports development within the existing boundaries of main rural settlements (such as Clifton-upon-Dunsmore), but resists development within the countryside. Paragraph 3.14 defines countryside locations as those which are not defined by a settlement boundary, and therefore would apply to locations outside of a defined settlement boundary. The Appeal proposal is therefore contrary to Policy GP2 by virtue of being outside of a defined settlement boundary.
- 4.2.2. However, the Council acknowledges it does not have a five year housing land supply, claiming a 4.16 year supply as at April 2025. The Appellant considers this figure over-estimates supply and will provide evidence as to what it considers is the appropriate housing land supply.
- 4.2.3. Notwithstanding the above, the policies most important to the determination of the application (including Policy GP2) are therefore out-of-date (paragraph 11 d

of the NPPF). Accordingly, the NPPF says that planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

4.2.4. The list of policies in footnote 7 of the NPPF to do not apply, namely the Site is not a habitats site, designated SSSI, Green Belt, Local Green Space, National Landscape, National Park, irreplaceable habitat, heritage asset, or at risk of flooding. Therefore, paragraph 11 d) i. does not prevent granting of permission and therefore the 'tilted balance' applies. In this respect, the adverse impacts in so far as harm arising from the development of the site would be far outweighed by the benefits arising from the delivery of housing, open space, and other infrastructure.

4.2.5. Notwithstanding the above, it is necessary to consider what weight might be attached to Policy GP2 of the RBLP having regard to paragraph 4.1.3 above. The policy is restrictive, and resists general housing development on greenfield land outside of the settlement boundary. However, the policy is now out-of-date because of the lack of a deliverable five year supply and there is therefore an inevitability that this restrictive policy will need to be breached during the Plan period in order to address housing need. The limited opportunities for development within the settlement boundaries to address the shortfall in housing supply mean there will be a need for sites to come forward in conflict with Policy GP2. The weight to be given to the breach of this policy in the context of this appeal is therefore very limited.

### 4.3 Housing Policies

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- 4.3.1. Policy H1 (Informing Housing Mix) of the RBLP requires the delivery of a wide choice of high quality market homes that form a mix of house types and sizes in order to meet the need in the Borough. The mix and size of housing do not form part of this appeal and will be addressed at the reserved matters stage and a policy-compliant mix achieved.
- 4.3.2. Policy H2 (Affordable Housing Provision) of the RBLP sets an affordable housing target of 30% on green field sites in the Borough, with a tenure and mix in compliance with the latest SHMA guidance. The development will provide a policy compliant 30% affordable housing, however the tenure and mix does not form part of this appeal and will be addressed at the reserved matters stage. A Section 106 Agreement will be provided demonstrating compliance with this policy.

#### **4.4 Healthy, Safe and Inclusive Communities Policies**

- 4.4.1. Policy HS1 (Healthy, Safe and Inclusive Communities) of the RBLP provides support for development proposals which propose to create healthy, safe and inclusive communities, listing a number of principles which should be taken into account.
  - 4.4.2. The majority of these principles relate to matters which will be addressed at the reserved matters stage or are not relevant to this proposed development. Notwithstanding, the submitted Illustrative Landscape Masterplan demonstrates how walking and cycling routes, areas of formal and informal recreation, and green infrastructure can be provided within the Appeal Site. The Appeal Site also has good access to local shops and services within the village and nearby Rugby via Rugby Road.
  - 4.4.3. A Health Impact Assessment Screening Report has been prepared based on the template used by the neighbouring Coventry City Council (as the Council do not have one). The Screening Report demonstrates that the proposed development will not have a detrimental impact on health and wellbeing, in accordance with Policy HS2 (Health Impact Assessments) of the RBLP.
  - 4.4.4. Policy HS3 (Protection and Provision of Local Shops, Community Facilities and Services) states that new community amenities will be supported providing they
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are readily accessible by a choice of means of transport, including by foot and cycle. The Appeal Scheme proposes additional public open space and parking as a possible extension to the Clifton Recreation Ground. This can be accessible via the network of existing paths within the village, and within the proposed development that can connect it to Rugby Road. The nature and scale of the proposed facility is commensurate with the size of the village.

