

**To: The Deputy Leader and Members of the Planning and Development Board  
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Morson, Moss, Parsons, H Phillips and Rose.**

**For the information of other Members of the Council**

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**6 December 2021**

The Planning and Development Board will meet on Monday, 6 December 2021 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

## **REGISTERING TO SPEAK AT THE MEETING**

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 1 November 2021 –** copy herewith, to be approved and signed by the Chairman.

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 5 **Budgetary Control Report 2021/22 Period Ended 31 October 2021 –** Report of the Corporate Director - Resources

### **Summary**

The report covers revenue expenditure and income for the period from 1 April 2021 to 31 October 2021. The 2021/2022 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer is Nigel lane (719371).

## 6 **Planning Applications** - Report of the Head of Development Control

### **Summary**

Town and Country Planning Act 1990 – applications presented for determination.

**6a Application No: PAP/2018/0050 and PAP/2021/0484 - Fir Tree Paddock, Quarry Lane, Mancetter**

a) Variation of conditions 2, 5 and 6 of PAP/2007/0730 (Appeal ref: APP/R3705/A/08/2066891) relating to development being carried out in accordance with plan submitted 07/145C/003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time, in respect of change of use to retain caravan for occupation by one gypsy/traveller family.

b) Replace existing garage/store in brick/blocks with tiled roof and retention of existing essential services store/building

**6b Application Numbers: PAP/2021/0501; 516, 544 and 570 - Numbers 2, 3, 4 and 6, Epsom Close, Dosthill, B77 1QT**

Retrospective applications for change of use of land as residential garden land

**6c Application No: PAP/2020/0684 - Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT**

Change of use from a field of agricultural or nil use to that of sui generis dog walking

**6d Application No: PAP/2021/0611 - Cole End Park, Lichfield Road, Coleshill**

Works to trees in Conservation Area

**6e Application No: PAP/2021/0473 - Land East and South East Of Dunton Hall, Kingsbury Road, Curdworth**

Development of a 349.9 MW Battery Energy Storage System with associated infrastructure.

The Contact Officer for this report is Jeff Brown (719410).

## 7 **Appeal Update** – Report of the Head of Development Control

### **Summary**

This report brings Members up to date with recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719410).

8 **Exclusion of the Public and Press**

**To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

9 **Enforcement Action – Report of the Head of Development Control**

The Contact Officer for this report is Jeff Brown (719410).

STEVE MAXEY  
Chief Executive

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**1 November 2021**

Present: Councillor T Clews in the Chair

Councillors Bell, Deakin, Dirveiks, D Humphreys, M Humphreys, Hayfield, Jarvis, Jordan, Macdonald, Morson, Parsons, H Phillips, Rose and Symonds.

Apologies for absence were received from Councillors Hancock (Sub M Humphreys), Lees (Sub Jordon), Moss and Simpson (Sub Symonds).

**23 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**24 Minutes**

The minutes of the meeting of the Planning and Development Board held on 4 October 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

**25 Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

**Resolved:**

- a That Application No PAP/2021/0511 (1 - 17, St Leonards Close, Dordon, B78 1RP) be approved, subject to the conditions set out in the report of the Head of Development Control;**
- b That Application No CON/2021/0023 (Land north of Little Wigston, Appleby Magna, Derby,) the Council raised no objection to the proposal but requested that consideration be given to the best means to restrict the use of HGV's on the surrounding highway in North Warwickshire;**
- c That Application No PAP/2020/0086 and PAP/2020/0087 (Beech House, 19 Market Street, Atherstone, CV9 1ET) be approved as per the recommendation but conditions to be added to cover the construction of the car parking and turning areas, the position of the gates and visibility at the junction and subject to the conditions set out in the report of the Head of Development Control;**

- d That Application No PAP/2017/0340 (Land Between, Rush Lane and Tamworth Road, Cliff,) be refused for the reasons set out in the report of the Head of Development Control; and

**[Speakers: Peter Lever and Greg Mitchell]**

- e That Application No PAP/2019/0679 (Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF) be refused for the reasons set out in the report of the Head of Development Control.

**[Speaker: Janet Hudson]**

**26 Appeal Update**

The report brought Members up to date with recent appeal decisions.

**Resolved:**

That the report be noted.

**27 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100a(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**28 Confidential Minutes of the Planning and Development Board meeting held on 4 October 2021**

That the confidential minutes of the Planning and Development Board meeting held on 4 October 2021 were received and noted.

Councillor Simpson  
Chairman

## Planning and Development Board

1 November 2021

### Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
5/d	PAP/2017/0340	Kingsbury Pallets	Objection	01/11/21
5/e	PAP/2019/0679	Applicant	Additional Note	29/10/21

## Agenda Item No 5

### Planning and Development Board

6 December 2021

#### Report of the Corporate Director - Resources

#### Budgetary Control Report 2021/22 Period Ended 31 October 2021

## 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2020 to 31 October 2021. The 2021/2022 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

### Recommendation to the Board

**That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.**

## 2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

## 3 Overall Position

- 3.1 The actual expenditure for those services reporting to this Board as at 31 October 2021 is £123,915 compared with a profiled budgetary position of £155,281; an underspend of £31,366 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

- 3.1.2 Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

### 3.2 Planning Control

- 3.2.1 The underspend of £15,127 is due to lower than expected expenditure on professional fees, advertising and publicity of £32,530. This has been partially offset by a lower level of planning fees of £17,403.



### 3.3 Local Land Charges

- 3.3.1 The income received to date from searches is ahead of budget by £16,157. At October we have received 91% of the income expected for the year.

## 4 Performance Indicators

- 4.1 In addition to the financial information provided to this Board, when the budgets were set in February performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

- 4.2 The gross cost of planning applications is below the budgeted position due to the higher number of applications received and lower costs. The net cost of planning applications is still below the budgeted position, although the lower costs are partially offset as the increased application numbers are subject to lower fees.

- 4.3 The gross and net cost per Land Charge search is lower than expected due to the higher number and mix of searches between full searches and Official Register searches undertaken.

## 5 Risks to the Budget

- 5.1 The key risks to the budgetary position of the Council from services under the control of this Board are:-

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications is likely to lead to a reduction in planning income, whilst an increase in applications will increase the pressure on staff to deal with applications in the required timescales.
- The Government requires all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning Team deals with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

5.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix B.

## 6 Estimated Out-turn

6.1 Members have requested that Budgetary Control reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2021/22 is £284,700 the same as the approved budget.

