



**Town and Country Planning Act 1990**

**Section 78 Appeal**

**By Marc Wilson, Richborough**

**Against non-determination for outline application with some matters reserved 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).**

**Relating to Land South East Of, Rugby Road, Clifton-upon-Dunsmore**

**Rugby Borough Council Statement of Case**

**Appeal Reference: 6003106**

**Local Planning Authority Reference: R25/0565**

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## **1. Introduction**

- 1.1. This Statement sets out Rugby Borough Council's (the Council) case in relation to the appeal against the non-determination of a planning application for *“Outline application with some matters reserved 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)”* made on 15 January 2026.
- 1.2. The application for planning permission was submitted to the Local Planning Authority (LPA) on 25 June 2025 and made valid on 22 August 2025. It has been agreed that a Public Inquiry is the most relevant procedure for this appeal: a Pre-Inquiry Case Management Conference with the Inspector is scheduled for 06 March 2026.
- 1.3. At the time of submission of the appeal the Local Planning Authority had not yet determined the application as it had not received the relevant information to allow an informed decision-making process to be undertaken. The matters identified by the appellant that they have yet to evidence include landscape, highways and ecology. This statement will set out the Council's case and the basis of the refusal of planning permission if the Council had been in such a position to make the decision. The Council will work with the appellant to agree a Statement of Common Ground.

## **2. Planning History**

- 2.1. R25/0230 EIA screening request for up to 160no. dwellings – EIA Screening Opinion issued 14th March 2025.

## **3. The Appeal Site**

- 3.1. The site is accessed from Newall Close off Rugby Road in Clifton-upon-Dunsmore however other than the vehicular access the site is in land designated as countryside outside the defined settlement boundary.
- 3.2. The site comprises 9.21 hectares of greenfield land and includes highway land associated with Rugby Road and Newall Close required to access the site. There are residential properties to the west and north west of the site located on Rugby Road and Newall Close. To the north of the site is the existing playing field/recreation ground in the ownership of Clifton-upon-Dunsmore Parish Council. This section of the site is boarded by metal mesh fencing. The Clifton Recreation Ground boundary is lined with trees. To the north east are further residential properties located on Shuttleworth Road. The remainder of the site to the east and south is surrounded by further fields and allotment gardens adjacent to Newall Close.
- 3.3. The majority of the proposal site is a large agricultural field bounded by fencing, hedgerows and trees. The agricultural land includes Grade 2 agricultural land. To the south east an adjacent field is proposed for drainage purposes. There is a fall of 10-13 metres across the site sloping from the north east to south west across the site from a high point of 118m AOD to a low point of 105m AOD.

#### **4. The Proposal**

- 4.1. The appeal seeks outline planning permission with some matters reserved 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).
- 4.2. Vehicular access into the development is proposed to be taken from Newall Close. This is the only access point proposed for the development and would incorporate vehicular and pedestrian access.
- 4.3. The proposal is for market and 30% affordable housing however the mix is unknown at this stage.
- 4.4. The proposed development land use parameters include 4.60hectares of proposed residential development (including roads, footpaths, private drives, amenity and incidental open space and other associated infrastructure) and 4.38hectares of open space (including amenity green space, children's play provision, landscaping, footpaths, potential sports pitches, car parking, drainage and other associated infrastructure, Biodiversity Net Gain mitigation).
- 4.5. Additional information was submitted in relation to flooding, minerals, ecology, highways and air quality during the course of the application and re-consultations were carried out. This addressed some objections raised by some consultees however there were still outstanding matters at the time of the appeal submission.

#### **5. The Development Plan Policies & Other Material Policy Documents**

- 5.1. Section 70(2) of the Town and Country Planning Act, 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

##### Rugby Borough Local Plan 2011-2031, adopted June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy DS1: Overall Development Needs

Policy H1: Informing Housing Mix

Policy H2: Affordable Housing Provision

Policy HS1: Healthy, Safe and Inclusive Communities

Policy HS4: Open Space, Sports Facilities and Recreation

Policy HS5: Traffic Generation, Air Quality, Noise and Vibration

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy NE2: Strategic Green and Blue Infrastructure

Policy NE3: Landscape Protection and Enhancement

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC3: Protecting and Enhancing the Historic Environment

Policy SDC4: Sustainable Buildings  
Policy SDC5: Flood Risk Management  
Policy SDC6: Sustainable Drainage  
Policy SDC7: Protection of the Water Environment and Water Supply  
Policy SDC9: Broadband and Mobile Internet  
Policy D1: Transport  
Policy D2: Parking Facilities  
Policy D3: Infrastructure and Implementation  
Policy D4: Planning Obligations

- 5.2. On 27 January 2026 Rugby Borough Council resolved to publish the emerging Rugby Borough Local Plan 2025-2042 for 6-weeks public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulation 2012 and thereafter submit the plan to the Secretary of State for independent examination. The consultation ends on 13 March 2026 and it is anticipated that the plan will be submitted for examination in late April 2026. "Issues and Options" and "Preferred Options" consultations under Regulation 18 of the 2021 Regulations were undertaken in 2023 and 2025.

Proposed Submission Rugby Borough Local Plan 2025-2042 (Regulation 19 Consultation)

Policy S1: Settlement Hierarchy  
Policy S2: Strategy for homes  
Policy S6: Residential allocations  
Policy EN2: Landscape protection  
Policy EN4: Areas of Separation

- 5.3. At the time of writing the Clifton-upon-Dunsmore Parish Neighbourhood Plan is subject to independent examination. The independent Examiner's report has been received in draft but not yet published. The next stage will be a referendum on the plan likely to be held in May 2026.

