



Town & Country Planning Act 1990

Proof of Evidence on behalf of Rugby Borough Council

Appeal by Richborough

Land South East of Rugby Road, Clifton-upon-Dunsmore

Appeal Reference 6003106

April 2026

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1. INTRODUCTION

1.1 My name is Jonathan Weekes and I am a Director at Beta Town Planning Limited. I have an Honours Degree in Physical Geography, a Masters in Town Planning and am a Member of the Royal Town Planning Institute.

1.2 I have over 20 years' private practice experience in planning and development management matters. I have acted on behalf of major housebuilders, private individuals, local authorities, Parish Councils, and resident groups on a wide range of planning work for both major and minor residential, employment, commercial, energy and mixed-use schemes. This has included involvement with appeals (hearings and inquiries) acting for both private and public clients promoting and opposing developments.

1.3 I am instructed by the Local Planning Authority (LPA) Rugby Borough Council ('the Council'), in respect of this Appeal. It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990 on land south-east of Rugby Road, Clifton-upon-Dunsmore. The description of the proposal is as follows:

“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)”

1.4 The application was submitted to the Council on 25 June 2025 and made valid on 22 August 2025. The Appellant, Richborough, submitted the appeal after the Council had not determined the application within the agreed timeframe (application R25/0565). The putative reasons for refusal have been formulated by the Council as follows:

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).

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).
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.
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.

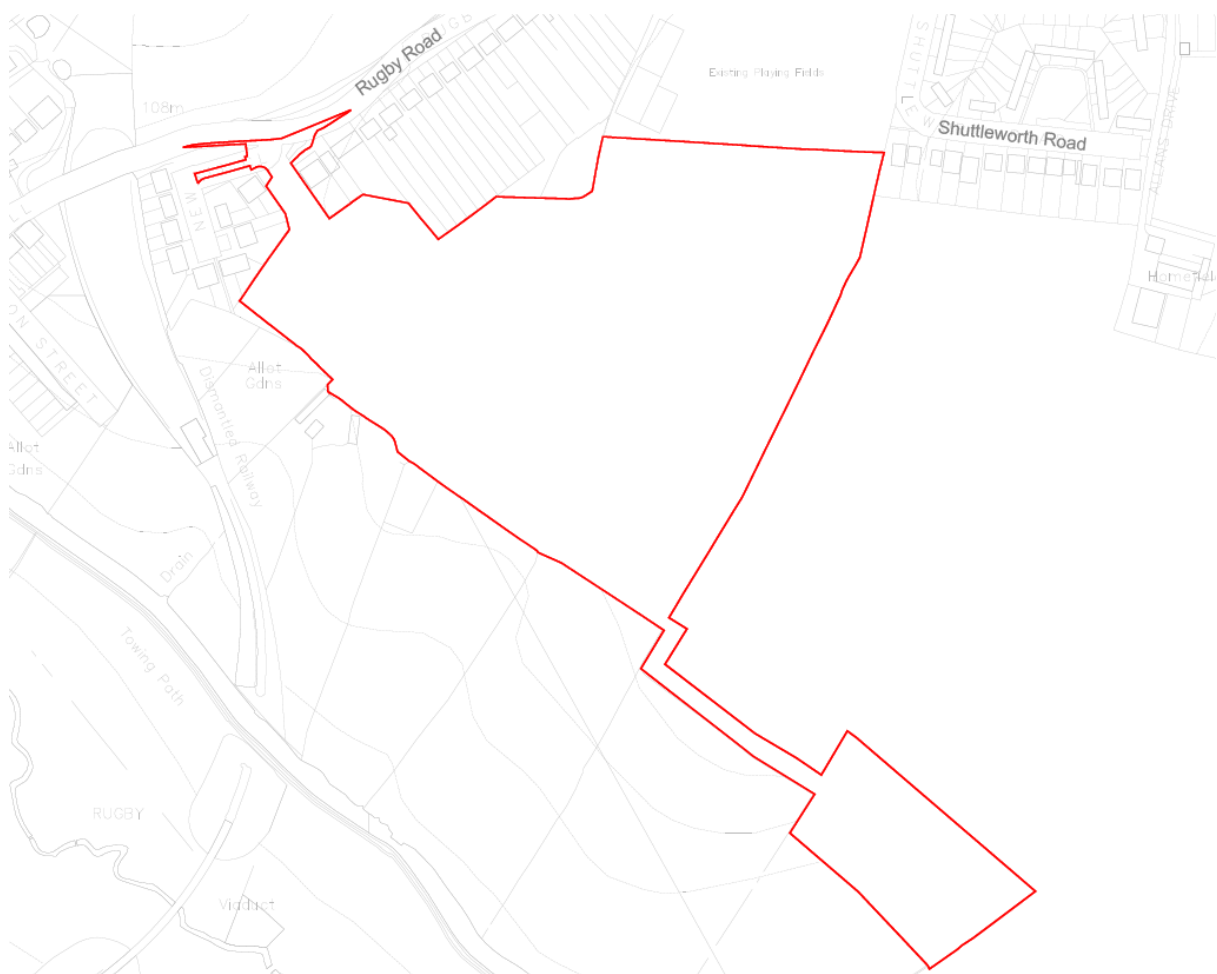
1.5 I will present evidence to support the Council's putative reason for refusal, with supporting statements from the following persons to assist in my planning balance judgment:

- Mr N Holly: Housing Land Supply
- Mr N Wakefield: Landscape and Visual Impact
- Ms A Murphy: Settlement Morphology
- Mr N Holly: Alternative Sites Consideration through the Emerging Local Plan

1.6 The evidence that I provide for this appeal by way of this Proof of Evidence is true, has been prepared and is given in accordance with the guidance of my professional organisation, The Royal Town Planning Institute. I confirm the opinions expressed are my true professional opinions.

2. SITE DESCRIPTION AND SURROUNDING AREA

2.1 The site is accessed from Newall Close off Rugby Road in Clifton-upon-Dunsmore. 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.