- 4.4.5. Policy HS4 (Open Space, Sports Facilities and Recreation) of the RBLP requires residential development to provide or contribute towards attaining the Council's open space standards. The Site is in the urban area of Rugby and so the open space standards set out are as follows:

<b>Open Space Typology</b>	<b>Urban Area Open Space Standard</b>
Children's Play	0.2ha per 1,000 population
Natural and Semi Natural Green Space	2.5ha per 1,000 population
Parks and Gardens	1.5ha per 1,000 population
Amenity Green Spaces	1.1ha per 1,000 population
Allotments	0.65ha per 1,000 population
Outdoor Sports Playing Pitches:	
Football Pitches	0.38ha per 1,000 population
Cricket Pitches	0.23ha per 1,000 population
Rugby Pitches	0.32ha per 1,000 population

- 4.4.6. The proposed development would generate up to a maximum of 384 people based on 160 dwellings at 2.4 residents per dwelling, which would require 2.64ha of open space. The submitted Land Use and Access Parameter Plan shows how circa 3.4ha could be accommodated along with the proposed dwellings and associated infrastructure, with the ability to satisfy all typologies if considered necessary at reserved matters stage. There is, therefore, more than sufficient space within the Site to meet the open space standards required for the development alongside the proposed housing and associated infrastructure.

- 4.4.7. Furthermore, the Rugby Borough Council Playing Pitch & Outdoor Sport Strategy (2023) identifies a need to improve the quality of existing football pitches at the adjacent Recreation Ground which are currently overplayed. It also identifies the

lack of car parking, and the need for additional tennis courts. The proposed development has the potential to help address these issues through the provision of circa 0.65ha of land adjoining the Recreation Ground and financial contributions. This is acknowledged by the Council's Sports and Recreation Team Leader in his response to the application.

- 4.4.8. All dwellings can be within a convenient walking distance to opportunities for informal and formal open space through the provision of children's play areas, natural play in extensive areas of new landscaping and recreational routes, creating a safe and well-connected neighbourhood as illustrated on the Illustrative Landscape Masterplan in line with Policy HS4.
- 4.4.9. RLBP Policy HS5 (Traffic Generation and Air Quality, Noise and Vibration) states that development proposals should promote a shift towards the use of sustainable transport modes and low emission vehicles, in order to minimise the impact on air quality, noise and vibration caused by traffic generation. The Appeal Site is well located to access services and facilities within Clifton-upon-Dunsmore, being within walking distance of the playing fields, primary school, early years facility, public house, church, village hall, mobile library and village shop. It is also within walking and cycling distance of facilities within Rugby with improvements proposed to Rugby Road to make it safer for residents of the village to access Rugby by active travel means, and the Appeal Site is served by existing bus services on Rugby Road.
- 4.4.10. It is noted that Clifton-upon-Dunsmore scores highly in terms of its Public Transport score within the Council's Rural Sustainability Study. Active travel links are shown illustratively on the Illustrative Landscape Masterplan to promote sustainable transport choices.
- 4.4.11. An Air Quality Assessment and Noise Impact Assessment form part of this Appeal. The Assessments conclude the development will have an insignificant impact on both air quality and noise. The effects of air quality, noise and vibration on the layout of the dwellings will be addressed at reserved matters stage. The impact of the proposed development on air quality levels outside of the Appeal Site will be mitigated through measures to encourage sustainable modes of travel and low emission vehicles as set out in the submitted Transport

Assessment and Air Quality Assessment. The Council's Environmental Health Officer has no objection to the proposed development, subject to conditions.

#### 4.5 Natural Environment Policies

- 4.5.1. Policy NE1 (Protecting Designated Biodiversity and Geodiversity Assets) of the RBLP requires that new development deliver a net gain in biodiversity, and avoid, mitigate, or compensate for any significant harm to biodiversity. An Ecological Appraisal and Further Information has been submitted as part of this appeal and demonstrates how the proposed development has been designed to avoid any significant harm to biodiversity.
- 4.5.2. The proposed development has the potential to result in a Biodiversity Net Gain of at least 10%, all of which can be delivered on Site. The potential to maximise net gain within the site boundary has been explored, at this outline stage, based on the design parameters and targeting realistic and deliverable habitats as part of the developments soft landscaping. The mandatory requirement for 10% BNG can therefore be achieved. As a result, the proposal complies with Policy NE1. A Section 106 Agreement will be provided demonstrating compliance with this policy.
- 4.5.3. Whilst there will be a small loss of some hedgerow and trees to facilitate the access into the Site, the impact will be more than mitigated by extensive new planting within the Appeal Site.
- 4.5.4. Other effects on protected species can be avoided through measures to be adopted during construction. Taking into account all of these measures, the proposed development complies with Policy NE1.
- 4.5.5. The western and southern part of the Site falls within a Strategic Green Infrastructure Network as defined on the Proposals Map. Local Plan Policy NE2 (Strategic Green and Blue Infrastructure) requires new developments to provide suitable Green Infrastructure corridors throughout the development, and to protect, restore and enhance existing assets within the Network shown on the Proposals Map.
- 4.5.6. The Network shown runs around the western side of the village and incorporates
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the existing housing and gardens along Rugby Road before sweeping south easterly across the southern half of the Site. The Land Use and Access Parameter Plan incorporates a significant amount of green infrastructure along its southern boundary consistent with the Network, and provide space for recreation, support biodiversity and enable sustainable drainage. This demonstrates the proposed development can contribute to the Green Infrastructure Network.