6.2 The figures provided above are based on information available at this time of the year. Whilst planning income is currently below budget, it can vary significantly during the year. No change to the out-turn has been assumed at this time but this may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 7 Report Implications

### 7.1 Finance and Value for Money Implications

7.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

### 7.2 Environment and Sustainability Implications

7.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

## Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
Executive Board – Agenda item 10	Corporate Director - Resources	General Fund Revenue Estimates and Setting the Council 2021-22	15 <sup>th</sup> Feb 2021
Executive Board – Agenda Item 6	Corporate Director - Resources	Financial Strategy 2021 -2026	20 <sup>th</sup> September 2021

**Planning and Development Board**

**Budgetary Control Report 2021/2022 as at 31 October 2021**

<b>Cost Centre</b>	<b>Description</b>	<b>Approved Budget 2021/2022</b>	<b>Profiled Budget to 31 October 2021</b>	<b>Actual to 31 October 2021</b>	<b>Variance</b>	<b>Comments</b>
4009	Planning Control	164,850	102,090	86,963	(15,127)	Comment 3.2
4010	Building Control Non Fee-earning	51,520	9,112	9,112	-	
4012	Conservation and Built Heritage	58,400	34,087	34,037	(50)	
4014	Local Land Charges	6,090	7,752	(8,375)	(16,127)	Comment 3.3
4018	Street Naming & Numbering	3,840	2,240	2,178	(62)	
	<b>Total Net Expenditure</b>	<b>284,700</b>	<b>155,281</b>	<b>123,915</b>	<b>(31,366)</b>	

## Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
<b>Planning Control</b>			
Number of Planning Applications	900	525	545
Gross cost per Application	£890.84	£902.14	£809.34
Net cost per Application	£183.17	£194.46	£159.57
<b>Caseload per Planning Officer</b>			
All applications	167	97.2	100.9
<b>Local Land Charges</b>			
Number of searches	400	233	308
Gross cost per search	£131.98	£149.97	£113.71
Net cost/(surplus) per search	£15.23	£33.22	(£27.19)

## Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Medium	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium
Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income	Medium	Medium

**Report of the  
Head of Development Control**

**1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

**2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

**3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

**4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 January 2022 at 6.30pm via Teams.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).

**Planning Applications – Index**

Item No	Application No	Page No	Description	General / Significant
6/a	PAP/2018/0050 and PAP/2021/0484	1	<p><b>Fir Tree Paddock, Quarry Lane, Mancetter</b></p> <p>a) Variation of conditions 2, 5 and 6 of PAP/2007/0730 (Appeal ref: APP/R3705/A/08/2066891) relating to development being carried out in accordance with plan submitted 07/145C/003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time, in respect of change of use to retain caravan for occupation by one gypsy/traveller family.</p> <p>b). Replace existing garage/store in brick/blocks with tiled roof and retention of existing essential services store/building, b</p>	General
6/b	PAP/2021/0501, PAP/2021/0516. PAP/2021/0544 and PAP/2021/0570	16	<p><b>2, 3, 4 and 6 Epsom Close, Dosthill</b></p> <p>Retrospective applications for change of use of land a residential garden land.</p>	General
6/c	PAP/2021/0684	21	<p><b>Meadow View Farm, Kinwalsey Lane, Meriden</b></p> <p>Change of use from a field of agricultural or nil use to that of sui generis god walking</p>	
6/d	PAP/2021/0611	39	<p><b>Coleshill End Park, Lichfield Road, Coleshill</b></p> <p>Works to trees in Conservation Area</p>	
6/e	PAP/2021/0473	42	<p><b>Land east and south east of Dunton Hall, Kingsbury Road, Curdworth</b></p> <p>Development of a 349.9 MW Battery Energy Storage System with associated infrastructure</p>	

## **General Development Applications**

**(6/a) Application No: PAP/2018/0050 and PAP/2021/0484**

**Fir Tree Paddock, Quarry Lane, Mancetter,**

- a) Variation of conditions 2, 5 and 6 of PAP/2007/0730 (Appeal ref: APP/R3705/A/08/2066891) relating to development being carried out in accordance with plan submitted 07/145C/003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time, in respect of change of use to retain caravan for occupation by one gypsy/traveller family.**
- b) Replace existing garage/store in brick/blocks with tiled roof and retention of existing essential services store/building, both for**

**Mr Timothy Pugh**

### **Introduction**

The first of these two applications was referred to the Board in August but determination was deferred in order to undertake a site visit. It was reported back in September, but Members deferred a decision for a second time, requesting further information on the likely highway impact.

Whilst at the visit, Members saw two other buildings on the site other than the permitted residential caravan and asked that this be followed through if they were found to be unauthorised. The second application relates to this matter.

For convenience the previous two reports are attached at Appendix A.

As the North Warwickshire Local Plan 2021 is now adopted the policies referred to in that Appendix need updating.

### **Additional Information**

In respect of the first application, the County Council as Highway Authority was asked for its advice. It has no objection. It says that there are numerous uses along the track including the marina. In these circumstances there would not be a significant increase in vehicular movements.

In respect of the second application, then this relates to the two buildings identified by Members on the visit – one either side of the access. The one on the left measures 4 by 4 metres and has a flat roof 2.3 metres tall. The application seeks to retain this as a secure storage building housing for water and electricity sources. The location is determined by the water source. The second is a garage which the applicant seeks to repair through replacement with an equivalent building on the same footprint, volume and appearance – 7 metres by 6 and 3 metres tall.

These buildings are shown on Appendices B and C



No representations have been received in respect of this second application.

### **Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2(Settlement Hierarchy), LP10 (Gypsy and Travellers), LP14 (Landscape), LP16 (Natural Landscape) LP29 (Development Considerations) and LP30 (Built Form) Mancetter Neighbourhood Plan - SB2 (Residential Development outside of Settlement Boundaries); BE2 (Protecting and Enhancing Local Character) and NE and L1 (Protecting the Countryside and Landscape)

### **Other Material Planning Considerations**

The National Planning Policy Framework – (“NPPF”)

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

### **Observations**

The adoption of the 2021 Local Plan adds weight to the recommendation to support the grant of permission here. The site has been found to be appropriate for gypsy/traveller accommodation via the appeal; there is no harm identified and provision here would greatly assist in the meeting the Council’s up to date site requirements. Now that the Highway Authority has confirmed that there is no highway objection the recommendation as set out before is strengthened

In respect of the second application then Members are aware that gypsy and traveller accommodation almost always includes other buildings. A replacement garage is not unreasonable and the other building is needed to enclose and secure essential utility services. Given the character and appearance of the surrounding area, it is not considered that there is a refusal reason of any weight that could be recommended.

### **Recommendations**

#### **a) PAP/2018/0050**

That planning permission be GRANTED subject to the conditions set out in Appendix A

#### **b) PAP/2021/0484**

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – the location and block plan received on 23 August 2021 and the plan received on 9 August 2021

3. The buildings hereby approved shall not be used for any purposes other than as a garage and for the housing of essential utilities all incidental to the residential use of the site by a gypsy and traveller family

#### REASON

In order to ensure that the use of the buildings remains incidental to the use of the land.

#### Notes:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive outcome.

## General Development Applications

**(5/H) Application No: PAP/2018/0050**

**Fir Tree Paddock, Quarry Lane, Mancetter,**

**Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07\_145C\_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family, for**

**Mr Timothy Gough**

### Introduction

This application was referred to the last meeting of the Board, but determination was deferred in order to enable Members to visit the site. That has now occurred.

The previous report is attached for convenience at Appendix A.

### Observations

In essence, this an application to add a second caravan to this lawful gypsy and traveller site.

At the previous meeting there was a question concerning the definition of a “caravan”. This is set out in the Caravan Sites and Control of Development Act 1960. It includes: “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or by being transported on a motor vehicle or trailer) and any motor vehicle which is so designed or adapted”. Later amendments include dimensions for twin unit caravans. It therefore can include a mobile home. The present lawful caravan on site is such a mobile home.

There was also reference to a “pitch”. This would include a touring van as well as a static mobile home. This is not being proposed here.