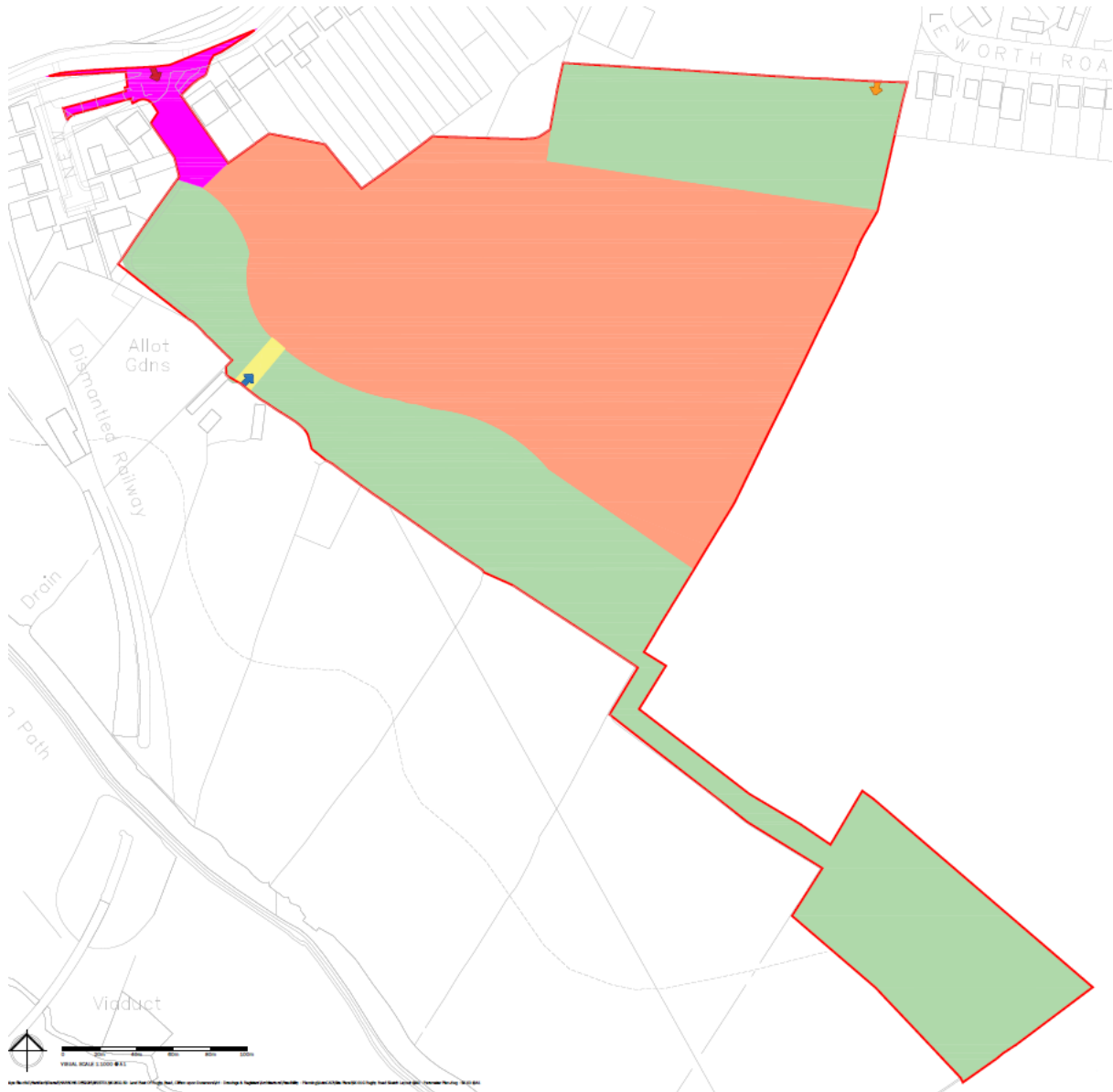
Location Plan of Appeal Site

2.2 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.

3. APPEAL PROPOSAL

- 3.1 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).
- 3.2 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.
- 3.3 The proposal is for market homes, including 30% affordable housing. The mix is unknown at this stage.
- 3.4 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).
- 3.5 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 objections raised by some consultees, however there were still outstanding matters at the time of the appeal submission. Further information in respect of archaeology and highways has been provided post-submission of the Appeal, with additional consultee responses also provided. This information relates principally to archaeology and highway matters and are contained within the Core Documents (CD).

*Proof of Evidence, Clifton-upon-Dunsmore
On behalf of Rugby Borough Council*



Appeal Scheme Parameters Plan (CD 1.31)

4. RELEVANT PLANNING APPLICATIONS, APPEALS AND CASE LAW

Appeal Site

4.1 There is no planning history of relevance to this appeal associated with the site.

Relevant Appeal Decisions in Rugby Borough

Appeal APP/E3715/W/25/3373251: Land North of Rounds Gardens, Rugby (CD.7.1)

4.2 This appeal related to a scheme for the erection of 115 dwellings and associated infrastructure on the former football pitch and tennis courts associated with the adjacent employment use. It was the subject of an Appeal Inquiry and dismissed on 13 March 2026.

4.3 The housing land supply was amongst the matters in dispute in this appeal. The Council considered the figure to be 4.16 years supply, whereas the Appellant noted it as 2.04 years (paragraph 42). Delivery from a number of sites were considered by the Inspector, with the conclusion provided in paragraph 67 that a supply of 2,270 homes within the five year period are deliverable. This equates to 3.4 years housing land supply. This is the figure for supply now used by the Council in the instant appeal.

Relevant Case Law

4.4 The High Court and Court of Appeal have considered the interpretation and operation of the presumption of sustainable development in the context of the statutory framework under section 38(6) PCPA in a number of cases over the past 3 years (i.e. since the publication of the Revised National Planning Policy Framework (NPPF) in 2018). The most relevant cases in respect of the application of paragraph 11(d) and the ‘tilted balance’ are:

- *Wavendon Properties Limited v SSHCLG* [2019] EWHC 1524 ([CD.7.2](#))

- Peel Investments (North) Limited v SSHCLG, Salford City Council [2020] EWCA Civ 1175 (CD.7.3)
- Gladman Developments Ltd v SSHCLG [2020] EWHC 518 (CD.7.4)
- Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104 (CD.7.5)

4.5 In Wavendon, the High Court (Dove J) considered the phrase “the policies which are most important for determining the application are out-of-date” in paragraph 11(d) of the NPPF. The High Court identified that this should be approached through a three-stage approach, (1) identifying a “basket” of most important policies; (2) assessing each for datedness, including notably their consistency with the Framework and (3) conducting an overall assessment of whether the basket of most important policies was out-of-date for the purposes of the decision. (paragraphs 58 and 73).

4.6 The Peel Investments decision concluded that even the expiry of strategic policies would not be sufficient to render the development plan out-of-date (paragraph 68). This judgment is important in confirming the primacy of the Development Plan.

4.7 Within the Gladman decisions (2020 and 2021) the Court of Appeal determined that it is neither a misinterpretation nor misapplication of paragraph 11(d)(ii), or taking into account an immaterial consideration, to have regard to development plan policies when dealing with the tilted balance question (paragraph 51).

4.8 In respect of compliance with the Neighbourhood Plan, the Gladman decision considered the earlier case of Crane v SSCLG [2015] EWHC 425. The High Court (Lindblom J) confirmed that the engagement of the presumption did not remove the requirement to consider conflict with a made Neighbourhood Plan. It was entirely lawful for the decision-maker to take into account harm that would arise from granting permission contrary to the Neighbourhood Plan (paragraphs 70-79).

5. PLANNING POLICY

- 5.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states “*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise*”. The Development Plan relevant to this Appeal is the Rugby Borough Local Plan 2011-2031 (adopted June 2019).
- 5.2 In addition to the adopted Development Plan documents, there is also a draft Local Plan (Regulation 19 stage) (CD.5.25) and a draft Clifton-upon-Dunsmore Neighbourhood Plan Update (Regulation 16 consultation stage). The weight to be attached to these emerging documents is considered under the relevant sub-headings for the documents, in line with paragraph 49 of the National Planning Policy Framework (NPPF).
- 5.3 In addition, the Government’s NPPF and Planning Policy Guidance (PPG) are important material considerations for determining planning applications along with supplementary guidance produced by the Local Planning Authority.

Development Plan

- 5.4 The following Development Plan policies are relevant to this Appeal. Those cited on the putative reasons for refusal are highlighted in bold.

Rugby Borough Local Plan (adopted June 2019) (CD 5.1)

- 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

Rugby Borough Council Proposed Submission Local Plan 2025 – 2042 (Regulation 19 Consultation (CD 5.25))

5.5 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 ended on 13 March 2026, with anticipation 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.