- 4.5.7. Policy NE3 (Landscape Protection and Enhancement) states that new development which positively contributes to landscape character will be permitted. Proposed developments will need to demonstrate that they integrate landscape planning into the development design at an early stage and consider its landscape in context to the local area and its surroundings. Although landscape is a reserved matter, an Illustrative Landscape Masterplan has been prepared which explains how features of importance will be retained, and new planting can be accommodated.
- 4.5.8. The Council's Arboricultural Officer objects to the proposed development on grounds of conflict with Policy NE3 and the loss of the sites agricultural character, with a request for photomontages. Further evidence in the form of photomontages will be submitted with the Appellants evidence to illustrate the level of harm is limited.

## **4.6 Sustainable Design and Construction Policies**

- 4.6.1. Policy SDC1 (Sustainable Design) of the RBLP requires all development to demonstrate high quality, inclusive and sustainable design and ensure the living conditions of existing and future neighbouring occupiers are safeguarded and should add to the overall quality of the areas in which they are situated. New development will only be supported where the proposals are of a scale, density and design that responds to the character of the area.
- 4.6.2. Layout is a reserved matter, however the Council commented at the pre-application stage that the Development Framework Plan was a 'logical block structure' and it provides sufficient space for ensuring standards of privacy, amenity and light can be met. The density of development based on up to 160 dwellings represents circa 37 dwellings per hectare (net) on the total developable

area of 4.3ha. This is an efficient use of the land consistent with the nature and character of the surrounding area.

- 4.6.3. Policy SDC2 (Landscaping) of the RBLP requires landscape aspects to form an integral part of the design. Although landscaping is also a reserved matter, the Illustrative Landscape Masterplan submitted with this appeal shows how existing features can be retained, sustainable drainage methods incorporated, and new planting can be accommodated into the design.
- 4.6.4. Policy SDC3 (Protecting and Enhancing the Historic Environment) of the RBLP states that development will be supported that sustains and enhances the significance of the Borough's heritage assets, including Listed Buildings. The Site is located approximately 200m south of the Clifton-upon-Dunsmore Conservation Area, and makes no contribution to its setting and significance. The proposed development will have a neutral impact upon the setting and significance of the Conservation Area. There are no other built heritage assets within 1000m of the Site.
- 4.6.5. An Archaeological Assessment and Geophysical Survey confirms there are no archaeological remains of a level of interest which might undermine the principle of the Site's development, however the Site has the potential to impact upon archaeological remains of local archaeological interest. Notwithstanding the above, the Council's Archaeologist has requested further archaeological works and these are being undertaken and will be submitted with the Appellants evidence.
- 4.6.6. Policy SDC4 (Sustainable Buildings) refers to the need to ensure that all new dwellings should meet the Building Regulations requirement of 110 litres of water per person a day unless it can be demonstrated that it is financially unviable. It is considered that this can be secured by condition.
- 4.6.7. Policy SDC5 (Flood Risk Management) of the RBLP states that new development will be steered to areas with the lowest probability of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted in support of this appeal. The Site is located wholly within Flood Zone 1. There is a small area of surface water flood risk, however built development avoids this area. The Site is at low risk of flooding from all other sources and is therefore in accordance
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with Policy SDC5 of the RBLP.