Members also asked about the use of a “personal” condition relating occupation to the applicant. It should be remembered that this is a variation application. There is an existing condition attached to the planning permission here limiting occupation to a gypsy and traveller as defined by the Government’s Planning Policy for Traveller Sites 2015. The variation sought does not include alteration of this condition and it would not be reasonable or proportionate to do so in this case, given that the present lawful caravan is not so conditioned. Such a condition is beyond the scope of the original permission. Additionally, Member’s attention is drawn to the Examination Inspector’s Main Modification MM53, where it explicitly states that existing authorised sites will be safeguarded for general gypsy and traveller use. This is an existing authorised site.

## **Recommendation**

That the recommendation as set out in Appendix A be agreed.

## APPENDIX A

### General Development Applications

(6/g) Application No: PAP/2018/0050

Fir Tree Paddock, Quarry Lane, Mancetter,

Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07\_145C\_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family, for

Mr Timothy Gough

### Introduction

The application is reported to Board at the discretion of the Head of Development Control given the interest in the site expressed by the Parish Council

### The Site

The site lies on the north east side of a track off Quarry Lane at a position 400m south east of Quarry Lane. The Coventry Canal runs to the north east boundary of the land ownership. The site is as shown below:



### The Proposal

The application is seeking the variation of conditions 2, 5 and 6 which are imposed on application ref: APP/R3705/A/08/2066891. The conditions to which this application refers are shown below:

Condition 2 read:

"The development shall be carried out in accordance with the amended appeal plan received at the hearing on 17 June 2008.

The applicant seeks to vary condition no.2 to read as:

"The development shall be carried out in accordance with the plan submitted 07\_145C\_003 Proposed Site."

Condition 5:

"The residential use hereby permitted shall be restricted to the stationing of no more than 1 caravan at any time."

The applicant also seeks to vary condition 5 to read as:

"The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time."

Condition 6:

"Prior to the first use of the site for residential purposes, details of the intended site layout, including the siting of the caravan shall have been submitted to and approved by the local planning authority in writing. The caravan, or any replacement, shall only be positioned in the approved location, unless otherwise agreed in writing by the local planning authority."

The applicant considers that Condition 6 should be removed, as this application provides a plan for a new layout of the site. The drawing 07\_145C\_003 Proposed Site' satisfies condition 6 imposed in the appeal decision, therefore it is not required.

The proposed site plan is shown below:



## Background

Appeal Ref: APP/R3705/A/08/2066891 was for the change of use in the retention of caravan for one gypsy /traveller family. Permission was simply sought for a site that could be occupied by anyone falling within the definition of a gypsies and travellers in paragraph 15 of Circular 01/2006.

The Inspector's key conclusions included the following:

- The impact on the surrounding countryside would in my opinion be minimal.

- Sites on the outskirts of built-up areas may be appropriate.
- Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle and local authorities should be realistic about availability, or likely availability, of alternatives to the car in accessing local services.
- The site, although outside any defined development boundary, is reasonably well located to Mancetter which contains a primary school, Church and some local shops including a post office and is adjacent to Atherstone.
- I consider the location of the appeal site would be acceptable in principle and in the context of gypsy sites, a sustainable location.
- The appeal site is well screened by existing vegetation from any public vantage points although additional planting would help assimilate it further with its immediate surroundings. The impact on the surrounding countryside would in my opinion be minimal.
- The Alvecote site was not be a suitable or an available alternative

### **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW12 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design and TPT3 (Access and Sustainable Travel and Transport)

Mancetter Neighbourhood Plan - DP1 (Sustainable Development Principles), SB2 (Residential Development outside the Settlement Boundaries), BE2 (Protecting and enhancing local character), NE & L1 (Protecting the Countryside and Landscape), NE & L2 (Nature Conservation)

### **Other Relevant Material Considerations**

The National Planning Policy Framework – (the “NPPF”)

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

The 2018 Submission Local Plan – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP10 (Gypsy and Travellers), LP11 (Economic Regeneration), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

North Warwickshire Local Plan, Main Modifications, January 2021 - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP7 (Housing Development), LP8 (Windfall Allowance), LP10 (Gypsy and Travellers), LP14 (Landscape), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

### **Representations**

Mancetter Parish Council – This application attempts to achieve the original planning which was refused. Much of the coniferous hedging was removed during the last

application and appeal time. This application still contravenes the original selling of these parcels of land for agricultural and recreational use. If the application is permitted, then future refusals will be extremely difficult.

## **Observations**

Though the site lies beyond the development boundary for Mancetter and is in an area of open countryside, the Inspector who granted permission for the residential use of this site for occupation by a gypsy and traveller family, found the site to be a sustainable location for a gypsy traveller family. The application site therefore already has use for residential use. The increase in the number of caravans by an additional single caravan would not constitute a material change in the use of the land. It is necessary to consider whether there have been any material changes in the circumstances of the site since that time or whether there has been any material change in planning policy.

The Core Strategy requirement for Gypsy and Traveller sites over the plan period 2011 – 2028 was based on a GTAA dated 2008. Policy NW7 requires nine residential pitches as a consequence. The same GTAA was used in the preparation of the emerging Local Plan as Submitted in 2018. This was because no representations or evidence was submitted in the preparation of the Plan from any Gypsy and Traveller representative body to the contrary despite being consulted. As a consequence, the respective policy in the Submitted Local Plan – LP6 – retains the requirement of nine residential pitches.

The Inspector handling the Examination of the Submitted Plan queried this position. As neighbouring Local Authorities had already commissioned a new joint GTAA, the Borough Council joined in that commission and the Assessment was prepared in 2019. This was subsequently sent to the Inspector along with additional information that he had requested.

Planning permissions for traveller pitches have been granted by the Council or at appeal since the adoption of the Core Strategy. At present there have been 22 pitches permitted since 2011. The 2019 GTAA concludes that a further 19 are required from 2019 up to 2033 (the expiry date of the Submitted Local Plan).

The Council is now in receipt of the final version of the Main Modifications from the Examination Inspector. The modified policy now reads:

### **MM52:**

A Gypsy and Traveller Plan will be brought forward and will include pitch allocations and follow the principles of the settlement hierarchy.

A Gypsy and Traveller Accommodation assessment was completed in early 2020. A Gypsy and Traveller Development Plan Document will be undertaken as soon as practicable to address this need, including the allocation of sites as identified in the Council's Local Development Scheme.

Sites for Travelling Show people will not be allocated specifically, albeit that if the above review or monitoring indicators (set out below) indicates needs arising in the future, the Council will similarly undertake further work as soon as practicable to address that.



MM53:

Sites will be allocated and/or permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. Site suitability will be assessed against relevant policies in this Local Plan and other relevant guidance and policy. Sites will also be assessed using the following criteria:

- The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range of services and infrastructure
- The site is suitably located within a safe, reasonable walking distance of a settlement boundary or public transport service and access to a range of services including school and health services'
- Avoiding or affected by any other environmental hazards that may affect the residents' health and welfare
- The site has access to essential utilities including water supply, sewerage, drainage and waste disposal
- The site can be assimilated into the surroundings' and landscape without any significant adverse effect

Safeguarding Established Gypsy, Traveller and Travelling Show people Sites

Existing Authorised sites listed in Appendix E will be safeguarded for Gypsy and Traveller Use for the number of pitches permitted a new Gypsy and Traveller sites granted planning permission will also be safeguarded for Gypsy and Traveller use for the number of pitches permitted.