- 5.6 In line with the NPPF paragraph 49, the weight to be attributed to the emerging document and policies depends upon the stage of preparation, the stage of unresolved objections and the consistency of the relevant policies to the NPPF.
- 5.7 The Submission Local Plan is considered to align with the current NPPF; limited weight can be given to a Regulation 19 Local Plan; however, upon submission, which is expected to occur prior to this Appeal Inquiry, the weight to the document should be elevated to limited/moderate weight. Where policies have few or no unresolved objections, then **moderate weight** can be afforded to those policies.
- 5.8 The following emerging Local Plan policies are of particular relevance to this Appeal.
- Policy S1: Settlement Hierarchy
 - Policy S2: Strategy for Homes
 - Policy S6: Residential Allocations
 - Policy EN2: Landscape Protection
 - **Policy EN4: Areas of Separation**

*Clifton-upon-Dunsmore Parish Neighbourhood Plan (2011 – 2041) (Submission Version)
(July 2025) (CD 5.27)*

- 5.9 The Neighbourhood Plan has been prepared in accordance with legislation. This has involved consultation with the public (23 September – 4 November 2025) before submission for Examination. The Report of the Examiner was received on 23 February 2026. Thus concluded that the report, subject to some modifications, can proceed to referendum. The Council has accepted the modifications, pursuant to Regulation 18 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan will therefore proceed towards referendum, on 7 May 2026.
- 5.10 In line with the NPPF, moderate weight is considered to be afforded to the policies of the draft Neighbourhood Plan, given its progress towards adoption. It is anticipated that it will be supported by the community at referendum and ‘Made’ in the coming months.

Significant weight would be attributable to the policies of the Neighbourhood Plan if approved at referendum. If the Plan is ‘made’ before this Appeal is determined, then full weight can then be attributed to its policies.

5.11 The following policies are considered relevant to this Appeal:

- 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

Other Material Policy Considerations

National Planning Policy Framework (December 2024, with February 2025 updates) (CD 5.32)

5.12 The NPPF emphasises the role of the Development Plan in decision making and is a key material consideration in determining planning applications and appeals. The following sections are of most relevance to this Appeal:

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 9: Promoting Sustainable Transport
- Section 11: Achieving Well-Designed Places
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (CD 5.33)

5.13 The Planning Practice Guidance (PPG) expands upon the contents of the NPPF, providing additional clarification; the sections relating to housing supply and landscape protection are of most relevance to this Appeal.

Other Locally Prepared Documents

5.14 In addition to the Development Plan the following Council published documents are also relevant to this proposal:

- Planning Obligations SPD (2012) (CD 5.28)
- Climate Change, Sustainable Design and Construction SPD (2023) (CD 5.29)
- Air Quality SPD (2021) (CD 5.30)
- Housing Needs SPD (2021) (CD 5.31)
- Housing and Economic Needs and Distribution Assessment (2022) (HEDNA) (CD 5.36)
- Updated Housing Needs Evidence for Rugby Borough (2025) (CD 5.37)
- Green Infrastructure Study 2009 (CD 5.38)
- Green and Blue Infrastructure Policies Map (CD 5.39)
- Open Space, Play Pitch and Built Facilities Study (2015) (CD 5.40)
- Rugby Borough Open Space Study Report (2025) (CD 5.41)
- Playing Pitch and Outdoor Sport Strategy (2023) (CD 5.40)
- Housing Needs Supplementary Planning Document (2021) (CD 5.31)

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- Climate Change and Sustainable Design and Construction Supplementary Planning Document (2023) (CD 5.29)
- Rural Sustainability Study (2024) (CD 5.43)
- 5 Year Housing Land Supply Position Statement 2025-2030 (CD 5.44)
- Area of Separation Study Report (November 2025) (CD 5.45)
- Landscape Character Assessment Rugby Borough Council (January 2025) (CD 5.46)
- Landscape Sensitivity Assessment of Strategic Site Options Rugby Borough Council (March 2025) (CD 5.47)
- Stage 2 Site Options Assessment (December 2025) (CD 5.48)
- Clifton-upon-Dunsmore Conservation Area Appraisal (June 2010) (CD 5.49)

6. MAIN ISSUES: INTRODUCTION AND ISSUE 1: HOUSING LAND SUPPLY

6.1 The putative reasons for refusal encapsulate a number of elements, which the Inspector has translated into three main topic areas. I have reordered these to assist the flow of this Proof of Evidence as follows:

1. The extent of the Council's acknowledged housing supply shortfall
2. Whether the appeal site represents an appropriate location for housing, having particular regard to relevant provisions of the development plan, the potential availability of alternative sites, and the connectivity of the proposed development to local infrastructure; and
3. The effect of the proposed development on the character and appearance of the area, including considerations of landscape and visual effects and settlement identity.

6.2 In addition to this, there is the need to consider the weight to be afforded to the adopted and emerging Development Plan policies, along with whether the proposal is in accordance as a whole with the Development Plan. A planning balance is also necessary. These matters are set out within the following sections.

MAIN ISSUE 1: HOUSING LAND SUPPLY POSITION AND IMPLICATIONS FOR POLICY WEIGHT

6.3 It has been agreed within the Statement of Common Ground that there is a 3.4 year housing land supply (CD 9.1). This figure is derived from the conclusions of the Planning Inspector where this matter was considered on a very recent planning appeal (see CD.7.1). This means that the Council cannot identify the necessary five year housing land supply.

Most Important Policies for Determination of the Appeal

- 6.4 In line with the approach set out through case law (Wavenden etc – see Section 4) consideration of the basket of most important policies is material to determining if the tilted balance of the NPPF paragraph 11(d) is engaged.
- 6.5 In this case, the most important policies are considered to be the following policies from the adopted Local Plan:
- Policy DS1: Overall Development Needs
 - Policy GP2: Settlement Hierarchy
- 6.6 **Policy DS1** set out a need for 12,400 additional homes, including 2,800 dwellings to contribute towards Coventry’s unmet need, with a phased approach as follows:
- 2011 – 2018: 540 dwellings per annum
 - 2018 – 2031: 663 dwellings per annum
- 6.7 The latest Objectively Assessed Housing Need (OAN) figure (December 2024) notes a requirement of 618 dwellings per annum, which indicates that the delivery rates now expected for the Borough can be delivered as part of the adopted Local Plan allocations. Whilst there is not a five year housing land supply, the quantum of development in the Local Plan exceeding the latest OAN illustrates that the plan-led system is capable of delivering the housing necessary. **Significant weight** is considered to still be attributed to Policy DS1.
- 6.8 **Policy GP2** sets out the hierarchy of settlements, confirming Clifton-upon-Dunsmore as a Main Rural Settlement. Paragraph 3.14, which supports this policy, states that outside of settlement boundaries, land is defined as countryside. Development in the countryside is generally inappropriate and will be resisted. It will only be supported where national policy on countryside allows such development.

- 6.9 As there is not a five year housing land supply, there is a need to consider non-allocated and windfall sites to help meet the identified deficit in housing delivery. This typically means looking at land outside of but adjacent to settlement limits, which conflicts with the Policy GP2, which only allows development within the settlement limits.
- 6.10 The main thrust of Policy GP2 still accords with the NPPF in respect of directing housing (in this instance) to the most sustainable locations, including setting out a hierarchy of settlements to define the quantum of development expected. The policy as a whole should therefore still be afforded **moderate weight**, with the reduction made to reflect the lack of flexibility in its wording to allow development outside of settlement limits.
- 6.11 It is therefore recognised that to some extent the two key policies in respect of the delivery of housing, and thus of relevance to this appeal are at least partially out of date. Consequently, paragraph 11(d) is considered to be triggered, given the agreed lack of a five year land supply.