4.6.8. Policy SDC6 (Sustainable Drainage) of the RBLP states that Sustainable Drainage Systems (SuDS) are required in all major developments. The proposed development can include SuDS, and there will be attenuation basins which will serve the residential areas as shown on the Land Use and Access Parameter Plan. The details can be secured by condition and therefore accords with Policy SDC6 of the RBLP. The Lead Local Flood Authority have no objection to the proposed development, subject to conditions.

4.6.9. Policy SDC9 (Broadband and Mobile Internet) requires developers to contribute towards the provision of broadband infrastructure and ensure that the appropriate service is available to those who need it. These details can be secured by condition.

#### **4.7 Delivery Policies**

4.7.1. Policy D1 (Transport) of RBLP relates to sustainable modes of transport and sets out that development will be permitted if sustainable modes of transport are prioritised, and measures are designed to mitigate transport impacts from development.

4.7.2. The proposed development accords with this policy as the Appeal Site will have safe and convenient access for pedestrians and cyclists which will connect future residents safely to nearby public transport services which will be improved. Further, proposed improvements to Rugby Road to widen footpaths will improve active travel connections into Rugby from the village.

4.7.3. The Transport Assessment and Transport Assessment Addendum submitted with this appeal explains through the modelling work undertaken how there will be no adverse impacts on existing highway infrastructure.

4.7.4. Policy D2 (Parking Facilities) seeks to ensure adequate car parking can be achieved on site. The amount of parking does not form part of this appeal and will be addressed at the reserved matters stage.

4.7.5. New development will be dependent on sufficient capacity being available in existing infrastructure. Policy D3 (Infrastructure and Implementation) of the

RBLP states that where this cannot be demonstrated, permission for new developments will only be granted where additional capacity can be released through new infrastructure or better management of existing infrastructure. Contributions towards infrastructure will be made where necessary and in accordance with Policies D3 and D4 (Planning Obligations) of the RBLP.

- 4.7.6. No objections have been raised by consultees responsible for infrastructure, such as Warwickshire County Council, University Hospitals Coventry and Warwickshire NHS Trust, Warwickshire Police, and Warwickshire Fire and Rescue. A Section 106 Agreement will be submitted that addresses all necessary planning obligations requested by the authorities.

#### **4.8. Conclusion on the Development Plan**

- 4.8.1. Having regard to the Development Plan, it is demonstrated that the proposed development accords with all policies of the Development Plan, save for Policy GP2 which restricts development outside of settlement boundaries. It is acknowledged there is therefore a conflict with the Development Plan when taken as a whole.
- 4.8.2. However, this Policy is out-of-date by virtue of the absence of a five year housing land supply. Furthermore, the Policy is of limited weight given its restrictive nature and the need to release additional greenfield land to meet housing needs within the Borough. Further, the absence of a five year supply, the scheme's benefits and absence of significant harm amount to powerful material considerations that indicate that a decision otherwise than in accordance with the development plan can be justified in this case.

## 5 Matters Agreed in respect of Material Considerations

- 5.1.1. Material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), relevant Supplementary Planning Documents (SPDs), and emerging Rugby Borough Local Plan Review and Clifton-upon-Dunsmore Draft Neighbourhood Plan. The Appeal Site has been promoted through the preparation process of both Plans, and meetings held with the Parish Council. The Draft NPPF was published in December 2025 for consultation, and is therefore of limited weight at this time.
- 5.1.2. The SPDs of relevance to this application relate to Air Quality, Climate Change and Sustainable Design and Construction, Housing Needs and Planning Obligations. These largely relate to matters of detail which will be addressed at reserved matters stage, or are matters which can be covered by conditions or planning obligations.
- 5.1.3. The weight given to the emerging Local Plan Review is very limited as it has only reached the Preferred Options consultation stage. Similarly, the Neighbourhood Plan has only reached Submission Stage and is of limited weight in the determination of this appeal.
- 5.1.4. The key material consideration is therefore the NPPF and, as established in Section 4, paragraph 11d applies in this case, namely that permission should be granted unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.1.5. There are no policies in the NPPF that protect areas or assets that provide a
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strong reason for refusing the development proposed. Further, there are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 5.1.6. The Secretary of State expects that development that causes harm, even net harm overall, will be granted permission if there is no five year housing land supply, unless that harm reaches the high threshold that the 'tilted balance' requires. In this case, the level of harm does not reach this threshold.
- 5.1.7. The provision of homes directly supports the Government's objective of significantly boosting the supply (Chapter 5). In the context of the shortfall in housing supply within the Borough, and urgent need to boost affordable housing, very significant weight should be afforded to the delivery of housing.
- 5.1.8. Delivery of the development will create local employment, particularly in the construction phase through the need for local workers and materials, and have indirect impacts through increased spend in the local area, contributing to building a strong, competitive economy (Chapter 6). Such matters would have a positive effect and attract significant weight in the planning balance.
- 5.1.9. Housing growth near to the centre of Rugby will also support the vitality of the town centre (Chapter 7), as well as supporting an economically active population to sustain the town centre's key employers and businesses.
- 5.1.10. The provision of homes is also central to promoting healthy communities (Chapter 8), including through the delivery of a mix of homes and the provision of open space and opportunities for recreation. The ability of the proposed development to potentially address an existing deficiency within the sports provision within Clifton-upon-Dunsmore as evidenced above attracts significant weight in the planning balance.
- 5.1.11. The proposed development will promote sustainable transport (Chapter 9) through its proximity to local services and facilities, and the provision of active travel links within the layout and on Rugby Road which will promote sustainable modes of travel and decrease private car reliance.
- 5.1.12. The proposed development can incorporate high quality communications as set
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out in Chapter 10 of the NPPF.