Policy LP10 of the emerging Local Plan (as modified by MM53), is at an advanced stage of preparation and carries considerable weight (para 48 of the NPPF).

Policy LP10 identifies this site as an existing authorised site for gypsy and traveller use which will be safeguarded:

*North Warwickshire Local Plan  
Submission - March 2018*

**Appendix E List of Existing and Sites with Planning Permission  
Authorised for Gypsy and Traveller Use**

**Current Residential Sites**

Alvecote Caravan Park	Socially rented (WCC)		17 pitches with amenity buildings
Kirby Glebe Farm, Atherstone Road, Hartshill	Private	PAP/2011/0273	7 pitches and one amenity building
Fir Tree Paddock, Quarry Lane, Mancetter	Private	PAP/2007/0730	1 pitch

The above sites were approved before the latest GTAA was produced in 2013 and so do not count towards the outstanding need. The GTAA identifies a the requirement for North Warwickshire of 9 residential and 5 transit pitches.

The additional mobile home is needed to allow the applicant's son to reside at the family property, the family having grown since 2008. It would be sited wholly within the land authorised at appeal in 2008. Given the sustainability findings of the Inspector when he first granted permission here and given that the application does not alter the existing use of the site, as such, it is considered that the varied permission would still fit with the size and locational limitations for gypsy and traveller sites set out in the up-to-date Local Plan policy.

The additional caravan on this site would help Council to achieve identified continuing need in the Local Plan period. The site remains reasonably well screened from public view. Though a boundary fence has been erected a hedgerow has also been planted to supplement the fence and soften its visual impact. The additional caravan would not have a significantly detrimental impact on the character, appearance, landscape or views hereabouts. The site has the necessary services for power and water disposal. As such, it is considered that the varied permission would still fit with the amenity and infrastructure requirements for gypsy and traveller sites set out in the up-to-date Local Plan policy.

It is not considered that the variation of this approval to allow for one additional caravan would set any adverse precedent and it is considered that the application to vary the conditions of the approved use of the land can be supported.

It is considered necessary to vary the condition defining gypsies and travellers to an up-to-date definition. It previously referred to the definition in paragraph 15 of ODPM Circular 01/2006, but that should be updated to the definition contained in the Department for Communities and Local Government 'Planning policy for traveller sites' August 2015.

The original landscaping condition of the appeal decision was never formerly discharged. It is considered necessary and desirable to reapply the condition such that the original site is duly landscaped, with recognition of additional visual screening for the additional unit and to improve biodiversity in the locality.

## **Recommendation**

That planning permission be GRANTED and the conditions attached to APP/R3705/A/08/2066891 be varied as follows:

1. The development shall be carried out in accordance with the plan submitted 07\_145C\_003 Proposed Site received by the Local Planning Authority on 08/03/2018.
2. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Department for Communities and Local Government 'Planning policy for traveller sites' August 2015.
3. No commercial activities shall take place on the land, including the storage of materials.
4. The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time.

5. Prior to the first occupation of the second caravan, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall be submitted to and approved in writing by the local planning authority.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the second caravan; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2018/0050

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/1/18 8/3/18
2	Mancetter Parish Council	Representation	22/2/18
3	Planning Inspectorate	Appeal Decision	17/6/08

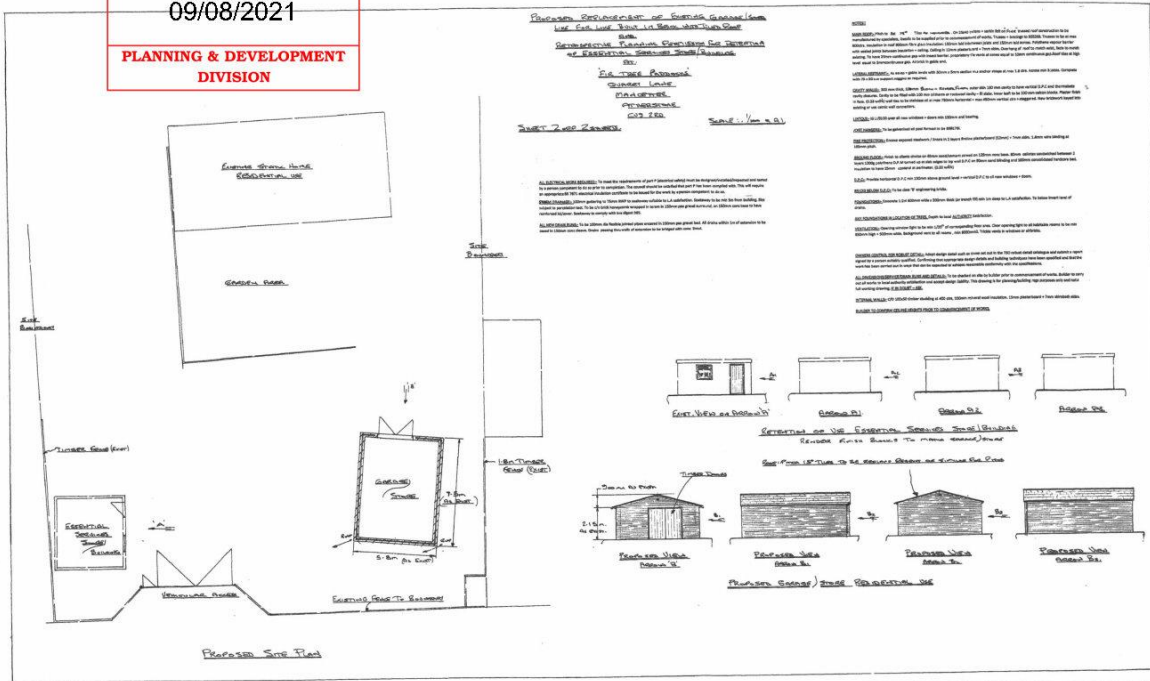
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