7. MAIN ISSUE 2: APPROPRIATENESS FOR DEVELOPMENT IN RESPECT OF LOCATION

7.1 This second main issue is multi-faceted, with the Inspector highlighting matters which can be broken down into sub-headings as follows:

- The impact upon the separation of Rugby and Clifton-upon-Dunsmore;
- Weight to afford to alternative sites at Clifton-upon-Dunsmore; and
- The connectivity to local infrastructure

7.2 These are considered under separate headings below.

IMPACT UPON THE SEPARATION OF RUGBY AND CLIFTON-UPON-DUNSMORE

7.3 A separate Proof of Evidence relating to the urban morphology of Rugby and Clifton-upon-Dunsmore and the impact of this proposal has been prepared by Ms A. Murphy, Rugby Borough Council (CD 10.1.2). I adopt Ms Murphy's position on this matter.

7.4 Ms. Murphy's Proof defines the village as being a well-defined, nucleated settlement, constructed around a Y-shaped junction of highways (Main Street, Church Street and Libourne Road). Beyond this core, that has been added to in a piecemeal fashion over time, there is then a second section of development along Rugby Road. It sits apart from the morphology of the main village mass in form and topography, providing ribbon development on lower land.

7.5 The proposed appeal scheme would place a significant built form mass behind the ribbon development on Rugby Road. This would extend towards the east, almost meeting built development on Shuttleworth Road with which this site will share a boundary. This would effectively merge the contained, hilltop mass of Clifton with the distinct linear development to Rugby Road, significantly compromising the integrity of both and morphologically confusing the two. In subsuming Rugby Road into the village mass, the

compound impact is one of overall sprawl of the village down the slope toward the south west. The physical and perceptual separation of the borough's villages from the town are a significant part of their value and identity.

- 7.6 In contrast to the Appeal site, the proposed allocation sites would clearly sit as part of the main mass of the village and the location and not risk the same impression of sprawl.
- 7.7 The conclusion is that the proposal delivers clear harm to maintaining the separate identities of Rugby and Clifton-upon-Dunsmore.

WEIGHT TO AFFORD TO ALTERNATIVE SITES

7.8 A separate Proof of Evidence relating to the alternative sites being promoted through the emerging Local Plan and the weight that can be attributed to these alternative sites has been prepared by Mr N. Holly, Rugby Borough Council (CD 10.1.4). I adopt Mr Holly's position on this matter, which is summarised below:

- There is case law which establishes that alternative sites can in some circumstances represent a material consideration to which weight can be given in the planning balance.
- The situation in respect of this Appeal represents an exceptional case where the existence of alternative sites is a material consideration to which very significant weight can be given for the following reasons:
 - o The LPA has identified "conspicuous adverse effects" from the development of the Appeal site in (amongst other things) landscape impact, contribution to the coalescence of Rugby and Clifton-upon-Dunsmore and undermining the individual settlement identity and character of that village.
 - o That harm could be avoided by developing the alternative sites at the village which would meet the same need. Importantly, those sites are on the

plateau/hilltop, respect the village's nucleated settlement pattern and do not form part of the emerging local plan's separation area.

- The alternative sites are not vague or inchoate. Instead, they are proposed site allocations in a Regulation 19 Local Plan that is anticipated, by the time the current Appeal is determined, to have been submitted for Examination.
 - Two large and one small site are included as the Alternative Sites; the two larger sites both the subject of pre-application submissions, with interested developers/land promoters, illustrating progress with these sites is already occurring.
 - It is Mr Holly's view that there are no planning objections which would prevent the Alternative Sites coming forward and being granted planning permission ahead of adoption of the new Local Plan.
- The Plan making process has allowed all of the sites to be evaluated and the Alternative Sites have scored more favourably as development options, including lower landscape impact and more appropriately related to the village. The Alternative Sites would cause less harm than the Appeal site and are preferable in planning terms. Assessment of the Alternative Sites has also been undertaken by Mr Wakefield at Section 8 of his Proof (CD 10.1.3), reaching the same conclusions as the Plan making assessment: the landscape and visual harm from the Alternative Sites is lower than the Appeal site.
- It could be argued that the Appeal site and the Alternative Sites are not alternatives, but they could all be developed together. This argument does not overcome the harms the Council has identified with the development of the appeal site, which are not related to the cumulative scale of development at the village.

7.9 As noted by Mr Holly, **very significant weight** should be placed on the identification and expected timely delivery of assessed alternatives to deliver housing at the required level to Clifton-upon-Dunsmore.

CONNECTIVITY TO LOCAL INFRASTRUCTURE

- 7.10 Ms A. Murphy (CD 10.1.2) considers the accessibility of the Appeal site to facilities within her Proof of Evidence. I summarise her position on this matter below.
- 7.11 The site only has one access point that is confirmed as deliverable; the access via the recreation ground cannot be guaranteed at present and there is no made footpath across this area. This essentially creates a cul-de-sac development with poor connectivity to Clifton-upon-Dunsmore as a result. Typically facilities/services should be within 800m walking distance, with recognition that in excess of this is likely to result in the car being the mode of choice. Only the closest six dwellings at the entrance out of 160 proposed dwellings would therefore be able to reach the Clifton Village Stores within 800m. Some facilities are closer, such as the school, whilst others in the village are further away.
- 7.12 The likelihood that people walk is also defined by the quality of the route and perceived barriers, as well as the distance. The route to the village centre is adjacent to a relatively busy road and has a notable level change. The footpath is relatively narrow, and lots of drop kerb sections. These all present challenges to those with mobility restrictions, using a wheelchair, pushing a pram or pulling a shopping trolley.
- 7.13 Poor pedestrian connectivity is one of the key reasons this site was omitted from the proposed residential site allocations in the Proposed Submission Local Plan. The other sites have a much closer relationship with services in Clifton-upon-Dunsmore.

CONCLUSIONS ON APPROPRIATENESS FOR DEVELOPMENT IN RESPECT OF LOCATION

- 7.14 Whilst Clifton-upon-Dunsmore in itself is a sustainable location, the specific design and integration of the Appeal development with the village generates issues in respect of being able to realise the opportunities for non-car borne transport movements. There are alternative sites being allocated where such issues do not arise.

7.15 The position of the site due to its location also generates significant issues in terms of protecting the character and identity of Clifton-upon-Dunsmore, due to the erosion of the separation from Rugby and the harm to the overall settlement character and morphology. Again, the alternative sites proposed to be allocated within emerging Development Plan documents do not generate these same issues. The emerging Neighbourhood Plan in particular is expected to be adopted in the very near future, whilst there is specific allocations included in the emerging Local Plan. This will deliver housing in a timely manner and inclusion of the Appeal site simply doubles the housing supply to Clifton-upon-Dunsmore, exacerbating any negative impacts resulting from development adjacent to this settlement. Combined these issues represent **very significant** issues in respect of the impact of the Appeal site.

8. MAIN ISSUE 3: THE LANDSCAPE AND VISUAL IMPACT

- 8.1 The NPPF states at paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This is translated within the Development through Policies NE2 and NE3 of the adopted Local Plan to enhance/create strategic green and blue corridors and ensure appropriate protection to landscape character and visual setting, including the integration of developments with the existing built environment and the protection/enhancement of existing ecological and landscape features.
- 8.2 Mr N. Wakefield, Node, has prepared a separate Proof of Evidence in respect of the impact upon landscape and visual impact. I rely upon the conclusions of Mr Wakefield, and summarise these below.

Landscape Effects

- 8.3 The effects of the development upon the site itself (direct effects) are of a very high magnitude of change resulting in major / moderate adverse (significant) effects on the Appeal site at year 1. By year 15, the impacts on site will have reduced to moderate adverse, due to the softening effects of mitigation planting. However, there will still be significant change to the baseline landscape position.
- 8.4 The indirect effects to the Dunsmore Plateau Fringe Landscape will result a high magnitude of change to a landscape with medium sensitivity. This results in major / moderate adverse impacts in close proximity to the site at year 1. By year 15, the impact will be minor / negligible by year 15 due to the size of the Landscape Character Area.