- 5.1.13. The proposed development makes effective use of the land (Chapter 11) by maximising the use of land for new homes (37 dwellings per hectare) whilst maintaining local character and preserving assets such as the existing trees and hedgerows.
- 5.1.14. Although matters in respect of scale, layout, appearance, and landscaping do not form part of this application, the submitted Design and Access Statement shows the development can be well-designed and address all necessary requirements (Chapter 12).
- 5.1.15. The Site is not within the designated Green Belt (Chapter 13), and is within an area of low flood risk (Chapter 14) where flood risk can be designed not to be increased elsewhere through incorporating sustainable drainage systems within the proposed development.
- 5.1.16. The proposed development can contribute towards the conservation and enhancement of the natural environment (Chapter 15) through the provision of green infrastructure, protection and enhancement of existing hedgerows and trees, and achieve a biodiversity net gain in excess of 10%. It is acknowledged however there will be some harm through the loss of agricultural land and the landscape and visual impact of the proposed development, albeit it will be demonstrated that harm is limited and will be taken into account in the planning balance.
- 5.1.17. The proposed development causes no harm to any designated heritage assets, and therefore contributes to the protection and enhancement of the historic environment (Chapter 16).
- 5.1.18. A Minerals Assessment was completed in November 2025 confirming the Site is not constrained by commercially viable mineral extraction potential. Therefore development of the Site is not contrary to Chapter 17 of the NPPF.
- 5.1.19. The Appellant will therefore demonstrate there are no policies in the NPPF that protect areas or assets of particular importance that provide a strong reason for refusing the development proposed.

- 5.1.20. With reference to the second part of paragraph 11d and the planning balance, the NPPF requires particular regard to be given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (paragraph 11).
- 5.1.21. In respect of sustainable locations, future residents of the Appeal Site will have a genuine choice of modes of travel. The Appeal Site has the benefit of being within walking distance of village facilities, and walking and cycling distance of Rugby town and its facilities. Furthermore, existing bus services that connect with the town pass the Site and active travel routes within the Appeal Site and on Rugby Road can be designed for safety and convenience.
- 5.1.22. In respect of making effective use of land, the Land Use and Access Parameter Plan and the assumed average density of 37 dwellings per hectare illustrates how the balance has been struck between the need for homes and the desirability of maintaining the areas prevailing character.
- 5.1.23. In respect of securing well-designed places, the proposed development can incorporate a quantum of open space which will secure a well-designed, attractive and healthy place.
- 5.1.24. Finally, the proposed development will deliver up to 48 affordable homes in an area where there is an urgent need to boost affordable housing supply.
- 5.1.25. The adverse impacts would not significantly and demonstrably outweigh the benefits and request that planning permission should be granted.