Clifton Upon Dunsmore Parish Neighbourhood Plan (2011-2041) (Regulation 16 Consultation)

Policy G1: Settlement Boundaries  
Policy G2: Building Design  
Policy H1: Housing Mix  
Policy H3: Affordable Housing  
Policy ENV1: Local Green Fields  
Policy ENV2: Import Open Spaces  
Policy ENV3: Sites & Features of Natural Environment Significance  
Policy ENV4: Biodiversity across neighbourhood area  
Policy ENV5: Historical Environment  
Policy ENV7: Important Views  
Policy ENV8: Footpaths, bridleways & cycleways  
Policy ENV9: Flood risk resilience & climate change  
Policy ENV10: Renewable energy generation infrastructure  
Policy CF2: New or improved community facilities  
Policy T1: Traffic management  
Policy T2: Off-road parking spaces

### Supplementary Planning Documents

Planning Obligations SPD (2012)

Climate Change, Sustainable Design and Construction SPD (2023)

Air Quality SPD (2021)

Housing Needs SPD (2021)

### National Planning Policies and Guidance

National Planning Policy Framework (NPPF)(2024)

Planning Practice Guidance (PPG)

National Design Guide (2021)

National Model Design Code (2021)

### Other relevant guidance/documents

Housing and Economic Needs and Distribution Assessment (2022) (HEDNA)

Updated Housing Needs Evidence for Rugby Borough (2025)

Green Infrastructure Study 2009

Green and Blue Infrastructure Policies Map

Open Space, Play Pitch and Built Facilities Study (2015)

Rugby Borough Open Space Study Report (2025)

Playing Pitch and Outdoor Sport Strategy (2023)

Planning Obligations Supplementary Planning Document (2012)

Housing Needs Supplementary Planning Document (2021)

Climate Change and Sustainable Design and Construction Supplementary Planning Document (2023)

Rural Sustainability Study (2024)

5 Year Housing Land Supply Position Statement 2025-2030

Area of Separation Study Report (November 2025)

Landscape Character Assessment Rugby Borough Council (January 2025)

Landscape Sensitivity Assessment of Strategic Site Options Rugby Borough Council (March 2025)

Stage 2 Site Options Assessment (December 2025)

Clifton-upon-Dunsmore Conservation Area Appraisal (June 2010)

## **6. The Council's Case**

### **Key Issues**

- Assessment against strategic planning policies
- Best and Most Versatile Land
- Impact upon character of the area
- Landscape, Green Infrastructure and Visual Impacts
- Impact upon historic environment
- Archaeology
- Housing Mix and Tenure
- Residential amenity
- Impact upon highway safety
- Pollution
- Flood Risk and Drainage
- Ecology

- Open Space and Sports Provision

### **Assessment against strategic planning policies**

- 6.1. Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area. This is reflected in Chapter 2 of the Framework which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 6.2. Paragraph 11 of the Framework states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.” The development plan in this instance consists of the Local Plan (2011-2031).
- 6.3. The emerging Proposed Submission Rugby Borough Local Plan 2025-2042 has reached Regulation 19 stage and its consultation will finish on 13 March 2026. Within the emerging plan, in Clifton-upon-Dunsmore, there are three allocations proposed totalling 150 dwellings. The appeal site (given number 335 in the plan-making process) was considered but not selected for allocation. The Regulation 19 Submission Local Plan currently holds limited weight in decision-making. As the emerging Local Plan progresses the weight to be given to certain elements will increase in accordance with paragraph 49 of the Framework.
- 6.4. The adopted Local Plan 2011-2031 (adopted 2019) sets out the spatial vision for the borough and Policy DS1 sets out the overall development needs, including the need for housing. Policy GP2 of the Local Plan sets out the settlement hierarchy in order to deliver the spatial strategy. The Local Plan identifies and provides allocations for housing and other development within the context of the settlement hierarchy. The emerging Local Plan 2025-2042 does not seek to amend the hierarchy of any of the settlements currently referenced based on the Rural Sustainability Study (2024).
- 6.5. Policy GP2 sets out the settlement hierarchy. The appeal site other than the access point is not located within any defined settlement boundary, or in fact adjacent to the settlement boundary except for in its far northeastern corner where the site has approximately 30 metres of adjacency with the settlement boundary which encompasses the property at 37 Shuttleworth Road. This part of the site is shown on the Land Use and Access Parameter Plan as open space. It is not an allocated site. The application site is therefore located within the countryside. Policy GP2 states that in countryside locations, such as this, new development will be resisted, only where allowed by national policy on countryside locations will development be permitted.

- 6.6. The Local Plan is now more than 5 years old, and paragraph 34 of the Framework states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. In November 2022 Rugby Borough Council, having reviewed its local plan and decided it needed updating, commenced preparation of a new local plan.
- 6.7. Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 6.8. As set out in paragraph 78 of the Framework and footnote 39 it has been determined that Policy DS1 of the Local Plan is in need of updating due to the age of the plan and the evidence in relation to housing which has been published (HEDNA 2022 and Updated Housing Needs Study 2025). Policy DS1 is therefore out of date and in this case it also follows that Policy GP2 is considered to be out of date due to the evidenced need not being able to be accommodated within current settlement boundaries.
- 6.9. Clifton-upon-Dunsmore is a main rural settlement as designated in the Local Plan settlement hierarchy. As part of the evidence base for the emerging local plan Rugby Borough Council has undertaken a Rural Sustainability Study (2024). This recommends that Clifton-upon-Dunsmore remains a main rural settlement within the settlement hierarchy of the emerging local plan. Based on an assessment of access to services, public transport and the internet. The current and emerging local plans identify nine main rural settlements within the borough outside of the town of Rugby. The Rural Sustainability Study ranks those settlements according to their services and facilities with Clifton-upon-Dunsmore ranking equal sixth of the nine settlements. The proposed development would have access to Clifton-upon-Dunsmore to the north via the proposed vehicular access to Rugby Road being its only walking, cycling and vehicular route (a route is proposed through the existing recreation ground however the Council understand that this is not a deliverable route due to the route not being under the ownership of the appellant). The scheme indicatively features several cul-de-sacs towards the eastern end which do not contribute to a connected network of non-vehicular movements.
- 6.10. There are three alternative sites at Clifton-upon-Dunsmore (North of Lilbourne Road, at Newton Road, and at North Road) identified within the Proposed Submission Local Plan which are suitable to deliver a total of 150 dwellings. The development of these sites is acceptable and preferable in planning terms and also is less harmful than the appeal proposal. The availability and suitability of these alternatives is a material consideration which weighs against the approval of the proposed development subject of this appeal.
- 6.11. The Council will provide further evidence in relation to this matter at Proof of Evidence stage.