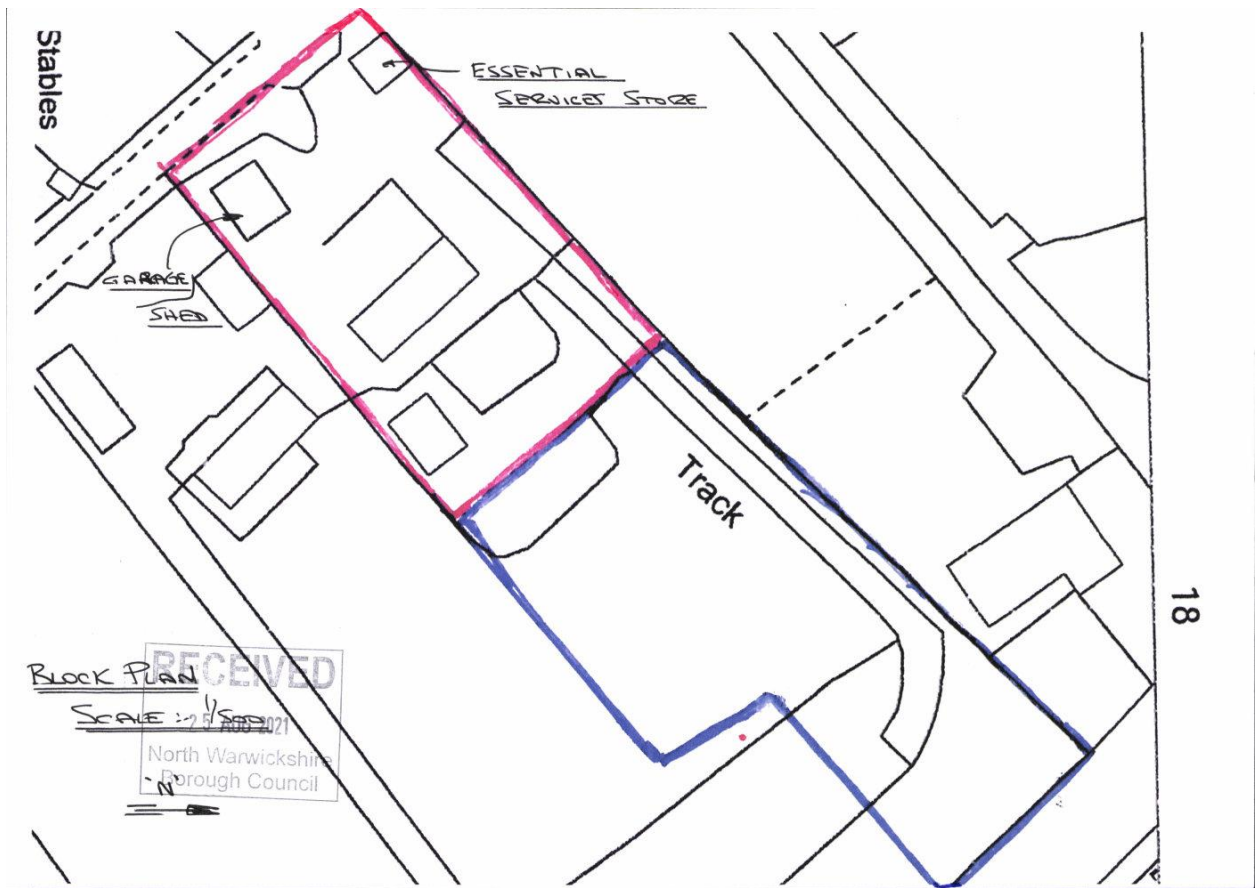
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

RECEIVED

09/08/2021

PLANNING & DEVELOPMENT  
DIVISION





## **General Development Applications**

**(6/b) Application Numbers: PAP/2021/0501; 516, 544 and 570**

**Numbers 2, 3, 4 and 6, Epsom Close, Dosthill, B77 1QT**

**Retrospective applications for change of use of land as residential garden land for**

**Messrs Griffin, Frowen, Thacker and Payne**

### **Introduction**

These applications are brought before the Board because the application sites are all in the ownership of North Warwickshire Borough Council.

Secondly, should the recommendations below not be agreed, the Board would need to look at the expediency of enforcement action given that these are retrospective applications.

### **The Sites**

The sites were all part of an area of vacant land located along the southern rear boundary of these privately owned dwellings in Epsom Close at the southern end of Dosthill. The vacant land is that which had deliberately been left undeveloped as it formed part of the land that was safeguarded for the Dosthill By-Pass and for access into land to the south of that safeguarded line, to implement the extant commercial permissions on land further to the south. The application land is the land between the original rear garden boundaries of these houses and the bottom of the northern face of the retaining bank/slope for the safeguarded route.

A location plan is attached at Appendix A which illustrates the four sites the subject of the four applications.

### **Background**

The Council owns the land involved as it took control of the strip of land here as "amenity" land when the residential estate was completed by Wimpey Homes

A short while ago it became apparent that the owners of the southern-most houses here had enlarged their rear gardens by extending onto this amenity strip. Unfortunately, none of these enlargements was undertaken with the benefit of planning permission for the material change in the use of the land.

As a consequence, the owners were asked to resolve this breach of planning control and four so far have chosen to submit retrospective applications. It is understood that other applications may be pending in respect of properties in Epsom Close as well as Ascot Drive.

## **The Proposals**

These four applications are all retrospective applications to retain the changes of use of land.

## **Representations and Consultations**

None received

## **Development Plan**

The North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP14 (Landscape), LP29 (Development Considerations) and LP30 (Built Form)

## **Other Relevant Material Planning Considerations**

The National Planning Policy Framework 2021 – (the "NPPF").

## **Observations**

There are eight properties in Epsom Close that have occupied the land to the rear of the boundary of the garden curtilage in an unauthorised manor by setting their fences back by seven metres. The land that has been taken as garden curtilage is not visible from the public arena as it is to the north side of the raised land that was provided to accommodate the Dosthill By-Pass and to the east side of the raised land that currently carries the A51.

The Board is asked to look only at the planning merits of the cases notwithstanding that these are retrospective applications or the ownership issue. That will be addressed later.

Although the four sites are beyond the defined development boundary, it is not considered that there is any material harm here either visually, or in terms of adversely affecting the spatial policy of retaining development within development boundaries. These are very small areas of land and there is a clear defensible, physical and visual barrier to the south and west which prevents further encroachment such that the land is self-contained. Moreover, the small narrow corridor of open land was not serving any amenity objective given this location.

As a consequence, it is considered that there is no material harm caused and that planning permissions should be granted in this instance.

The grant of planning permission will enable the introduction of permitted development rights for outbuildings etc. There are instances of this already having taken place. The Council can pursue any breaches of these rights as appropriate and if expedient.



If the recommendation below is not agreed, then the expediency of enforcement action needs to be assessed. In this case the Council is the owner of the land and the better course of action would be for the Council to commence action to reclaim possession through other legislation. However, a further option without the need for formal Court proceedings is the granting of an annual Licence. On the discovery of these breaches of planning control, letters have already been written to the owners concerned offering the grant of an annual Licence to continue to use the land for residential purposes. If these offers are not accepted, then the Council will need to consider other measures.

A verbal update will be given at the meeting in respect of the outstanding cases.

## **Recommendations**

**A)** That in all four cases, planning permissions be GRANTED subject to the following condition and notes. The condition is to be worded so as to refer to the four respective dates on which the plans were received.

1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plans received by the Local Planning Authority on 18 August 2021.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

## **Notes**

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
2. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries

available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority [website](#).

3. Radon is known to affect 1-3% of properties in this area. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

4. The site is known to be within 250 metres of a site where activities may have resulted in ground contamination and the formation of migratory gases. The build-up of ground gases beneath a property can be a risk to the health of occupants. Ideally the ground should be tested, and a scheme of remedial measures agreed with Environmental Health prior to commencement. Alternatively, precautionary gas protection measures may be used. For further advice please seek guidance. Information is available at: [Microsoft Word - NHBC RSK - Ground Gases Edition 04 - March 2007 .doc](#)
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and meetings and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

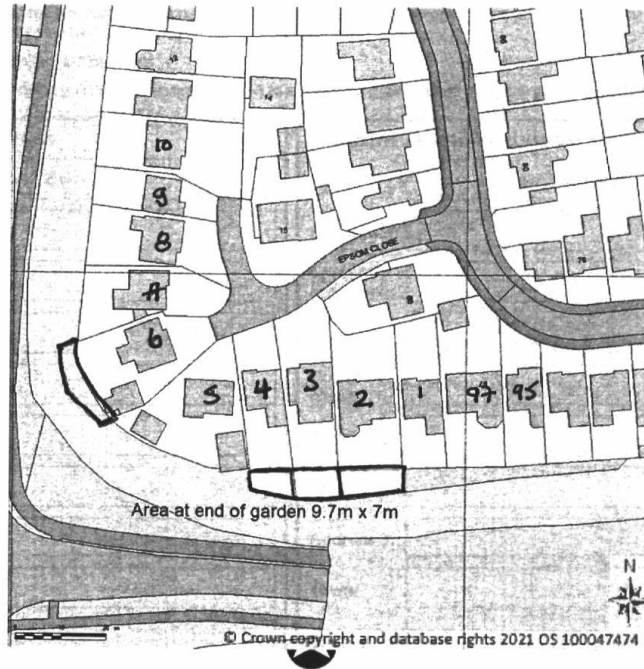
- B)** That the Head of Legal Services be notified of these planning permissions and that he be asked to consider the most appropriate action in that respect, as well as in the matter of the cases where there remain breaches of planning control.