Visual Impacts

- 8.5 The LVA is considered to underestimate the visual impacts at a number of locations, with some absent or mis-located; this includes views through and across the site to wider

countryside, including Important View 9 within the emerging Neighbourhood Plan. **Major, Major/Moderate and Moderate Adverse impacts** occur from a number of receptors. The key locations of harm and absent/mis-positioned assessment of locations are as follows:

- Viewpoint 1: Major / moderate adverse at year 1; moderate adverse at year 15
- Viewpoint 17: Major / moderate adverse at year 1; major / moderate adverse at year 15
- Viewpoint 18: Moderate adverse at year 1; moderate adverse at year 15
- Viewpoint 20: Major / moderate adverse at year 1; major / moderate adverse at year 15
- Viewpoint 21: Moderate adverse at year 1; moderate adverse at year 15
- Viewpoint 22: Moderate adverse at year 1; moderate adverse at year 15

8.6 The overall layout of the scheme results in a development that projects uncharacteristically from Clifton-upon-Dunsmore, affecting its urban morphology and incorporating insufficient new landscaping to mitigate the harms. The visual harms are noted to be greater than those set out in the Landscape and Visual Assessment.

Conclusion on Landscape and Visual Impact

8.7 Mr Wakefield's conclusion is that there will be important harm to the landscape character of the site and significant harm to a number of viewpoints looking south from the edge of Clifton-upon-Dunsmore, northwards from the edge of Rugby and the bypass, and from the west adjacent to the site looking eastwards. This results in a scheme that is contrary to Policies NE3, SDC1 and SDC2 of the adopted Local Plan. It is also contrary to emerging Local Plan Policies EN2 and EN4 and emerging Neighbourhood Plan Policy ENV7.

9. MAIN ISSUE 4: COMPLIANCE WITH THE DEVELOPMENT PLAN

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This approach is reiterated within the NPPF (paragraph 11(c)).

9.2 As set out in Section 5 above, there are a number of key policies that are of relevance to the determination of this appeal. These align with the policies included on the decision notice, as well as other policies relating to the wider uses proposed. The following approach is taken to the weight to attribute to both the conflict with policy, as well as the benefits and harms noted in Section 10:

- Very Significant
- Significant
- Moderate
- Limited
- None/not applicable

WEIGHT TO ATTRIBUTE TO ADOPTED DEVELOPMENT PLAN POLICY

9.3 The **Adopted Local Plan 2011-2031** is considered to be up to date and in accordance with the NPPF, with the exception of the policies as already discussed in Section 6 due to the lack of a five year housing land supply where the weight should be reduced as follows:

- | | |
|---|--------------------|
| - Policy DS1: Overall Development Needs | Significant Weight |
| - Policy GP2: Settlement Hierarchy | Moderate Weight |

9.4 All other policies are considered to accord with the NPPF, and are appropriately worded to provide flexibility to the development proposals even where there is not a five year

housing land supply. Full weight is considered to be capable of being attributed to all other relevant policies of the adopted Local Plan.

WEIGHT TO ATTRIBUTE TO EMERGING DEVELOPMENT PLAN POLICY

9.5 Paragraph 49 of the NPPF outlines how weight should be attributed to emerging Development Plan documents/policies. The NPPF makes it clear that weight can be attributed to these documents. They cannot simply be ignored.

9.6 The **Proposed Submission Rugby Local Plan 2025 – 2042** completed Regulation 19 Consultation on 13 March 2026. Once submitted to the Planning Inspectorate, the weight afforded to the Emerging Local Plan can be elevated, with the specific weight to individual policies dependent upon the extent of objections still remaining. **Limited/Moderate Weight** in general is considered appropriate to attach to the policies in the emerging Local Plan. Where policies have few or no unresolved objections, then **Moderate Weight** can be afforded to those policies.

9.7 Of particular relevance it is worthy to note that it is only the Appellant and the site promoter of another omission site Sunnycroft Farm that have outstanding objections in respect of Policy EN4 (Areas of Separation) in relation to Clifton-upon-Dunsmore.

9.8 The following weight is therefore considered to be attributed to the most relevant policies of the emerging Local Plan:

- | | |
|--------------------------------------|-------------------------------------|
| - Policy S1: Settlement Hierarchy | Moderate Weight |
| - Policy S2: Strategy for Homes | Moderate Weight |
| - Policy S6: Residential Allocations | Moderate Weight (in respect of CuD) |
| - Policy EN2: Landscape Protection | Moderate Weight |
| - Policy EN4: Areas of Separation. | Moderate Weight |

9.9 In respect of the **Emerging Clifton-upon-Dunsmore Neighbourhood Plan (2011 – 2041)**, the document has been through due process and is now awaiting referendum, on 7 May

2026. **Significant Weight** is considered to be attributed to these draft policies; should the Neighbourhood Plan be ‘made’ prior to a decision being issued on this Appeal, then **Full Weight** would be attributed to the Neighbourhood Plan’s policies and this document would then form the primary document of the Development Plan, given it will have been adopted after the Local Plan.

- 9.10 If the Neighbourhood Plan is adopted prior to the Appeal being determined, it would also trigger paragraph 14 of the NPPF. The implications of this are considered within the planning balance in Section 10.

COMPLIANT/CONFLICT WITH THE DEVELOPMENT PLAN

- 9.11 The Statement of Common Ground considers the policies where it is agreed that compliance occurs. These are not reiterated in here, but taken as read that all of the policies cited are complied with by the Appeal proposal (subject to the imposition of appropriate conditions and financial contributions/legal agreement). Discussion below is constrained to those policies where conflict occurs.

Adopted Rugby Local Plan Policies (CD.5.2-5.24)

- 9.12 **Policy GP2 (Settlement Hierarchy) (CD.5.3)** seeks to direct development to within the defined settlement limits, and restrict development in the countryside to those uses noted as acceptable within the NPPF. This policy is restrictively written affecting how much weight can be attributed to it where there is not a five year housing land supply.
- 9.13 However, there is a clear remit to consider the impact of developments, as not all land is equal in terms of the resultant harms. As illustrated across the Proofs submitted on behalf of the Council, this land provides a function to prevent coalescence between settlements, forms part of the Green/Blue corridor and is visually important within the setting of Clifton-upon-Dunsmore. It is also clear that there are realistic alternatives to deliver housing at a level commensurate to the scale and position of Clifton-upon-Dunsmore, on sites where the impact is reduced compared to the Appeal site.

- 9.14 There is a **clear and important significant conflict** with Policy GP2 at a level higher than just considering this site as countryside.
- 9.15 **Policy NE3 (Landscape Protection and Enhancement)** (CD.5.12) states that development should positively contribute to landscape character. It indicates that amongst other things, proposals need to demonstrate how they relate well to the local topography and built form, identify and mitigate visual landscape and townscape impacts and conserve, enhance and restore important landscape features.
- 9.16 The Council have outlined in the Proofs how the proposal does not assimilate well with the existing built environment, with only a very small section physically adjoining the existing limits to development. It also seeks to undermine the physical and perceptual separation between Clifton-upon-Dunsmore and Rugby, as well as changing negatively the settlement morphology of the village. New landscape planting is proposed, but this is illustrated as a section along the southern edge of the site (see parameters plan [CD 1.31](#)). No planting is shown on the eastern edge. Development can therefore be delivered with no mitigation to the views from the east. Additionally, the access will remove the established hedges and trees on the western side to create the access, opening up views from the west.
- 9.17 The assessment of the visibility identifies a number of views that are significantly changed from the north, south and west, with inadequate mitigation to appropriately reduce the harm. This includes from Important Viewpoint 9 of the emerging Neighbourhood Plan, looking southwards from the recreational ground towards Rugby. The Appeal scheme seeks to maintain no open corridor in a north/south direction to protect this view, which when coupled with the impact upon the views in an east/west direction due to the intended development concept of the site, illustrates the schemes failure to appropriately mitigate and assimilate the development into the existing built or natural landscapes. **Significant conflict** with the overall intention of this policy is considered to occur.

