

Appeal by Richborough Estates Limited

Land East of Rugby Road, Clifton-upon-Dunsmore

Outline application for up to 160 dwellings (all matters reserved except for access)

Local Planning Authority Reference: R25/0565

Planning Inspectorate Reference: 6003106

PROOF OF EVIDENCE OF NEIL HOLLY MRTPI

ON ALTERNATIVE SITES

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2. Background

- 2.1 My name is Neil Holly. I am Development Strategy Manager at Rugby Borough Council ('the Council'). I hold an undergraduate degree from the University of Warwick and MSc in Spatial Planning and Development from Cardiff University. I am a member of the Royal Town Planning Institute and a non-practising solicitor.
- 2.2 I have over 17 years' experience of working in town planning, first as a solicitor in private practice, then in planning consultancy and for the last approaching ten years in local government. For the past three years I have led the policy team at Rugby Borough Council.
- 2.3 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I can confirm that the opinions expressed are my true and professional opinions.

3. Introduction

- 3.1 This proof of evidence covers the relevance of alternative sites I have produced a separate proof of evidence on five year housing land supply.
- 3.2 This proof of evidence should be read in conjunction with the other proofs of evidence submitted on behalf of the Council.

4. Alternative sites

- 4.1 In this section of my proof of evidence I provide further evidence in support of reason for refusal 3 set out in the Council's statement of case.

- 4.2 That reason for refusal refers to the existence of three alternative sites in Clifton upon Dunsmore which are acceptable in planning terms to deliver 150 dwellings in the village and are less harmful than the appeal proposal.
- 4.3 I am advised that a correct summary of the law on the relevance of alternative sites as a material consideration in planning development management decisions is as set out in Appendix **NHAS1** I have applied this advice in my evidence.
- 4.4 Applying this to the current appeal, my view is that this is an exceptional case where the existence of alternative sites is clearly a material consideration to which very significant weight can be given for the following reasons:
- 4.4.1 This is a case where the appellant avers that the need for the development – specifically the need for housing within the next five years - outweighs the planning objections to the site raised by the LPA.
- 4.4.2 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 the undermining the individual settlement identity and character of that village. This is not just the opinion of the Council, Clifton upon Dunsmore Parish Council submitted to this appeal relevant representations (Core Documents 4.10 and 4.27) in which they state “The village would lose its distinctiveness as an ancient hilltop settlement and just be subsumed, becoming suburb of Rugby.”.
- 4.4.3 That harm could be avoided by developing alternative sites (“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 site 129 Land north of Lilbourne Road for 60 dwellings, site 202 Newton Road for 80 dwellings and site 307 North Road for 10 dwellings. In combination the sites can accommodate 150 dwellings. Those sites are shown on the plan at **Appendix NHAS2**.

4.4.4 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.

4.4.5 Furthermore, there is clear progress to the Alternative Sites coming forward. Site 202 at Newton Road proposed to be allocated for 80 dwellings is currently subject to a pre-application advice request. This site is promoted by land-promoter Inside Land Group Limited who are working with developer Midland Heart to prepare a full planning application. Site 129 Land north of Lilbourne Road for 60 dwellings is promoted by housebuilder Davidsons who have a national record of past delivery and have delivered in the borough of Rugby within the last year. Pre-application advice is complete on Site 129.

4.4.6 The identification of the sites as allocations in the Proposed Submission Local Plan shows that the Council is of the view that their development would be acceptable in planning terms. Further, it is my 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.

4.5 In the remainder of this proof of evidence, I expand briefly on the reasons why as part of the plan-making process the alternative sites were considered to be less

harmful than the appeal site and to be better locations to accommodate new housing at Clifton upon Dunsmore.

Consideration of the appeal site and the alternative sites in plan-making

- 4.6 Both the appeal site and the alternative sites, together with other land around the village, were promoted in response to the call for sites held by the Council between 31 October 2023 and 2 February 2024. The appeal site was put forward as part of a larger area of land promoted by the appellants with different options for scales of growth suggested ranging up to 700 units.
- 4.7 Sites put forward were initially subject to GIS-based assessment. I also visited every site put forward in the village and the sites were all subject to landscape assessment by the council's consultant Lepus or by officers with results subsequently validated by Lepus and (where identified as in proximity to heritage assets) to heritage assessment by consultants Node. The results of these assessments were summarised in the Stage Two Site Assessment Report. Relevant extracts from that report and from the landscape and heritage assessments for the appeal site and Alternatives Sites are included as Appendices **NHAS3a, NHAS3b, NHAS3c and NHAS3d**. The full stage 2 site assessment is core document CD5.48. A map showing the appeal site, the Alternative Sites and other sites put forward and rejected through the plan-making process appears at Appendix **NHAS4**.
- 4.8 The Stage Two Site Assessment report provides reasoning for not progressing the appeal site as a proposed allocation as follows:

“There are significant concerns about how the site would integrate with the village and provide pedestrian connectivity given that it is not contiguous with the built form. Furthermore, the site forms part of a proposed area of separation in the draft plan given its important role in maintaining separation between the village of Clifton-upon-Dunsmore and the Rugby urban edge. Clifton-upon-Dunsmore is a nucleated hilltop village and the development of the site would detract from that character by developing the valley slope between the village and lower ground on the Rugby urban edge.