*The presumption in favour of sustainable development*

- 6.12. The latest Five-Year Housing Land Supply Position Statement 2025-2030, published 07 November 2025, confirms the Council as of 01 April 2025 can demonstrate a 4.16 year supply of housing. Therefore, the Council cannot demonstrate a 5-year housing land supply.
- 6.13. Footnote 8 to paragraph 11 of the Framework provides that where a local planning authority cannot demonstrate a 5-year housing land supply then the most important policies for determining an application which involves the provision of housing are to be considered as being 'out of date'. Therefore paragraph 11(d) of the Framework (the 'tilted balance') is triggered. The Framework is a material consideration. Paragraph 11(d) states:

*“Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:*

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

- 6.14. There are no footnote 7 considerations for this appeal scheme as identified in the Framework. Therefore, the 'tilted' balance in paragraph 11(d)ii of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (with particular regard given to policies within footnote 9 of the Framework).

#### *Neighbourhood Planning*

- 6.15. Clifton-upon-Dunsmore Neighbourhood Plan was submitted to Rugby Borough Council on 05 September 2025. The Regulation 16 six week consultation was undertaken from 23 September 2025 until 04 November 2025. Currently the Neighbourhood Plan holds limited weight due to its current stage of preparation. The Neighbourhood Plan has been submitted for Examination and the Council are awaiting receipt of the final Examiner's report.
- 6.16. Policy G1 of the Neighbourhood Plan sets the settlement boundary for Clifton-upon-Dunsmore and states what development would be appropriate development within the settlement boundary. The proposed development does not fall under any type defined as appropriate development within the Neighbourhood Plan. It also includes the settlement boundary of Houlton within this policy which is a permitted (also allocated through the Local Plan 2011) urban extension of 6,200 dwellings. This development is within the designated neighbourhood area.

- 6.17. The Council indicated that approximately 150 dwellings would be required to be allocated within the Neighbourhood Plan to meet an indicative housing need for the Parish. It is stated within paragraph 4.26 of the Neighbourhood Plan that this requirement is met in full by the sites allocated within the emerging Local Plan. On this basis the Parish Council has not included housing allocations within the Neighbourhood Plan submission version.

*Strategic policies conclusion*

- 6.18. In conclusion the proposed development is located outside a settlement boundary in the countryside. The principle of housing on this site is not considered to comply with the Local Plan. The consideration of other suitable alternative sites identified and assessed as part of the Regulation 19 Local Plan process is a material consideration for this proposal.
- 6.19. Due to the Council not currently being able to demonstrate a five-year housing land supply, the presumption in favour of sustainable development in paragraph 11d of the Framework, 'the tilted balance' applies. Therefore in principle planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance (Footnote 7 policies) provides a strong reason for refusal or (ii) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits having particular regard to the key policies of the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (individually or in combination).
- 6.20. To achieve sustainable development, the Framework states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out above is a material consideration in the planning balance.

**Best and Most Versatile Land**

- 6.21. The best and most versatile land is defined as Grade 1 (excellent), 2 (very good) and 3a (good) with remaining agricultural land graded as 3b (moderate), 4 (poor) and 5 (very poor). The appellant has not submitted an Agricultural Land Classification report for the site.
- 6.22. The southern half of the site is Grade 2 agricultural land which falls within the definition of "best and most versatile agricultural land". Paragraph 5.1.16 of the appellant's SOC acknowledges that there will be "some harm through the loss of agricultural land" and "it will be demonstrated that harm is limited and taken into account in the planning balance." The loss of agricultural land is a harm of the proposal weighed against the benefits.

**Impact upon character of the area**

- 6.23. Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.

- 6.24. Policy SDC2 of the Local Plan requires a high standard of landscaping for development to form an integral part of overall design.
- 6.25. Chapter 12 of the Framework states that planning policies and decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 6.26. The proposal is an outline application with access only to be assessed at this stage. The Land Use and Access Parameters Plan and Illustrative Landscape Masterplan have been submitted in support of the proposals.
- 6.27. Clifton-upon-Dunsmore is a main rural settlement situated on a hill within a countryside setting. Non-continuous mostly pre-war ribbon development has occurred on the east of Rugby Road from Rugby town to the village. The application site has a sloping topography with a level change of 10-13metres across the site.
- 6.28. The site would be accessed from Newall Close off Rugby Road and the proposed development would be located behind the linear form of development in this location which is distinct from the village form of the wider village. This will be the only point of access for vehicular and non-vehicular traffic. While the Illustrative Landscape Masterplan is provided to show active travel links, the general access through to the recreation ground to the north is not guaranteed by this proposal.
- 6.29. The development proposed as illustrated at this stage features cul-de-sacs, largely in the form of private drives, towards the eastern boundary, which do not contribute to a connected network of non-vehicular travel. There does not appear to be a consistency or logic in relation to the implementation of these as opposed to the connected streets accessed from the main street immediately to the west, and it is considered that this compromises the legibility of the site layout and movement through it.
- 6.30. Clifton-upon-Dunsmore is a nucleated village on a small hill separated from Rugby by the valleys of the Avon and Clifton Brook. The appeal development on the sloping ground between the village and Rugby would significantly compromise the integrity of the historic nucleated settlement pattern. This would be further compounded by the fact that the development would effectively merge the village with the currently distinct ribbon development to Rugby Road.
- 6.31. The introduction of the proposed development would expand the village towards Rugby town and would not guard against the potential for coalescence between existing settlements as required by Policy NE3 of the Local Plan and Policy SDC1 which require all development to respond to the character of the areas in which they are situated.
- 6.32. The valued character and identities of the Borough's villages are derived, at least in part, from the degree to which they are physically and visually separated from the town. Development within areas that could diminish this degree of separation or contribute to the eventual coalescence of settlements shall be guarded against and resisted. Due to

the location of the application site and its relationship to the existing settlement and that of the town of Rugby would diminish the degree of actual and perceived separation which could have a significant adverse impact on the identity and distinctiveness of Clifton-upon-Dunsmore.