- 9.18 **Policy SDC1 (Sustainable Design)** (CD.5.13) states that all development needs to demonstrate high quality, inclusive and sustainable design and new development. Proposals will only be supported where they are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated.
- 9.19 Whilst it is acknowledged by the Council that there is not an issue with the density of the scheme or any conflict with surrounding land uses, the scheme fails to show the high quality design necessary to establish even through the parameters plan that the scheme can be appropriate assimilated with Clifton-upon-Dunsmore. It provides a sizable site that fails to respect the visual and contextual setting of the settlement, harming its identity through the enhanced coalescence with Rugby, the negative alteration to views from the east, west and south, and the imposition of double the intended housing to this village compared with the emerging Local Plan. The overall design of the scheme is considered to result in **significant conflict** with the core intentions of this policy.

Draft Rugby Local Plan 2025 – 2042 Policies (CD.5.25)

- 9.20 Five key policies are highlighted within the emerging Local Plan to which consideration is undertaken.
- 9.21 **Policy S1 (Settlement Hierarchy)** maintains the same approach as that within the adopted Local Plan. It continues, stating that whilst development within Clifton-upon-Dunsmore will be provided through allocations in the Local and Neighbourhood Plans, further development outside the settlement boundaries is not expected. Should further development be necessary, then this should be in proportion to the settlement and would likely be small scale for the Main Rural Settlements (such as Clifton-upon-Dunsmore).
- 9.22 The updated wording of the policy seeks to restrain development to within the settlement limits and allocated sites, but offers scope for development beyond the defined settlement limits where further development is required – this would include in situations where a five year housing land supply cannot be identified. However, the policy includes

a caveat that even in such situations, additional development should be small in scale. Up to 160 dwellings significantly exceeds the scale of additional housing expected, and thus there is **moderate conflict** with this draft policy.

- 9.23 **Policy S2 (Strategy for Homes)** sets out how the Council will meet their required housing target of 10,812 dwellings between 2025 – 2042. The numbers in Policy S2, clarified in paragraph 1.22 incorporates a 8.5% buffer. Whilst the Appeal proposal does not conflict with this policy, which is simply a factual policy on numbers and allocations, it highlights that the Council through its emerging Local Plan is seeking to maximise its ability to delivery housing and deliver a robust, Plan-led system.
- 9.24 **Policy S6 (Residential Allocations)** sets out the site allocations for new housing. This includes the three allocations at Clifton-upon-Dunsmore. As with Policy S2, this is a factual policy and thus the proposal does not directly conflict with it. However, it again illustrates the quantum of additional development that the Appeal scheme would deliver to Clifton-upon-Dunsmore compared to the allocations: 160 additional dwellings on top of allocated 150 dwellings.
- 9.25 **Policy EN2 (Landscape Protection)** sets out that developments shall avoid significant adverse impacts on landscape character and visual impacts; located and designed to respect scenic quality and maintain a distinctive sense of place; and avoid detrimental impacts on landscape features which make a significant contribution to the character of the area or to the setting of a heritage asset or settlement.
- 9.26 As noted within section 8 above, there are considered to still be a number of viewpoints from the north, south and west where the harm at year 15 is either moderate or moderate / major. Both can be considered as significant from a harm perspective. Conflict with the first clause of Policy EN2 is therefore considered to occur.
- 9.27 Ms Murphy's Proof of Evidence illustrates the issues with the integration of the site with Clifton-upon-Dunsmore, including its implications upon the settlement's identity in terms of further physical and perceived amalgamation with Rugby and the harm to the

historic form of the settlement merging the traditional core with the ribbon development along Rugby Road. The need to maintain being kept physically is identified as a key issue within the emerging Local Plan due to the additional new growth that has occurred/is now planned around Rugby, including the new towns.

- 9.28 Reflecting the intensions of all three bullet points, it is considered that there is very **significant conflict** with this policy.
- 9.29 **Policy EN4 (Areas of Separation)** states that developments will only be permitted in the Areas of Separation (which includes the Appeal site) where there will not be a significant adverse impact upon the effectiveness of an Area of Separation in protecting the identity and distinctiveness of settlements and prevent their coalescence (clause B). It continues, stating that developments that diminish the physical and visual separation, have an urbanising influence, or which adversely impact settlement identity should be deemed as having an adverse impact on the effectiveness of an Area of Separation (clause C). Applicants proposing development that may have an adverse impact on an Area of Separation must demonstrate that they have considered this impact and have incorporated appropriate mitigation measures into their proposal (clause D).
- 9.30 The emerging Local Plan has considered the need to introduce an Area of Separation around Rugby in order to prevent the merging of the town with various other settlements around it as development pressures on land increases. This designation is important to protect the identity and physical separation of the settlements, including Clifton-upon-Dunsmore. As noted above, Ms Murphy's Proof of Evidence illustrates the issues with the integration of the site with Clifton-upon-Dunsmore and the extensive conflict with this policy. Approval of this scheme would seek to undermine the purpose of this draft policy before it even has a chance to be fully implemented through an adopted plan, permanently altering the relationship between Clifton-upon-Dunsmore and Rugby. **Very significant conflict** is noted to occur with this policy.

**Clifton-upon-Dunsmore Neighbourhood Plan 2011 – 2042 Policies Referendum
Version (CD.5.27)**

- 9.31 It is considered that this Appeal proposal conflicts with a number of Neighbourhood Plan policies. The comments below assume that appropriate conditions and financial contributions are delivered to secure section 106 monies as necessary and secure 30% affordable homes. The policy conflicts are considered in turn below.
- 9.32 **Policy G1 (Settlement Boundaries)** states that development within the limits to development will be supported where it accords with other policies in the Neighbourhood plan. Development outside the limits to development will be treated as countryside and only allowed for appropriate uses in line with local and national strategic planning policies.
- 9.33 It is clear that the proposed use for 160 market houses does not fall within acceptable uses in the countryside and thus there is **very significant conflict** with this policy. However, the weight to be attributed to this policy in itself would be reduced where there is a lack of a five year housing land supply.
- 9.34 **Policy G2 (Building Design)** states that all new development proposals must demonstrate high quality design, layout and use of materials in order to make a positive contribution to the special character of the Parish and reflect the Design Guide and Codes at Appendix 2.
- 9.35 As outlined above, the parameters layout plan is not considered to appropriately respond to the key views and visible location points within and surrounding Clifton-upon-Dunsmore. The scheme therefore has a negative impact upon the settlement, which cannot be designed-out. **Significant conflict** is considered to occur with this policy.
- 9.36 **Policy ENV7 (Important Views)** sets out 11 views that are important to the setting and character of the village. This includes View 9 from Clifton Recreation Ground south and south-west towards Bluebell Wood, Clifton Brook Valley and the Oxford Canal.