PAP/2021/0544



SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 421470, 299488

SITE PLAN FOR 4 EPSOM CLOSE  
SHOWING ADDITIONAL AREA AT REAR OF GARDEN



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PLANNING & DEVELOPMENT DIVISION

## **General Development Applications**

**(6/c) Application No: PAP/2020/0684**

**Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT**

**Change of use from a field of agricultural or nil use to that of sui generis dog walking, for**

**Sara Skalka**

### **Introduction**

As members will be aware, this application was initially reported to the Planning and Development Board in July with determination deferred until a site visit had been undertaken. This occurred during July with the application represented to the Board in August. Determination was once again deferred as the applicant wished to revise their submission and set out the historical use of the site.

A 'revised' description of the proposed development was received in September. This sets out that the application now seeks permission solely to use the field for the walking of dogs.

The applicant also states that the site was used for customers on eight separate dates between August and October 2020. Since then, it is stated that no commercial dog walking has taken place, although walking of the applicants and their friends dogs has.

Previous reports are attached at Appendix A.

Plans are located within the Appendix.

### **The Site**

The application site comprises an irregular, 0.74ha agricultural field sited to the north of Meadow View Farm along Kinwalsey Lane, Meriden. The surroundings are rural in character, function and appearance, save for the urban influence of the M6, 300m to the north and a scattering of dwellings along Kinwalsey Lane to the south of the application site. Kinwalsey House, a grade II listed timber framed cottage, is positioned immediately to the north of the application site.

The agricultural field is demarcated by 6ft high green mesh fencing with access afforded by a narrow, single-track lane to the west which links the site to Kinwalsey Lane and the surrounding road network. The application site is located within the West Midlands Green Belt, as identified on the 2021 North Warwickshire Local Plan.

### **The Proposal**

Change of use of a field from an agricultural use to that of sui generis dog walking between the hours of 0800 and 1500 Monday to Friday only.

A maximum of two sessions will be organised each day with each session containing a maximum of ten dogs.

Dogs will be collected from their owners and then returned through the use of one van.

Only one person will be walking the dogs in any of the two sessions.

### **Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP13 (Rural Employment), LP15 (Historic Environment) LP29 (Development Considerations) and LP34 (Parking).

### **Other Relevant Material Considerations**

Planning Policy Framework 2021 (NPPF)

Planning Practice Guidance (PPG)

The Planning (Listed Buildings and Conservation Areas) Act 1990

### **Consultations**

North Warwickshire Borough Council's Environmental Health Officer agrees with the officer recommendation of issuing a temporary planning permission.

Warwickshire County Council as the Highways Authority raise no objection to the amended proposal provided some form of management plan is in place.

### **Representations**

Fillongley Parish Council object, arguing that the amendments do not address the loss of amenity for Kinwalsey House and the residents of the new build as well as the significant increase in traffic in the lane and on the access track.

The Parish also raise concern with 10 dogs being monitored by one person which they state doesn't deliver the previously suggested employments benefits and could exacerbate noise and loss of amenity.

Five letters have been received in respect of the amended proposals, four objecting and one offering comment. These are summarised below:

- Extra dogs at the property could increase risk to neighbour safety
- Applicants own dogs cannot be kept under control
- Fencing should be higher to provide additional security
- Field only 10 metres from adjacent property with the use potentially generating disruption from barking, whistling and shouting
- Concern regarding volume of traffic using the single track lane
- Not enough parking is provided
- Increased pollution
- Footpaths will be unsafe to use

## Observations

Within the previous board report, it was articulated that the proposals represent appropriate Green Belt development, resulting in limited harm to the setting of Kinwalsey House and are acceptable from both a highway safety and public rights of way perspective. Officers consider that these matters do not warrant reconsideration here. The outstanding area of concern relates to the amenity impact of the proposed use on the neighbouring property at Kinwalsey House.

The amended submission removes the dog care and dog training elements and reduces the number of dogs held on the site at any one time from 20 to 10. In light of this, the Authority's assessment here extends to whether these changes, and potentially by using planning conditions, the development is able to proceed where it would otherwise have been necessary to refuse.

The change to the proposal's description is considered by fact and degree, to reduce the potential level of neighbouring amenity implications for Kinwalsey House – 10 dogs will be present on site at any one time, down from 20 as previously positioned.

Notwithstanding this reduction, the appreciable implications of the proposals on the amenity of the neighbouring occupiers, at this time, remain balanced. The tangible impact of the proposals could depend largely on how the site is managed and operated. Helpfully, national planning practice guidance advises that temporary consents can be used in situations where a 'trial run' is needed so that effect of a development on a particular area can be assessed.

Officers consider the grant of a tightly conditioned, temporary planning permission, until the end of 2022, to be appropriate here and it is of substantial weight that the Council's Environmental Health Officer agrees with this approach. During this temporary period of permitted use, the Council can consider the effects of the development on neighbouring property and the wider area. Further conditions can be used to limit the number of dogs on-site, control the number of sessions that can be held and the hours of use, as well as manage the parking and access arrangements.

Any future applications for a permanent permission would be assessed on an appreciation of how the site has operated during the temporary consented period operated and would have regard to any complaints received regarding the activities and the advice provided from the Council's Environmental Health Officer and any other consultees.

## Recommendation

That planning permission be **GRANTED** subject to the following conditions

1. The development hereby approved is granted for a limited period only, expiring on 31 December 2022 when on or before this date, the use shall cease and any enabling works be removed from the site and the land restored to its former condition.

## REASON

This permission is granted for a limited period only in the recognition of the particular circumstances of the proposal concerned and to allow the Local Planning Authority to assess the effect of the permitted use on the residential amenities of the surrounding area.

2. The development shall not be carried out otherwise than in accordance with the site plans [A001] received by the Local Planning Authority on 21 December 2020 and the Traffic Management Plan received by the Local Planning Authority on 22 November 2021.

## REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The use hereby approved shall enure solely for the benefit of Mr and Mrs Salka and their residential dependents, and for no other person whomsoever, and specifically not for the benefit of the property/land known as Meadow View Farm, Kinwalsey Lane, Meriden, CV7 7HT.

## REASON

This temporary development has only been considered to be acceptable in this location because of the special circumstances of the applicant.

4. No use of the development hereby permitted shall be brought into use until dog waste bins have been erected on site.

## REASON

In the interest of public health and safety and in order to protect the natural environment and prevent pollution.