- 6.33. The Council will provide further evidence in relation to this matter at Proof of Evidence stage.

**Landscape, Green Infrastructure and Visual Impacts**

- 6.34. Policy NE3 of the Local Plan on landscape protection and enhancement states that new development which positively contributes to landscape character will be permitted.
- 6.35. The Landscape Character Assessment of Rugby (January 2025) details the site is located with the “Dunsmore Plateau Fringe”.
- 6.36. A landscape visual appraisal was submitted with the application and an Illustrative Landscape Masterplan.
- 6.37. The Landscape and Visual Appraisal that has been submitted to support the application refers to the Landscape Character Assessment of Rugby in its appraisal and states a number of Landscape Mitigation Measures to offset and/or reduce landscape and visual effects in response to the Landscape guidelines to include retention of existing landscape features and introduction of wide buffers with tree planting to "reduce the overall discernibility of the newly built form". This is shown in the Illustrative Landscape Masterplan with final details to be confirmed at reserved matter stage. However, no rationale is provided with regard to depth of buffer especially to the east and level/depth of planting required to mitigate the negative effects. Planting appears to be sporadic and woodland planting has not been incorporated. There is no provision of tree planting north to enhance the existing tree line (within the Clifton Recreation Ground).
- 6.38. There are a number of viewpoints assessed within the report of particular sensitivity across the Dunsmore Plateau fringe. The photographic viewpoints presented do not include any wirelines or photomontages creating a representation of potential changes to any view across a 15year period therefore it is not clear how landscape visual impacts can be fully assessed and the conclusion is reached in the report that at year 15 “landscape buffer mitigation planting and new characteristic tree and hedgerow planting will further enclose the site”. Additionally, there are viewpoints identified as missing including from the Rugby Golf Club house and golf course, near to the road bridge to the south of the site on Houlton Way and from Rugby Road including properties that back onto the site from Newall Close.
- 6.39. Clifton-upon-Dunsmore Neighbourhood Plan in Policy ENV7 Important views identifies the views important to the setting and character of the village. This includes important viewpoint 9 from Clifton Recreation Ground, views south and southwest to Bluebell Wood, Clifton Brook Valley, the Oxford Canal (and Rugby). This proposal will impact significantly and truncate this important view from Clifton Recreation Ground.

- 6.40. Paragraph 135c of the Framework sets out that developments should 'be sympathetic to local character and history, including the surrounding built environment and landscape setting'.
- 6.41. The site is located within the strategic green infrastructure network as identified in the Green and Blue Infrastructure policies map in the adopted Local Plan. Approximately 80% of the site is within the existing green infrastructure network. New developments must provide suitable green and blue infrastructure corridors throughout the development and link into adjacent strategic and local green and blue infrastructure networks or assets where present in line with Policy NE2. Where such provision is made a framework plan should be produced as part of the planning application demonstrating the contribution to the overall achievements of the multi-functional strategic Green and Blue Infrastructure Network. The Land Use and Access Parameter Plan does not address this.
- 6.42. The Council will produce evidence to demonstrate the landscape and visual harm of the proposal.

#### **Impact upon historic environment**

- 6.43. Policy SDC3 of the Local Plan states development will be supported that sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes.
- 6.44. The Clifton-upon-Dunsmore Conservation Area is located around 160m to the north of the proposed development site. The appellant has provided a heritage impact assessment assessing the impact of the proposed development on the conservation area.
- 6.45. This has been reviewed by the Council's Conservation Officer who agrees with the conclusions that:
- the Clifton-upon-Dunsmore Conservation Area is the only designated heritage asset that has the potential to be affected by the development proposal due to it representing change within its wider setting
  - the application site makes no contribution to the setting and significance of the conservation area
  - the proposed development will have a neutral impact upon the setting and significance of the conservation area.
- 6.46. In bringing a neutral impact upon the setting and significance of the Clifton-upon-Dunsmore Conservation Area, the proposed development would comply with Chapter 16 of the Framework and Policy SDC3 of the Local Plan in relation to conservation areas.

#### **Archaeology**

- 6.47. Chapter 16 of the Framework and Policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.
- 6.48. Warwickshire County Council (WCC) Archaeology commented on the application advising the proposed development is located within an area of significant archaeological potential. WCC Archaeology do not agree with the conclusions of the

Heritage Impact Assessment submitted with the information accompanying the application that the proposed scheme will have low potential to impact upon remains dating from the prehistoric or Roman periods. Instead there is at least a moderate potential for archaeological deposits from those periods to survive within the site. In the absence of sufficient baseline information what is not currently understood is age, depth, extent and significance of any archaeological remains should they be present within the site.

- 6.49. Having regard to the provisions of Framework and Policy SDC3 of the Rugby Borough Council Local Plan 2011-2031 Warwickshire County Council Archaeological Information and Advice Team, raises objection to the proposed development on the grounds that the scheme is not supported by an archaeological site assessment which would have enabled a proper and detailed assessment of the character and extent of any archaeological features of importance likely to be threatened by the proposed development and possibly worthy of conservation in whole or in part or of being fully investigated and recorded.
- 6.50. The appellant has begun the process of undertaking the archaeological assessment having agreed a Written Scheme of Investigation proposing a strategy for a programme of archaeological evaluation of the site with WCC Archaeological Services. Trenching has begun at the site.
- 6.51. The Written Scheme of Investigation has not been formally submitted to the LPA. However, WCC Archaeology advises the LPA that the fieldwork proposed within the document will, once completed, provide sufficient information to allow for an informed planning decision to be reached with respect to the archaeological implications of this scheme. Once WCC Archaeology have received a suitable report detailing the results of the fieldwork they can advise further on the archaeological implications of this proposal.
- 6.52. Paragraph 4.6.5 of the appellant's SOC states further archaeological works are being undertaken and will be submitted with the appellant's evidence. Currently it has not been demonstrated by the appellant that there would not be an adverse impact upon archaeology. The LPA therefore reserves its position on this issue.