9.37 This is a key view as the recreation ground is well used, and presents a clear, uninterrupted view from within the settlement over the adjoining countryside, with the changing ground levels allowing the rolling topography of the wider area to be visible, along with the separation to Rugby. The Appeal scheme does not seek to address this important view at all, providing a band of housing across the full width of the site, completely removing this view. **Significant conflict** is considered to occur with this policy.

Policy Conflict Conclusions

9.38 The Appeal proposal is considered to conflict with the following policies of the adopted and emerging Development Plan:

| DEVELOPMENT PLAN DOCUMENT | DEGREE OF CONFLICT |
|---|---------------------------|
| Adopted Rugby Local Plan | |
| Policy GP2: Settlement Hierarchy | Significant Conflict |
| Policy NE3: Landscape Protection and Enhancement | Significant Conflict |
| Policy SDC1: Sustainable Design | Significant Conflict |
| Draft Rugby Local Plan (2025 – 2042) | |
| Policy S1: Settlement Hierarchy | Moderate Conflict |
| Policy EN2: Landscape Protection | Very Significant Conflict |
| Policy EN4: Areas of Separation | Very Significant Conflict |
| Draft Clifton-upon-Dunsmore Neighbourhood Plan (2011 – 2042) | |
| Policy G1: Settlement Boundaries | Very Significant Conflict |
| Policy G2: Building Design | Significant Conflict |
| Policy ENV7: Important Views | Significant Conflict |

9.39 Whilst the weight that can be attributed to a number of these policies can be reduced, either as a result of a lack of a five year housing land supply, and/or the draft status of the documents, there is conflict at a scale whereby it cannot be said that the Appeal scheme accords with the Development Plan. The Appeal should therefore be dismissed unless material considerations indicate otherwise. These are considered within the planning balance at Section 10.

10. MAIN ISSUE 5: PLANNING BALANCE

10.1 As noted above, the Appeal scheme is not considered to accord with the Development Plan. It is therefore necessary to consider whether any material planning considerations outweigh the conflict with the Development Plan. The NPPF sets out at paragraph 8 that sustainable development within the planning system has three overarching objectives that need to be considered: economic, social and environmental.

10.2 In terms of consideration of the planning balance, there are two assessments required as part of this Appeal. The first is where the Neighbourhood Plan is still a draft document, and the second is where it is adopted. The potential adoption of the Neighbourhood Plan prior to the determination of this appeal would bring paragraph 14 of the NPPF into effect. This states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

10.3 Clause a) would be met if the Neighbourhood Plan is made. In respect of clause b), the intended allocation of 150 dwellings within the Neighbourhood Plan stems from a figure provided by Rugby Borough Council. The expected housing requirement level to the Borough has not increased through the recent Standard Method figures, and thus still represents a realistic proportion of housing for the settlement. The Neighbourhood Plan makes it clear at paragraph 4.26 that the intended housing requirement is met in full by the allocated sites in the emerging local plan. The Clifton-upon-Dunsmore Neighbourhood Plan should therefore be taken to also accord with clause b). If adopted, any conflict with the Neighbourhood Plan is noted to significantly and demonstrably

outweigh the benefits. As noted in Section 9 above, it is considered that there is significant conflict with a number of key strategic policies of the Neighbourhood Plan.

Planning Benefits and Harms

10.4 There are a number of benefits and harms that need to be considered. Although the weight attributed to matters vary, the importance of each factor also varies; clearly some are more important than others so a numerical approach to weighing the benefits and harms cannot be simply undertaken. There is a degree of professional consideration. The weight to attribute to the delivery of the facilities is considered first, before discussing the other matters of relevance; double counting of benefits is not undertaken and any neutral aspects (e.g. protection of flood risk; heritage [listed buildings and conservation areas], residential amenity) are not discussed as these are policy compliance requirements rather than betterments occurring as a result of the development.

Provision of Market Housing

10.5 The Council can only identify 3.4 years housing land supply at present, representing a shortfall of 1,069 dwellings (based against an annualised requirement of 668 dwellings [including the 5% buffer]). This shortfall has arisen due to a change in how the calculation occurs, with previous oversupply through higher than expected housing completions from allocated sites in the early part of the Plan period disregarded.

10.6 The Council has had a very strong delivery of housing, consistently being one of the top authorities on this matter over the last 20 years. The current shortfall of housing land supply is a short term issue; it has not persisted for a long time and there is a swift response to address the matter through the emerging Local Plan. This influences the weight to afford to the delivery of housing and the current absence of a five year housing land supply.

- 10.7 The site will deliver 160 dwellings, which is clearly a benefit. However, it is expected that it would only deliver one year's supply of housing within the next five year period (30 dwellings – see Mr Holly's Proof of Evidence (CD 10.1.4). The benefit of this housing, given the emerging Local Plan, the short-term issue with land supply, and the limited contribution that the scheme will make towards the current five year housing land supply all influence the weight to be attributed to this matter. Alternative sites have also been identified and expect to be allocated imminently through the Neighbourhood Plan, meeting the expected delivery of housing for Clifton-upon-Dunsmore.
- 10.8 Taking all of these factors into account, **moderate positive weight** is afforded to the delivery of housing overall.

Provision of Affordable Housing

- 10.9 The Appeal seeks to provide 30% of the units as affordable housing; this equates as up to 48 units, a position which is secured through the Section 106. This level of provision accords with Policy H2, but does not exceed the minimum required. Notwithstanding this, given the need for affordable units across the Country as a whole and the general issue with affordability, **very significant positive weight** is afforded to the delivery of up to 48 affordable homes.

Economic Benefits/Harms

- 10.10 The proposal will generate economic benefits through job creation at the construction phase. The construction jobs are only for a temporary period. **Limited positive weight** is afforded to the creation of jobs.
- 10.11 Additional spend will be generated by the construction workers and then the subsequent occupants of the properties. This will provide additional support to facilities in the area; however, less spend typically occurs during the construction phase in rural areas due to the lack of easily accessible facilities. The quantum of expected financial generation

captured locally by the development is also not detailed by the Appellant. **Limited positive weight** is afforded to this benefit.

Social Benefits/Harms

10.12 The scheme will deliver additional housing within a location that does not encourage journeys on foot to most of the facilities within Clifton-upon-Dunsmore. As only one connection is able to be confirmed as deliverable, this results in a poor and indirect route for future residents to facilities, which will lead to the prioritisation of journeys via the car. Although the settlement itself is sustainable, the there are access to a number of facilities, the poor connectivity to the settlement means that **limited negative weight** is attributed to this factor.

10.13 The scheme will deliver additional open space and sports facilities, including tennis courts and upgrades to existing football and tennis provision. This will assist in meeting the need identified for the village. Parking facilities are also proposed, which may alleviate some of the operational issues with the existing park, subject to there being access between the two areas (not yet confirmed). Given that much of the open space/sports provision is meeting the needs of the development itself, the delivery of these facilities is afforded **moderate positive weight**.

10.15 The site is located where there is access to good broadband and mobile coverage. This ensures connectivity with the wider area, and is an important feature for modern living. Rugby Borough Council is considered a 'top-tier performer' for connectivity in Warwickshire with 99% of the properties in the Borough having access to superfast broadband (over 30Mbps) (<https://labs.thinkbroadband.com/local/E07000220>). The provision of good broadband and mobile coverage to the Appeal site does not therefore place it in a situation any different to virtually anywhere else in the Borough. **Limited positive weight** is therefore attributed to this matter.