5. Prior to the first use of the site, the proposed parking area shall be constructed and completed in accordance with the approved plans. The areas allocated for parking and turning, as indicated in the approved plans, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

## REASON

To ensure adequate car parking and turning areas are always retained, in the interests of amenity and highways safety

6. The dog walking use hereby permitted, shall not take place other than between 0800 and 1500 hours Mondays to Fridays. The use hereby permitted shall not take place whatsoever on Saturdays, Sundays, public holidays and bank holidays. No use outside of these hours shall occur without further agreement from the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. The dog walking site hereby approved shall be used by no more than 10 accompanied dogs during any single session.

REASON

To ensure that any intensification of the site can be monitored by the Local Planning Authority in the interests of protecting the residential amenity of neighbouring occupiers and minimising motorised vehicular movements to and from the site.

8. No more than two dog walking sessions shall take place on each of the permitted days and no more than one vehicle shall be permitted on-site per booking session.

REASON

In the interests of neighbouring amenity and highway safety.

**Notes**

1. Public footpath number M284 must remain open and available for public use at all times unless closed by legal order. The Highway authority are required to maintain the public footpath M284 to a standard required for its public use by pedestrians only.
2. Any disturbance or alteration of the surface of the public footpath M284 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2020/0684

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27.09.21
2	Resident	Objection	12.10.21
3	Resident	Objection	12.10.21
4	Resident	Objection	14.10.21
5	Resident	Objection	15.10.21
6	Resident	Comments	19.10.21
7	Fillongley Parish Council	Objection	25.10.21
8	Warwickshire County Highways	No Objection	12.10.21
9	North Warwickshire Borough Council Environmental Health	No Objection	20.10.21

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

**General Development Applications**

**(6/h) Application No: PAP/2020/0684**

**Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT**

**Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees, for**

**Sara Skalka**

**Introduction**

This application was reported to the last Board meeting, but determination was deferred so that Members could visit the site.

The previous report is attached at Appendix A

**Recommendation**

That planning permission be REFUSED for the reason set out in Appendix A and that authority be given to issue an Enforcement Notice in the terms also set out in that Appendix.

## General Development Applications

(5/i) Application No: PAP/2020/0684

Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT

Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees, for

Sara Skalka

### Introduction

This application is brought before the Planning and Development Board because of the possibility of enforcement action in light of the recommendation.

### The Site



The application site comprises an irregular, 0.74ha agricultural field sited to the north of Meadow View Farm along Kinwalsey Lane, Meridan. The surroundings are rural in character, function and appearance, save for the urban influence of the M6 300m to the north and a scattering of dwellings along Kinwalsey Lane to the south of the application site (illustrated on the plan provided above). Kinwalsey House, a grade II listed timber framed cottage, is positioned immediately to the north of the application site.

The agricultural field is demarcated by 6ft high green mesh fencing with access afforded by a narrow, single-track lane to the west which links the site to Kinwalsey Lane and the surrounding road network. The application site is located within the Green Belt.

## **The Proposal**

Planning permission is sought to change the use of the agricultural field to that of dog walking, dog care and dog training – a sui generis use.

The new business would be operational between 0800 and 1500hours Monday to Friday, providing full-time employment for four people and seasonal employment for an individual during the summer months for grass cutting.

The applicant proposes to limit the number of dogs held on site to 20 at any one time.

Access is afforded by the narrow lane with hardstanding provided adjacent to the field to allow for parking and manoeuvring.

It is proposed that dogs would be collected from customers' homes by two vans before 0800. These would then transport the dogs back to their owners after 1500. No owners would be permitted at the site.

The applicant also proposes to plant a band of trees along the site's northern perimeter.

## **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW3 (Green Belt); NW10 (Development Considerations); NW12 (Quality of Development); NW13 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design); ENV14 (Access Design); TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport)

## **Other Relevant Material Considerations**

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP13 (Rural Employment); LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM28 (in respect of LP3), MM60 (in respect

of LP15), MM61 (in respect of LP16), MM74 (in respect of LP31) and MM83 (in respect of LP36)

## **Consultations**

Environmental Health Officer - There is an objection on amenity grounds.

Warwickshire County Council as Highway Authority - Following an initial objection, the authority considers that, subject to a management plan, the development would have no unacceptable impact on the highway network

Warwickshire County Council (Rights of Way) - Public footpath M284 runs along the track and must remain open and available for public use at all times.

## **Representations**

Fillongley Parish Council object to the application for the following reasons:

- Development has already caused noise problems and intrusion
- Permanent consent will result in a huge detrimental impact on the amenity of neighbours
- Noise adjacent to the garden area for two properties
- Fencing not in keeping
- Use could result in significant vehicle movements on the highway
- Application does not accord to Core Strategy policy NW10(9)
- Similar application in Corley was refused and upheld at appeal, reference PAP/2016/0060

Three representations have been received, objecting to the application for the following reasons:

- Nuisance from proposed use, adversely affecting the amenity of adjacent properties
- Site shouldn't be taken out of agricultural use
- Insufficient parking for development
- Local road network not suitable for the volume of traffic associated with the proposed use.
- Object to tree planting, leading to shading/shadowing of the adjacent properties.
- Green netting fails to contain dogs
- Tree planting will block light to properties

## **Observations**

### **a) Principle of Development**

Core Strategy policy NW1 effectively mirrors section 38(6) of the Planning and Compulsory Act 2004 which requires planning applications to be determined in

accordance with development plan policies unless material considerations indicate otherwise.

The site lies in the Green Belt and thus consideration falls as to whether the development is appropriate having regard to the authority's development plan and if relevant, the National Planning Policy Framework (NPPF). Whilst Core Strategy Policy NW3 does not contain development specific guidance, emerging policy LP3 does.

Paragraph 5a of LP3 indicates that appropriate facilities for outdoor sport and outdoor recreation are appropriate providing that the openness of the Green Belt is preserved and no conflict arises to the purposes of including land within the Green Belt, reflecting the Green Belt exception found at 145(b) of the framework.

Accordingly, the change of use of land from agriculture to dog walking, care and training would not be inappropriate provided that the use preserves the openness of the green belt and does not conflict with the purposes of including land within it.

In the absence of any operational development, apart from the fencing of which the majority is likely to constitute permitted development, considering the transient nature of activity on the site and the limited vehicle movements, the openness of the Green Belt would be preserved. Moreover, there is no conflict with the purposes of including land within the Green Belt. Consequently, the development is appropriate within the Green Belt.

In principle the development is acceptable.

## **b) Amenity**

### **i) Introduction**

As an appropriate form of development in the Green Belt, consideration falls to other material considerations. The main area of consideration on this application is the developments' impact on the amenity of nearby residential properties.

2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring residents, such as, but not limited to noise, light, and other pollution.

The wording of this policy is amended and carried forward into policy LP31 (Development Considerations) of the emerging local plan. Furthermore, paragraph 180 of the NPPF states that planning decisions should consider the impacts of pollution on living conditions and "avoid noise giving rise to significant adverse impacts on health and the quality of life" (180c).

National Planning Practice Guidance (NPPG) on noise expands upon the policies set out within the NPPF and provides a noise exposure hierarchy which aims to establish in which circumstances noise would give rise to concern – as below

Response	Examples of outcomes	Increasing effect level	Action
<b>No Observed Effect Level</b>			
Not present	No Effect	No Observed Effect	No specific measures required
<b>No Observed Adverse Effect Level</b>			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
<b>Lowest Observed Adverse Effect Level</b>			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
<b>Significant Observed Adverse Effect Level</b>			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

The hierarchy relates the level of concern in respect of noise exposure to changes in behaviour, attitude or physiological response, referred to colloquially within the table as 'outcomes'. The initial two stages on the hierarchy require no mitigation however as the impacts of noise become more appreciable, the development would cross into the lowest observed effect level, the level at which noise causes minor behavioural changes i.e. turning up a television or needing to speak louder. The hierarchy states that such impacts should be mitigated and reduced to a minimum.