### **Housing Mix and Tenure**

- 6.53. New housing in sustainable locations should be supported in accordance with paragraph 11 of the Framework (2024). Where applications comply with policy, permission should be granted to ensure that a mix of housing is being provided in different locations to ensure that a healthy housing land supply is maintained within the Borough in accordance with the Framework and the Government objective of significantly boosting the supply of homes (paragraph 61). Paragraph 61 of the Framework also states that the overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 6.54. The proposed development will add to the supply of housing and will contribute to the Council's five year housing supply. Policy H1 of the Local Plan states that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock. This policy states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment (SHMA), although an alternative mix will be considered where market

factors demonstrate that this would better meet market demand. The most up to date evidence to consider this policy against is therefore the Updated Housing Needs Assessment (2025).

- 6.55. Policy H2 of the Local Plan states affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions). On previously developed sites a target affordable housing provision of 20% will be sought with a target of 30% on green field sites.
- 6.56. Paragraph 4.3.2 of the appellants statement of case states the development will provide 30% policy compliant affordable housing. Policy H2 also requires that the tenure and mix of affordable housing should accord with the latest SHMA. The evidence base for the emerging Local Plan includes updated housing needs evidence which will inform the affordable housing required by Policy H2. The recommended tenure is 70% social rent and 30% shared ownership.
- 6.57. As layout is not being considered at outline stage, the exact housing mix proposed has not been established.
- 6.58. The s106 legal agreement would include clauses to secure of 30% of dwellings as affordable units and to allow the tenure to be agreed by the Council at reserved matters stage.

#### **Residential amenity**

- 6.59. Policy SDC1 of the Local Plan seeks to ensure that living conditions of existing and future neighbouring occupiers is safeguarded from the impact of new development.
- 6.60. The Sustainable Construction and Climate Change SPD (2023) outlines criteria which could be used to determine whether a development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The detail of these requirements will be assessed at reserved matters stage when all other matters are assessed. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 6.61. The existing dwellings closest to the site are the properties in Newall Close, Rugby Road and Shuttleworth Road. The proposed Land Use and Access Parameter Plan shows the overall location in orange where proposed residential dwellings could be proposed within the site. It is considered suitable separation from these properties could be provided at reserved matters stage to ensure there will not be an adverse impact on residential amenity in relation to privacy, light or sense of enclosure.

#### **Impact upon highway safety**

- 6.62. Policy D1 of the Local Plan Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved. Additionally, development will only be permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.

- 6.63. Policies D1 and D2 of the Local Plan seeks transport mitigation measures and adequate parking provision. Policy HS1 of the Local Plan seeks to contribute to the development of high quality, safe and convenient walking and cycling network.
- 6.64. Paragraph 115 of the Framework states that safe and suitable access to the site should be achieved for all users. It also states that any significant impacts from the development on the transport network, or on highway safety, should be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 6.65. Paragraph 116 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.66. The appellant has submitted a Transport Assessment and Transport Assessment Addendum (TAA) which at paragraph 4.7.3 of their statement of case explains through the modelling work undertaken and how there will be no adverse impacts on existing highway infrastructure.
- 6.67. Warwickshire County Council Highways have objected to the application as insufficient information has been submitted to allow the Local Highway Authority to fully assess the proposals, specifically in relation to the off-site impacts and proposed mitigation measures.
- 6.68. The current proposed mitigation of the shuttle working has not been supported with a Stage 1 Road Safety Audit (RSA). It is therefore unclear whether this proposal would be acceptable in principle in regard to road safety. A Stage 1 RSA is therefore considered necessary to ensure the proposed mitigation is safe/suitable.
- 6.69. The appellant has submitted traffic modelling and a TAA which interprets those results. This has been reviewed by WCC's Transport Planning Team who have noted that a number of development impacts shown by the modelling have not been interpreted/assessed in the TAA. Upon reviewing the model outputs there are a number of areas identified and are not included within the TAA. Based on the impacts identified the Local Highway Authority therefore require Confidence Interval Analysis (CIA) to gain a better understanding of the impacts. Without this information it is not currently possible to determine whether these impacts would be classified as severe, as this will be dependent on their extent and duration. The CIA would provide this detail to determine the need for any mitigation at these locations. Additional queries and general comments are also made by the Local Highway Authority in their response of objection to the scheme.
- 6.70. The appellant therefore, contrary to paragraph 4.7.3 of their statement of case, have not yet demonstrated there will be no adverse impacts on existing highway infrastructure as the application does not include sufficient evidence to demonstrate that the proposals will not have an adverse impact on highway safety, or that the residual cumulative

impacts on the road network would be not severe. This is contrary to policy D1 of the Rugby Borough Local Plan, 2019, the National Planning Policy Framework and policy T1 of the emerging Clifton-upon-Dunsmore Neighbourhood Plan.

#### **Pollution**

- 6.71. Paragraph 187 of the Framework states that proposals should be prevented from contributing to, being at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 196 of the Framework states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination. Policy HS5 of the Local Plan seeks to address the adverse impacts of noise and vibration on existing and future occupiers.

#### *Contamination*

- 6.72. The proposed change of use of land introduces new, more sensitive receptors to the development.
- 6.73. The Council's Environmental Health Officers in assessing the desk study submitted in support of the application indicates that the land is subject to a degree of contamination. A condition has been recommended to ensure a full investigation of the site has been undertaken prior to the commencement of development.