## 6 Documents

### Local Planning Policies and Documents

#### 6.1 To be agreed

- Rugby Borough Council Local Plan 2011-2031 (Appendix 4)
- Rugby Borough Local Plan 2011-2031 Urban Policies Map. (Appendix 5)
- Rugby Borough Local Plan 2011-2031 Green Infrastructure Policies Map. (Appendix 6)
- Rugby Borough Local Plan 2011-2031 Rural Settlements Map. (Appendix 7)
- Rugby Borough Council 5 Year Housing Land Supply Position Statement 2025-2030. (Appendix 8)
- Rugby Borough Council Playing Pitch & Outdoor Sport Strategy July 2023. (Appendix 9)
- Rugby Borough Council Rural Sustainability Study December 2024. (Appendix 10)
- Rugby Borough Council Air Quality SPD July 2021. (Appendix 11)
- Rugby Borough Council Climate Change & Sustainable Development and Construction SPD February 2023. (Appendix 12)
- Rugby Borough Council Housing Needs SPD July 2021. (Appendix 13)
- Rugby Borough Council Planning Obligations SPD March 2012. (Appendix 14)

### National Planning Policy, Guidance and Other Documents

- National Planning Policy Framework (NPPF) (December 2024)
- National Planning Practice Guidance
- The WMS of July 2024

## Appendix 1: Schedule of planning application documents

Each individual item has its own reference number.

Updated reports are labelled under the same reference number, with an added .a, .b depending on the revision.

Where multiple files for the same document were submitted, they are labelled .i, .ii.

Superseded reports are labelled, the most up to date documents are highlighted in bold.

### As submitted 25.06.24

0. Application Form SUPERSEDED UNDER 08.08.2025 SUBMISSION
1. Covering Letter SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 2. CIL Additional Information Form**

### *Plans*

3. Site Location Plan (P10-001C-Location Plan 1-1250@A1) SUPERSEDED UNDER 01.08.2025 SUBMISSION
4. Parameter Plan (SK-02F Rugby Road Parameter Plan @A1) SUPERSEDED UNDER 01.08.2025 SUBMISSION
5. Proposed Site Access (T21542.001 rev B) SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 6. Landscape Strategy (1686-L-D-PL-200-V1)**
7. Topographical Survey (53046\_T\_Rev0-A1@1000) SUPERSEDED UNDER 22.08.2025 SUBMISSION

### *Documents*

8. Planning Statement SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 9.i. Design and Access Statement – Part 1 of 2 SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 9.ii. Design and Access Statement – Part 2 of 2 SUPERSEDED UNDER 01.08.2025 SUBMISSION
10. Transport Assessment SUPERSEDED UNDER 21.11.2025 SUBMISSION
- 11. Statement of Community Involvement**
12. Landscape and Visual Appraisal (LVA) SUPERSEDED UNDER 01.08.2025 SUBMISSION
13. Preliminary Ecological Appraisal SUPERSEDED UNDER 08.08.2025 SUBMISSION
14. Daytime Bat Walkover Survey SUPERSEDED UNDER 08.08.2025 SUBMISSION
15. Habitat Suitability Index Assessment SUPERSEDED UNDER 08.08.2025 SUBMISSION
16. Biodiversity Net Gain Assessment SUPERSEDED UNDER 08.08.2025 SUBMISSION
17. Biodiversity Net Gain Statutory Metric – Appendix 6976/BNG1 to Biodiversity Net Gain Assessment SUPERSEDED UNDER 08.08.2025 SUBMISSION
- 18. Health Impact Assessment Screening Report**
19. Air Quality Report SUPERSEDED UNDER 28.11.2025 SUBMISSION

- 20. Heritage Impact Assessment SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 21. Acoustic Assessment SUPERSEDED UNDER 01.08.2025 SUBMISSION
- 22. Contaminated Land Assessment SUPERSEDED UNDER 08.08.2025 SUBMISSION
- 23. Sustainability Checklist**
- 24. Arboricultural Impact Assessment and Tree Survey SUPERSEDED UNDER 01.08.2025 SUBMISSION

Submission 02.07.2025

- 25. Flood Risk Assessment SUPERSEDED UNDER 01.08.2025 SUBMISSION

Submission 09.07.2025

**3.a. Site Location Plan (P10-001-E-Location Plan)**

Submission/ Addendum prior to Validation 01.08.2025

- 1.a. **Cover Letter**
- 3.a. **Site Location Plan (P10-001-E-Location Plan)**
- 4.a. **Parameter Plan (SK-01G Rugby Road Sketch Layout @A0 - Parameter Plan)**
- 5.a. **Site Access (T21542.001 rev D)**
- 8.a. **Planning Statement**
- 9.a. **Design and Access Statement**
- 12.a.i. **Landscape and Visual Appraisal Part 1**
- 12.a.ii. **Landscape and Visual Appraisal Part 2**
- 19.a. Air Quality Report SUPERSEDED UNDER 28.11.2025 SUBMISSION
- 20.a. **Heritage Impact Assessment**
- 21.a. **Acoustic Assessment**
- 24.a. **Arboricultural Impact Assessment and Tree Survey**
- 25.a. **Flood Risk Assessment**
- 26. **Sustainable Drainage Statement**
- 27. **Travel Plan**