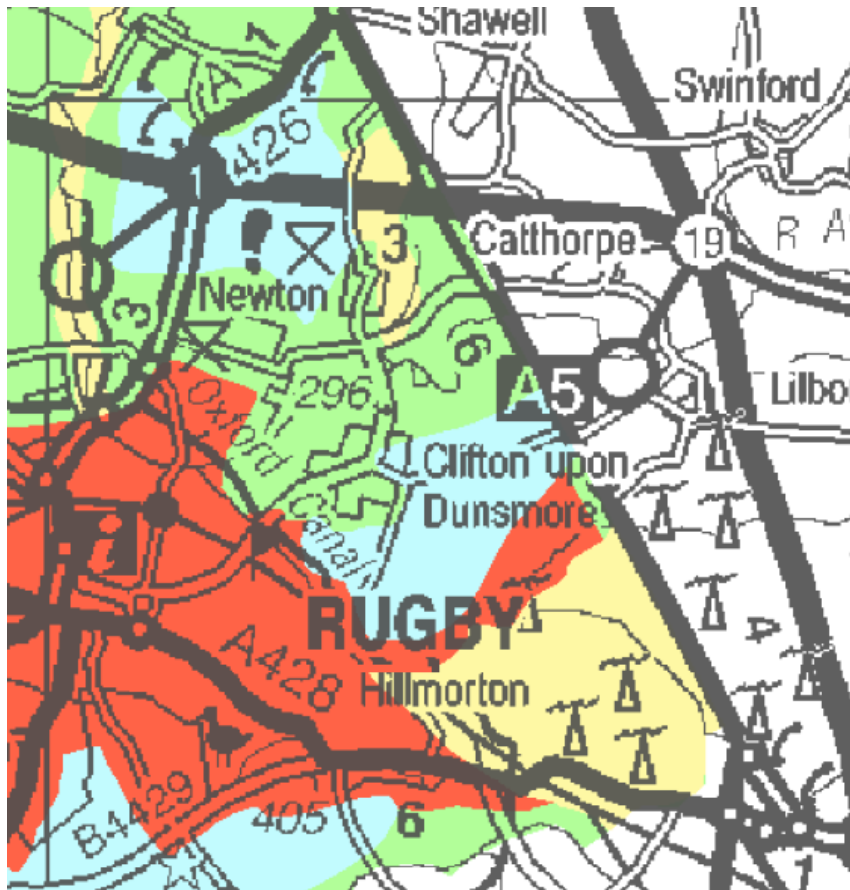
Environmental Benefits/Harms

- 10.16 The proposal seeks inadvertently to deliver development at a level notably above that expected to be directed towards a Main Rural Settlement. The quantum of facilities in this tier of settlement, and accessibility to higher order settlements for all other facilities reflects the level of development expected. The provision of a notable increase in development over and above that envisaged by the emerging Development Plan documents reduces the accessibility to facilities overall and will unacceptably grow a modest sized settlement to an unacceptable degree, particularly in respect of a site where the physical connectivity back to the village is poor. **Significant negative weight** is considered to result due to the scale of development being mis-aligned with the scale of the settlement.
- 10.17 The delivery of the housing in a location that undermines the urban morphology of the settlement and would have a permanent adverse impact upon the physical, visual and perceptual separation of, and contribution towards the coalescence of, Rugby and Clifton-upon-Dunsmore is considered to carry **very significant negative weight**. It directly contradicts the emerging Development Plan policies, seeking to ensure the inclusion of an Area of Separation to ensure the separate identities of the settlements are maintained in perpetuity. This scheme seeks to erode this objective.
- 10.18 The proposal undermines the landscape and visual setting of Clifton-upon-Dunsmore. Even at year 15, there is significant harm (moderate or moderate / major) to five viewpoints. These harms are separate to the coalescence issue noted above, and are afforded **moderate/significant negative weight**, given the various directions from which this harm occurs. Insufficient landscape mitigation is proposed to appropriately integrate the scheme, a position not assisted by the parameters plan showing the development area extending as an unbroken strip of development in an east/west direction across the site, right up to the eastern boundary.
- 10.19 The proposed scheme needs to remove a number of trees and hedges on the western side of the site to enable the access to be created. However, as part of the proposal, new

planting and an ecological area to the south-east is proposed. This replaces the lost trees from an ecological perspective, and enhances the biodiversity of the land. There is still a disagreement between the parties as to the accuracy of the Biodiversity Net Gain calculation, as it currently shows planting gain on the sports pitches area. Assuming that the net gain is in excess of 10% then **limited positive weight** can be afforded to this matter.

10.20 Additional trial trenching was requested, and this has been submitted as part of the additional documentation during the Appeal process. The evaluation confirmed the presence of disparate Late Neolithic domestic activity, Late Bronze Age mortuary activity and a multi-phase Late Iron Age and Roman farmstead settlement focused within Field 1, the location where development is planned. Whilst it is expected that any additional archaeological work can be dealt with by way of condition, the approach towards archaeology should ideally to be leave the finds in situ undisturbed. Clearly works will remove/destroy the archaeology on site and consequently there will be a loss of archaeology on the site as a result of the development. This is noted to be **limited/moderate negative weight** as the full extent of finds is not known at this stage still.

10.21 It is acknowledged by all that part of the site is identified as being Grade 2 agricultural land and thus represents Best and Most Versatile Land (BMV). NPPF paragraph 187(b) recognises the need to protect BMV land. The Council as part of the pre-application response (**CD.3.3**) invited additional detail or information to be provided on this topic as part of the planning application, given it is a matter that would need to be weighed in the planning balance.



Extract of West Midlands Agricultural Land Classification Map; light blue is Grade 2 and green is Grade 3

Benefits Versus Harms Conclusions

10.22 Drawing together the benefits and harms of the development, these are considered to be as follows:

| Topic Area | Benefit/Harm Weight |
|--|----------------------------------|
| Delivery of up to 160 Dwellings | Moderate Positive Weight |
| Affordable Housing | Very Significant Positive Weight |
| Job Creation (Construction Phase) | Limited Positive Weight |
| Additional Economic Spend (Construction and Operation Phases) | Limited Positive Weight |
| Locational Sustainability of New Dwellings | Limited Negative Weight |

| | |
|---|--------------------------------------|
| Additional Open Space/Sports Facilities, including Parking | Moderate Positive Weight |
| Access to Broadband/Mobile Coverage | Limited Positive Weight |
| Delivery of double the expected Housing Number to a Main Rural Settlement | Significant Negative Weight |
| Undermining Settlement Identity/Settlement Amalgamation | Very Significant Negative Weight |
| Landscape and Visual Impacts | Moderate/Significant Negative Weight |
| Ecological/Biodiversity Net Gain | Limited Positive Weight |
| Archaeology | Limited/Moderate Negative Weight |
| Loss of BMV Land | Moderate Negative Weight |

10.23 There are a number of benefits and harms associated with the proposal. The delivery of housing is a clear benefit, particularly the affordable housing units. The inclusion of sports pitches is also a notable benefit. However, there are also a number of significant harms that result from the quantum of development that would occur in tandem with the emerging housing allocations, the impact to the character of the settlement and its identity separate to Rugby, as well as landscape/visual impacts.

10.24 It is clear that the proposal does not accord with the Development Plan. Where the tilted balance is engaged, it is considered that the harms significantly and demonstrably outweigh the benefits. If the Clifton-upon-Dunsmore Neighbourhood Plan is adopted prior to a decision being issued on this Appeal, the paragraph 14 of the NPPF highlights that significant weight should be afforded to the conflict with the Neighbourhood Plan. This reinforces the harms and negative consequences of approving such a proposal, offering a clear route to dismissing this Appeal.

10.25 In both instances, the Appeal proposal is contrary to the Development Plan as a whole for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004; there are no other considerations that indicate a decision other than in accordance with the Development Plan should be made.