#### *Noise*

- 6.74. Policy HS5 of the Local Plan also refers to impacts in terms of noise and vibration. The Framework states that development should not contribute to unacceptable levels of noise pollution or land instability and that development should mitigate and seek to reduce to a minimum adverse impact from noise.
- 6.75. A noise assessment was submitted with the application which concludes that internal noise levels can be achieved if glazing and ventilators provide an acoustic performance of a certain minimum level. Therefore, Environmental Health Officers raise no objection to the proposal on noise grounds, subject to a condition requiring a final noise mitigation scheme to be agreed at detailed design stage.

#### *Air Quality*

- 6.76. Policy HS5 of the Local Plan states development proposals should promote a shift to sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic. The policy also requires developments of 10 or more dwellings to achieve or exceed air quality neutral standards. The Air Quality Supplementary Planning Document (SPD) also refers to the need for developments to be air quality neutral or provide appropriate mitigation. This SPD sets out a methodology for calculating the costs associated with the impact on air quality which can be used when assessing mitigation.
- 6.77. Due to the size of the development this policy requires the development to achieve air quality neutral standards or provide mitigation. As the site is currently agricultural land any built development would result in an impact on air quality. It therefore would not be possible for development to be air quality neutral and mitigation will be required.

- 6.78. An Air Quality Assessment was submitted with the application which proposes provision of electric vehicle charging, provision of a Construction Environmental Management Plan and provision of a Travel Plan. As the proposal is an outline application further mitigation measures will be assessed relating to the detailed design of dwellings and other infrastructure at reserved matters stage.

### **Flood Risk and Drainage**

- 6.79. Paragraphs 170-182 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.
- 6.80. A Flood Risk Assessment and Sustainable Drainage Statement were submitted in support of the proposal. The site falls within Flood Zone 1.
- 6.81. Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds of insufficient information. Following the submission of further information and assessment by Warwickshire County Council a response of no objection was received subject to conditions.

### **Ecology**

- 6.82. Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost.
- 6.83. This policy is consistent with one of the core planning principles outlined within the Framework which sets out the need for planning to 'contribute to conserving and enhancing the natural environment.' The Framework further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible, it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. This is reiterated in the emerging Clifton-upon-Dunsmore Neighbourhood Plan Policy ENV4.
- 6.84. The application was supported by a Preliminary Ecological Assessment (PEA), Biodiversity Net Gain Assessment, Badger Survey, Bat Survey and Habitat Suitability Index Assessment.
- 6.85. A 10% biodiversity net gain is required for this development and the deemed condition would apply if the appeal was granted. A Defra Statutory Biodiversity metric submitted shows a habitat area gain of 3.38 units (17.09%) and a hedgerow unit gain of 0.90 units (22.75%). Warwickshire County Council Ecology have reviewed the metric and agree with the gain shown on the metric submitted, subject to layout revisions. An updated biodiversity metric based on layout changes may be required at reserved matters stage.
- 6.86. Whilst the metric is accepted by WCC Ecology the land proposed for pitches to the north of the site has been shown within the assessment as grassland. The pitches required would be tennis courts as the appellant notes and therefore this area would not be grassland. This overinflates the assessment made. The Council is not disputing that a

10% net gain could be achieved however the benefit of both has to be looked at together in this instance.

- 6.87. WCC Ecology have considered the information submitted in relation to protected species and requested an addendum to the PEA or badger report as appropriate for consolidation of information provided by email. As this hasn't been provided, they request all agreed information appear in the Construction Environmental Management Plan if the appeal were to be allowed.
- 6.88. WCC Ecology have no objection to the proposal subject to conditions including Construction Environmental Management Plan (biodiversity), schedule of badger mitigation measures, Habitat Management and Monitoring Plan, lighting design strategy and the deemed condition introduced as part of the Environment Act (2021) for biodiversity net gain. The proposal is therefore considered to comply with Local Plan Policy NE1.

**Open Space and Sport Provision**

- 6.89. As the appellant notes at paragraph 4.4.5 of their statement of case Policy HS4 of the Local Plan requires residential development to provide or contribute towards open space and the appellant has set out the standards. The appellant has assessed that the proposed development would be required to provide 2.64ha of open space based on the standards. The Land Use and Access Parameter Plan shows 3.4ha of open space which can be accommodated on the site and this can be further assessed at reserved matters stage. The amounts of individual typologies however should be agreed at outline stage through the section 106 agreement.
- 6.90. The table below shows the requirement for open space (pitches assessed separately). It should be noted that sustainable urban drainage systems should not be counted as open space as attenuation ponds will likely be closed off and not usable space. The submitted Sustainable Drainage Statement shows two large attenuation basins in the land to the south of the site shown as open space on the Land Use and Access Parameter Plan. The Council therefore has concerns as to whether the requirements as set out below can be accommodated on this site.

Type - Open Space	Requirement For the Development (ha)
Amenity Greenspace	0.4224
Natural and Semi-Natural Greenspaces	0.9600
Provision for Children and Young People	0.0768
Allotments	0.2496
Parks and Gardens	0.5760
Total	2.2848

- 6.91. The Clifton-upon-Dunsmore, Newton and Churchover ward does not have a deficit of any typology however based on the scale of development and the accessibility distances required to some typologies means some typologies are required on site.

- 6.92. The table below shows the provision which should be provided on site based on the sites within the ward:

Type – Open Space	On-site provision	Cost of maintenance provision
Amenity Greenspace	0.4224	£11,404.80
Natural and Semi-Natural Greenspaces	0.9600	£27,360.00
Provision for Children and Young People	0.0768	£22,348.80
Parks and Gardens	0.5760	£54,720.00
<b>TOTAL</b>	<b>2.0045</b>	<b>£115,833.60</b>

- 6.93. The obligations for off-site provision is as follows:

Type – Open Space	Local Plan provision requirement	Off-site cost of provision	Cost of maintenance provision
Allotments	0.2496	£14,776.32	£4,243.20

- 6.94. Paragraph 3.7 of the appellant's statement of case states that a capacity issue for sports pitches has been identified within the Playing Pitch & Outdoor Sport Strategy (PP&OSS) (2023). The appellant is therefore proposing an extension to the existing facility which abuts the appeal site to enable the provision of additional sports pitches. The appeal scheme is also offering a car park for the sporting provision and recreation field.