Submission/ Addendum prior to Validation 08.08.2025

- 0.a. **Application Form**
- 13.a. **Preliminary Ecological Appraisal**
- 14.a. **Daytime Bat Walkover Survey**
- 15.a. **Habitat Suitability Index Assessment and eDNA Analysis**
- 16.a. **Biodiversity Net Gain Assessment**
- 17.a. **Biodiversity Net Gain Statutory Metric**
- 28. **Confidential Badger Survey**
- 22.a. **Contaminated Land Assessment**

Submission/ Addendum prior to Validation 22.08.2025

- 7.a. **Topographical Survey (53046\_T\_Rev1-A0@1000)**

Addendum 1 – 17.09.2025 (Response to WCC Highways & Geophysical Survey)

- 5.a. **Proposed Site Access (T21542.001 Rev D)**
  - 29. **Proposed Site Access Swept Path Analysis (T21542.002 Rev D)**
  - 30. **Stage 1 Road Safety Audit Report**
  - 31. **Stage 1 Road Safety Audit Designer's Response**
  - 32. **Geophysical Survey Report**
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Addendum 2 – 14.11.2025 (Response to LLFA Objection)

**33. Response to LLFA Objection**

Addendum 3 – 21.11.2025 (Highways, Minerals & Ecology)

- 5.a. Proposed Site Access (T21542.001 Rev D)**
- 29. Proposed Site Access Swept Path Analysis (T21542.002 Rev D)**
- 34. Proposed Shuttle Signals and Swept Path Analysis (Drawing T25501.003)**
- 35. Proposed Bus Stop Upgrades (Drawing T25501.004)**
- 10.a. Transport Assessment**
  - 10.a.i. Transport Assessment Appendix Part 1 of 3**
  - 10.a.ii. Transport Assessment Appendix Part 2 of 3**
  - 10.a.iii. Transport Assessment Appendix Part 3 of 3**
- 36. Response to WCC Ecology**
  - 36.i. Response to WCC Ecology Redacted Version**
- 37. Minerals Assessment**

Addendum 4 – 28.11.2025 (Air Quality Report)

**19.b. Air Quality Report**

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## Appendix 2: Summary of Statutory Consultee Responses

Consultee	Response
Warwickshire Fire & Rescue	No objection
WCC Archaeology	Further Information Required – requests an archaeological assessment be carried out before any planning decision is made. Richborough have been progressing an archaeological assessment of the site.
National Grid	No objection
Warwickshire Police	No objection – requested contributions to be made via S106.
Active Travel	No objection
Warwickshire County Council Ecology	Further Information Required – a response was submitted 21 <sup>st</sup> November 2025 providing all additional information requested. WCC Ecology have been reconsulted but have not yet responded.
Rugby Borough Council Sports and Recreation	Further Information Requested – requested further information regarding the proposed pavilion building. A meeting with the Sports and Recreation Officer was requested multiple times by Marrons however no response was received.
Canal and River Trust	Further Information Requested – information requested is not a planning matter and should not impact a planning decision.
Clifton-upon-Dunsmore Parish Council	Objection – addressed in this Statement of Case.
University Hospitals Coventry and Warwickshire NHS Trust	No Objection – requested contributions to be made via S106.
Environmental Health	No objection subject to conditions
Warwickshire County Council Public Health	No objection
Warwickshire County Council Infrastructure	No objection subject to conditions
Rugby Borough Council Arboriculture and Landscape	Objection – requires updates to the submitted Landscape and Visual Appraisal and photomontages. A response to this objection will be submitted in the landscape evidence.
Warwickshire County Council Highways	Further Information Requested – Transport Assessment addendum submitted 21 <sup>st</sup> November 2025 should address all further information requested.
Warwickshire County Council Lead Local Flood Authority	No objection subject to conditions
WCC Minerals	No objection
Environmental Health	No objection