



**Town & Country Planning Act 1990**

**Summary 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**

1. This appeal relates to a non-determination application by Richborough on land south-east of Rugby Road, Clifton-upon-Dunsmore (application R25/0565). 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)”*

2. 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.

### **Main Issue 1: Housing Land Supply Position and Implications for Policy Weight**

3. It is agreed between the Council and Appellant that there is currently a 3.4 year housing land supply for Rugby Borough. This means that the Council cannot identify the necessary five year housing land supply; furthermore the two most important policies of relevance to this Appeal (Policy DS1: Overall Development Needs and Policy GP2: Settlement Hierarchy) are to some degree out of date, and thus the tilted balance as set out at paragraph 11 (d)(ii) of the National Planning Policy Framework (NPPF) is currently engaged. Although the weight to be afforded to these policies is reduced, significant weight is still considered to be afforded to Policy DS1, and moderate weight to Policy GP2. Full weight can be attributed to all other relevant policies in the adopted Development Plan (Rugby Local Plan).
4. There are emerging Development Plan documents. Having just completed Regulation 19 Consultant and submission to the Planning Inspectorate expected imminently for Examination, all relevant policies of the Proposed Submission Rugby Local Plan 2025 – 2042 are considered to be capable of attracting moderate weight. This is particularly true for the area of separation policy (Policy EN4) in relation to Clifton-upon-Dunsmore, as the only two objectors relate to promoters of land within it.

5. The Emerging Clifton-upon-Dunsmore Neighbourhood Plan is being taken to referendum on 7 May 2026. Significant weight can be afforded to these policies, and if it is ‘made’ prior to a decision being issued on this Appeal, full weight can be attributed and it will become the primary document of the Development Plan. If the Neighbourhood Plan is adopted, then it is the Council’s view that paragraph 14 of the NPPF would take affect, influencing the planning balance (see Main Issue 5).

### **Main Issue 2: Appropriateness For Development in Respect of Location**

6. Ms A. Murphy’s Proof of Evidence (CD 10.1.2) considers the urban morphology of Rugby and Clifton-upon-Dunsmore. This concludes that the development does not relate well to the historic nucleated settlement form, but seeks to place significant built mass behind ribbon development along Rugby Road. This would merge the contained, hilltop mass of Clifton-upon-Dunsmore with the distinct linear development to Rugby Road, significantly compromising the integrity of both and morphologically confusing the two. Its location also undermines the physical and perceptual separation of Clifton-upon-Dunsmore and Rugby.
7. Mr Holly’s Proof of Evidence (CD 10.1.4) considers the alternative sites being promoted through the Emerging Local Plan. This concludes that the alternative sites are clearly defined and better integrated with the settlement, causing less harm and underlining why these alternative sites were selected in preference to the Appeal site for allocation. Mr Wakefield’s Proof of Evidence (CD 10.1.3) considers the landscape and visual impact of these alternatives, noting that the Appeal site’s impact is greater. This evidence illustrates how the Plan-led approach will deliver sites in a timely manner that causes less harm than the Appeal site.
8. Ms A. Murphy’s Proof of Evidence (CD 10.1.2) assesses the accessibility of the Appeal site to facilities. The Appeal site has only one confirmed point of access: onto Rugby Road. This places the majority of the proposed dwellings beyond the typical 800 metre upper limit for walking, resulting in the a higher potential for even short journeys within the village to be via car. The quality of the route is also a further barrier, being along a relatively

narrow footpath beside a busy road with a gradient. It is not considered to represent a good site from a locational sustainability perspective.

### **Main Issue 3: Landscape and Visual Impact**

9. Mr Wakefield's Proof of Evidence (CD 10.1.3) assesses the landscape and visual impact of the proposal, noting major / moderate adverse (significant) landscape effects on the appeal site at year 1, reducing to moderate adverse by year 15. There will still be significant change to the baseline landscape position. The indirect effects to the Dunsmore Plateau Fringe Landscape results in major / moderate adverse impacts in close proximity to the site at year 1. These will reduce to minor / negligible by year 15.
10. The Landscape and Visual Assessment is considered to underestimate the visual impacts at a number of locations, with some absent or mis-located. Major / moderate and moderate adverse impacts at year 15 are still considered to occur at 6 viewpoints, representing views from the north, south and west. This importantly takes in views from both the edge of Clifton-upon-Dunsmore and Rugby, and affects the physical and perceptual separation of the settlements. The parameters plan does not assist in alleviating these landscape and visual harms. This represents significant harm to the landscape and visual setting.

### **Main Issue 4: Compliance with the Development Plan**

11. 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.
12. Whilst the weight to be attributed to various policies may need to be reduced due to the lack of a five year housing land supply, or their draft status at present, the Council consider that the proposal is in conflict with the following policies:

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

13. 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.

#### **Main Issue 5: Planning Balance**

14. The following benefits and harms from the Appeal proposal are noted to occur:

<b>Topic Area</b>	<b>Benefit/Harm Weight</b>
Delivery of up to 160 Dwellings	Moderate Positive Weight
Affordable Housing	Very Significant Positive Weight
Job Creation (Construction Phase)	Limited Positive Weight

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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

15. 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.
16. 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.

17. 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.