- 6.95. The PP&OSS identifies Clifton-upon-Dunsmore as in the Urban area. The evidence base identifies the following need for the urban area:

Type	Pitch/facility type	Future supply/demand (match equivalent sessions)
Grass Pitch	Adult	0.5
	Youth 11v11	2
	Youth 9v9	0
	Mini 7v7	2
	Mini 5v5	1
Football – 3G pitch	Full size	1.5
Rugby Union	Senior	30
Hockey	Full size	0
Cricket (Saturday)	Senior	79

- 6.96. Table 1.2 of the PP&OSS identifies need for non-pitch sports. This includes tennis and states that club demand is adequately being met.

- 6.97. In relation to grass pitches the study assesses the overplay which would be possible if quality were to be improved. In relation to Clifton-upon-Dunsmore Playing Field it is assessed as a poor quality youth 11v11 pitch which is currently played to capacity and notes there is no car parking provision for the site. The recommended action is therefore to improve the quality of the pitch to reduce capacity and avoid future overplay – if

quality improvements are made as recommended within the study then there is no future demand for grass football pitches as the capacity would be increased. This playing field also contains tennis courts and it is noted that they do not have sports lighting and are operating over-capacity. The recommended action in relation to this is to deliver sports lighting to reduce overuse and install additional courts to fully eradicate shortfall.

- 6.98. Based on the above assessment contributions would therefore be required for football and tennis to be used to improve the existing pitch/courts and increase capacity. As there is an identified need for additional tennis courts the 0.65ha of land for additional pitches is welcomed however there is still the question on the delivery of the courts as it seems the appellant is just offering the land (the post-development plan within the Biodiversity Net Gain Assessment shows this area to be proposed modified grassland). The Parish Council nor Borough Council would be in a position to financially deliver tennis courts on this land therefore the transfer of land for this purpose does not deliver the required benefit as argued by the appellant.

**Other Matters**

- 6.99. Policy SDC4 of the Local Plan 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. This could be secured by condition.
- 6.100. Policy SDC9 of the Local Plan relates to the need to ensure new development facilitates and contributes to the provision of broadband infrastructure and a condition could be proposed to ensure appropriate broadband facilities are provided.

**Planning Obligations**

- 6.101. Paragraphs 56, 58 and 59 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 6.102. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- If a requested planning obligation does not comply with all these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below.

<b>Obligations</b>	<b>Requirement</b>	<b>Trigger</b>
NHS Integrated Care Board	£241,149 for improvements to off-site primary medical care and healthcare facilities	Before first occupation
Affordable housing	Provision of 30%, with tenure and mix to be agreed	Concurrent with reserved matters submissions
Open Space	Amenity Greenspace maintenance - £11,404.80	To be confirmed

	<p>Natural &amp; Semi-Natural Maintenance - £27,360.00</p> <p>Children and Young People Maintenance - £22,348.80</p> <p>Parks and Garden Maintenance - £54,720.00</p> <p>Allotments Provision - £14,776.32</p> <p>Allotments Maintenance - £4,243.20</p>	
Sports Provision	Contributions towards football pitch and tennis court improvements at the existing recreation ground.	To be confirmed
Habitat monitoring fee, to allow on-site habitats to be monitored for 30 years	£35,238 payable to Rugby Borough Council	Prior to first occupation
Rugby Borough Council- monitoring contribution	£622.80 per obligation to contribute towards the cost to the Council of monitoring the implementation and compliance with the legal agreement	Upon first occupation of the development
Warwickshire County Council- Education	Formula based contribution towards early years, secondary education, post 16 education and primary and secondary special educational needs provision. Current estimate £1,763,970	Phased approach, 50% prior to 25% occupation, 50% prior to 75% occupation
Warwickshire County Council- Libraries	Formula based contribution to improved library provision, current estimate £3,502	Upon first occupation of the development
Warwickshire County Council – Road safety education	£50 per dwelling towards road safety education and initiatives	Upon first occupation of the development
Warwickshire County Council – Monitoring contribution	£1,350 to contribute towards the cost to the County Council of monitoring the implementation and compliance with the legal agreement	Upon first occupation of the development

6.103. In addition to the table above requests were received from Warwickshire Police requesting £45,957.63 and from the NHS Trust (UHCW) for £259,778. Warwickshire County Council Public Rights of Way requested a contribution of circa £2,903.30. These are however not considered to be CIL Regulations compliant. This will be addressed further with the CIL compliance statement to be submitted to the Planning Inspectorate on 31 March 2026.

### **Planning Balance**

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

6.105. The proposed development is located outside the Clifton-upon-Dunsmore settlement boundary within the countryside. The principle of housing on this site is not considered to comply with the Development Plan. This is accepted in the appellant's statement of case.

6.106. The Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies and planning permission should be granted (subject to section 38(6) of the 2004 Act) unless either limb (i) or limb (ii) is satisfied. The application of each limb is essentially a matter of planning judgment for the decision-maker.

6.107. There are no footnote 7 considerations for this appeal scheme. Therefore, the 'tilted balance' in paragraph 11(d)ii of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (with particular regard given to policies within footnote 9 of the Framework).

6.108. As the proposed development involves provision of housing within a designated Neighbourhood Plan Area paragraph 14 could apply. However, in this case the Neighbourhood Plan has not yet been 'made' so is not formally part of the Development Plan and it also does not contain policies or allocations to meet its identified housing requirement. Therefore, in this instance, the Council consider that paragraph 14 is not engaged.