Neither ecology nor heritage constraints are flagged but medium landscape sensitivity is identified making this one of the more sensitive sites in this respect. Developing the site would also involve loss of areas of BMV agricultural land. Considering the landscape sensitivities and poor relationship with the village, this site is not progressed beyond Stage 2.”

4.9 The landscape and morphological/ character concerns highlighted are expended upon in the proofs of evidence of Nigel Wakefield and Abigail Murphy in this appeal.

4.10 In comparison, the Alternative Sites were commented on in the local plan evidence base as follows:

4.10.1 Site 202 Newton Road is described as having “very minor heritage constraints, no ecology constraints, and landscape sensitivity is Medium/Low”. It is stated that “The site is well related to the village and could be viewed as ‘rounding off’”. The site is, like the appeal site, Grade 2 agricultural land.

4.10.2 Site 129 North of Lilbourne Road is summarised in the Stage 2 Site Assessment as follows: “The site is not within the Green Belt and ecology constraints have not been flagged. Landscape sensitivity is Medium/Low. There are heritage sensitivities but scope for mitigation. Site comprises Grade 2 agricultural land. The site is proposed for allocation the basis of its better relationship with the rest of the village and lower heritage constraints than other sites within Clifton upon Dunsmore.”.

4.10.3 Site 307 North Road is summarised as follows: “The site is not within the Green Belt and didn’t flag ecology or heritage constraint. (...) the site is walkable to services and facilities in the village (...). The site is assessed as Medium/Low landscape sensitivity which is the principal identified constraint. In view of the relatively few constraints the site is a proposed allocation.”

4.11 In summary, the Alternative Sites are assessed as having lower landscape sensitivity and being better related to the village in comparison to the appeal site. Additionally, they do not conflict with the emerging plan’s area of separation between Clifton upon Dunsmore and Rugby.

4.12 For these reasons the Alternative Sites would cause significantly lesser harms than the appeal site and would in my view be much more preferable in planning terms.

4.13 Site 129 has greater heritage sensitivity than the appeal site. However, the heritage impacts of developing that site are capable of being mitigated in the opinion of the heritage consultant instructed to advise on the local plan.

- 4.14 Building new housing which is well connected and related to the historic built form of a village like Clifton - which has an extensive conservation area - will likely result in building adjacent to heritage assets. While the council must pay special attention to preserving and enhancing the character or appearance of conservation areas and complying with its equivalent duty in relation to listed buildings, that does not require complete avoidance. It would not represent good planning to seek to avoid building close to heritage assets by building only in places that are removed from and poorly related to existing historic settlements.
- 4.15 This illustrates a wider point, that plan-making is not simply an exercise in identifying constraints and choosing the least constrained option. It is also a creative exercise in design at settlement scale.
- 4.16 In this context, I concur with the evidence of Abigail Murphy in relation to the impact of the appeal site on the village's character. In comparison, the Alternative Sites are far better related to the morphology and existing and historical character of the nucleated village which is elevated above the valleys of the River Avon and Clifton Brook.
- 4.17 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. Building the Alternative Sites *as well as* the appeal sites would not avoid the harms in terms of landscape, coalescence and character from building on the appeal site. Conversely, building the Alternative Sites *instead* of the appeal site

would avoid those harms. Nonetheless, there are also clear arguments as to why the appeal site and the Alternative Sites should not be developed together and are alternatives:

4.17.1 The emerging Neighbourhood Plan and Local Plan both identify the development of 150 homes at Clifton upon Dunsmore. Developing instead 310 dwellings would conflict with these emerging plans.

4.17.2 The Local Plan Education Topic Paper (Appendix **NHAS5**) notes and supports Warwickshire County Council advice that the number of new homes at the village should be limited to 150 to avoid the need for home-to-school transport to primary schools elsewhere.

4.18 In summary, this discussion of the consideration of the appeal site and Alternative Sites in plan-making reinforces the Council's contention that this is an exceptional case where the existence of alternative sites is a material consideration telling against the appeal proposal. It shows that the Alternative Sites are not vague or inchoate but represent concrete proposals which the Council has carefully assessed as part of plan making. That assessment shows that the development of the Alternative Sites would be less harmful than the appeal site and would avoid the harms of developing the appeal site identified by the Council.