6.109. It is necessary to assess the harms against the benefits for the proposal. For clarity, the harms and benefits below are given weights of very significant (highest), significant, moderate or limited (lowest).

### *Harms*

6.110. There would be a loss of very good quality (Grade 2) agricultural land. Significant weight is attached to this loss.

6.111. The proposed development will diminish the separation of, and contribute towards the coalescence between, the settlements of Rugby and Clifton-upon-Dunsmore adversely impacting on Clifton-upon-Dunsmore's individual settlement identity and character. This harm is attributed with very significant weight.

- 6.112. The urbanisation of this site provides an adverse landscape character and visual impact. This harm holds very significant weight in the planning balance.
- 6.113. The proposed development is of a scale to need to provide multiple active travel routes through the site to link to existing infrastructure however only one is provided. This does not provide a well-connected development which would promote sustainable forms of travel. This harm is attributed significant weight.
- 6.114. There are three alternative sites at Clifton-upon-Dunsmore (North of Lilbourne Road, at Newton Road, and at North Road) identified within the Proposed Submission Local Plan which are suitable to deliver a total of 150 dwellings. The development of these sites is acceptable and preferable in planning terms and also is less harmful than the appeal proposal. The availability and suitability of these alternatives is a material consideration which weighs against the approval of the proposed development. Very significant weight is given to this material consideration.

*Benefits*

- 6.115. Weighed against these conflicts is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 160 houses. This provision holds significant weight in the planning balance as they would assist in addressing the current shortfall of housing in the borough. However, this is an outline planning proposal and therefore cannot provide provision of housing in the short term (years 1-3).
- 6.116. It is important to identify any further benefits. Using the three strands of sustainability as defined in the Framework, the benefits are broken down into economic, social and environmental.
- 6.117. The development represents an economic investment in the Borough. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services through new household spending in the Borough. Such matters would have a positive impact upon the local economy and prosperity of the Borough which weighs in favour of the proposal and attracts significant weight in the planning balance.
- 6.118. There are a number of financial contributions associated with the section106, these exist to mitigate impact the proposed development would have and therefore cannot be considered as benefits.
- 6.119. From a social objective the up to 160 dwellings would consequently contribute towards meeting a housing need. The proposal would result in delivery of 30% affordable homes and the delivery of affordable housing has significant weight in the planning balance as they would assist in addressing the current shortfall in the Borough.

- 6.120. The proposal seeks to provide car parking for the existing recreation ground and land for the provision of pitches. As delivery of pitches is not proposed this is a limited benefit as in affect it is just delivering the required open space requirement. The provision of the car park provides moderate weight in the balance.
- 6.121. From an environmental objective the proposal will bring about environmental enhancements through the landscaped areas. Public open space would be delivered through the scheme. A biodiversity net gain would be secured. The scheme will deliver sustainable drainage systems (SuDS). These benefits hold moderate weight within the balance.
- 6.122. In conclusion the appeal scheme will result in a conflict with the development plan. The weight to be given to individual harms at this stage is outlined within this balance and the weight accorded to these. Weighed against the identified harm is the economic, social and environmental benefits identified above.
- 6.123. It is considered that when the overall harm is weighed against the benefits that the identified harm significantly and demonstrably outweighs the benefits. On this basis the appeal should be dismissed.

## **7. Conditions**

- 7.1. Please see list of draft conditions within the Statement of Common Ground to be submitted on 31 March 2026.

## **8. Unresolved Matters**

- 8.1. At the time of writing this Statement of Case Archaeology and Highways are unresolved matters between the parties. Further information is required from the appellant to demonstrate that there would be no adverse harms from the scheme in relation to these two issues, including an agreed position on active travel.
- 8.2. Further clarity is also required in relation to sports provision and the intention of the appellant in relation to the assessment as set out within this statement.
- 8.3. Policy NE2 of the Local Plan requires provision of a framework plan as part of the planning application demonstrating the contribution to the overall achievements of the multi-functional strategic Green and Blue Infrastructure network. The Council does not consider that the Land Use and Access Parameters Plan submitted with the appeal satisfactorily addresses this matter.

## **9. Conclusion**

- 9.1. Based on the above assessment the Local Planning Authority would have refused the application for the reasons outlined below:

### **REASON FOR REFUSAL 1:**

The proposed development will have an adverse impact on the physical, visual and perceptual separation of, and contribute towards the coalescence of, Rugby

and Clifton-upon-Dunsmore. It would have a significant urbanising impact on Clifton-upon-Dunsmore's individual settlement identity and character. The development is therefore contrary to policies SDC1 and NE3 of the adopted Rugby Borough Council Local Plan 2011-2031, policy EN4 of the emerging Rugby Borough Local Plan 2025-2042 and paragraph 135c of the National Planning Policy Framework (2024).

#### REASON FOR REFUSAL 2:

The proposed development will cause unacceptable harm to landscape character and visual impact due to urbanisation of the site, truncation of important views and will not relate well to local topography, built form and the existing settlement. As a result it will be contrary to policy NE3 of the adopted Rugby Borough Council Local Plan 2011-2031 and Policy ENV7 of the Emerging Clifton-Upon-Dunsmore Neighbourhood Plan (2011-2041).

#### REASON FOR REFUSAL 3:

There are three alternative sites at Clifton-upon-Dunsmore (North of Lilbourne Road, at Newton Road, and at North Road) identified as being suitable to deliver a total of 150 dwellings in the Regulation 19 Proposed Submission Local Plan. The development of these alternative sites is acceptable in planning terms and is less harmful than the proposed development. The availability and suitability of these alternative sites is a material consideration which counts against the approval of the proposed development.

#### REASON FOR REFUSAL 4:

The proposed development is contrary to the adopted development plan taken as a whole. The adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in National Planning Policy Framework (2024) taken as a whole. There are no material considerations which indicate a determination of the appeal other than in accordance with the development plan.