Further increases in exposure which trigger material changes in behaviour (such as keeping windows closed, avoiding activities at certain periods etc.) are found at the

Significant Observed Adverse Effect Level (SOAEL). The hierarchy advises that development generating such impacts should be avoided. The table furthers that extensive changes to behaviour, those which result in unacceptable adverse effects, should be avoided all together.

The PPG does not provide numerical values for the different effect levels, instead recognising that 'the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation'

## **ii) The Site**

The relevancy of Policies NW10, LP31, the NPPF and NPPG to this application is that the use of the site for dog walking, training and care has the potential to have a detrimental impact on the amenity of nearby residential occupiers.

Immediately bordering the application site to the north is the Grade II listed building Kinwalsey House with a further residential property currently under construction at the site – Kinwalsey House is set-back 12m from the northern boundary with a separation of approximately 25m provided to the dwelling under construction. The amenity spaces for both dwellings sit between the buildings and the boundary to the application site. Further residential properties known as Rest Haven and Church Tree Barn are located 75m and 110m to the south-west respectively with Meadow View Farm and Kinwalsey Farm 55m and 140m to the east respectively.

The surroundings of the application site have a generally quiet, tranquil character save for the road noise generated from the M6 some 300m to the north, which is noticeable as a relatively low frequency, continuous rumble.

## **iii) Impact**

Whilst an intermittent source of noise, dogs have highly pitched sounding barks which have the potential to cause disturbance. These sharper sounds, together with high-pitched whistles from the employees (as well as shouting) have been observed by the nearest residents over and above the low frequency rumbling background sound of the motorway. Notwithstanding the restricted hours of use which would offer a degree of mitigation, limiting the period for noise exposure, the occupation of the site by up to 20 dogs, together with the inevitable barking, shouting and whistling (as the dogs are undergoing training), would preside for up to 7 hours a day, 5 days a week.

The site has been operational for over a year and the implications of the development have been readily observed by neighbouring occupiers. An objection cites the shouting, whistling and squeaking of toys as being distinctly aurally noticeable, disturbance which has led to a complaint to the council's planning enforcement and environmental health departments. It is material here that the EHO considers that the application should be refused due its adverse amenity impact.



Drawing on the experiences of nearby occupiers and the observations of the environmental health, it is considered here that the use of the site for dog training, dog walking and dog care has, and would continue to if consent was forthcoming, lead to heightened levels of noise and disturbance which would have a detrimental effect on the residential amenity within the immediate vicinity.

The impact of such a use would be particularly profound on occupiers of Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. The effects have been observed already and, with an increased proportion of homeworking during the pandemic, residents are more likely occupy properties throughout the day, reducing the mitigation afforded by the proposed hours of use.

The supporting statement articulates that dogs with an inclination to bark won't be permitted at the site. Notwithstanding, all dogs tend to bark, the noise implications of the use have been readably observed and no management plan and noise assessment has been submitted. Furthermore, the effectiveness of the tree planting along the boundary to Kinwalsey House as an acoustic buffer has not been articulated by the applicant.

Having regard to the noise exposure hierarchy and the complaints/objections received, it is considered that the development does and would continue to result in material changes in behaviour and diminish quality of life due to a change in acoustic character.

The scheme draws parallels to a refused application for dog training and walking along Wall Hill Road in Corley, reference PAP/2016/0060. That application was appealed and subsequently dismissed (APP/R3705/W/17/3177385), with the inspector citing that the use of the site for dog training would result in a poor standard of amenity for nearby occupiers.

As with this application, the development site was adjacent to the M6 and close to residential properties. However pertinently, the amenity implications in this instance are more readily apparent as the M6 road noise is less noticeable (the M6 is 300m away as opposed to 25m in the Corley case) and residential properties are located closer to the application site and not separated from it by an established highway, as was the case in Corley.

Drawing together the above, it is considered that the development would unacceptably impact upon neighbouring amenity and thus fails to comply with Core Strategy Policy NW10(9) and emerging policy LP31(9).

### **c) Heritage**

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special regard' should be given by the decision maker to the desirability of preserving a listed building or its setting. Core Strategy Policy NW14 and emerging local plan policy LP15 seek to conserve and enhance the quality, character, diversity and distinctiveness of the local historic environment.

Although there are no designated heritage assets within the site, Kinwalsey House, a Grade II listed building, is found immediately to the north. Kinwalsey House derives significance from its timber framed construction and associated features, presenting as a good example of 17<sup>th</sup> Century architecture typical of the vernacular for cottages of this age within the North Warwickshire landscape.

Although there is no direct, physical harm to the building itself, the implications of the proposals on the setting of Kinwalsey House requires consideration. Setting's represent the surroundings from which the heritage assets are experienced – these are not fixed, evolving over time and as such cannot be definitively mapped. It has been established through case law that the effect of a development on the setting of a listed building isn't merely confined to visual or physical impacts.

The principle setting of Kinwalsey House encapsulates its associated land, the house and the adjacent agricultural buildings which are to be reconstructed/converted into a private dwelling (PAP/2019/0602). The surrounding land also falls within the setting of the building, providing a contribution to the experience, appreciation and thus significance, of this rural, vernacular cottage.

It is considered that the proposed development would result in some harm to the setting of the listed building by reducing the 'experience' of the asset from increased noise and disrupting the remoteness of the building, the latter an important contributor to the building's significance. The harm would be less than substantial engaging paragraph 196 of the Framework. Paragraph 196 requires the decision maker to undertake a balancing exercise, weighing the harm to the heritage asset against the public benefits of the proposal.

On the harm side, there is a degree of harm, albeit limited, to the setting of the listed building. On the opposing side (the public benefits), the NPPG on the Historic Environment advise that public benefits 'could be anything that delivers economic, social or environmental objectives' and should 'flow from the development'.

The proposals are suggested to provide full time employment for four individuals, part-time seasonal employment for a single individual and would offer a service for nearby residents. There would be some socio-economic benefits arising here. However, the proposals would, as indicated in an earlier section of this report, lead to adverse harm to the amenity of neighbouring occupiers, a social harm. Any public benefit arising additional employment generation is thus substantially moderated by the identified social harms.

Nevertheless, it is considered that the public benefits would, in this instance, outweigh the modest harm to the setting of Kinwalsey House. The development thus accords to paragraph 196 of the Framework, together with policies NW14 and LP15.

#### **d) Highways and Access**

Saved Policy TPT1 supports development in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”. Emerging local plan policy LP31(6) reflects Core Strategy policy NW10(6) - both of which require safe and suitable access to be provided for all users.

Paragraph 109 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

Warwickshire County Council (as the local highways authority) initially objected to the development, citing concerns over the insufficiency of the material presented to assess the impact of the development and the potential for a significant increase in vehicular movements on Kinwalsey Lane to the possible detriment of highway safety. Following the receipt of additional information from the applicant, (method of dog transportation and restrictions on client attendance), the highways authority is satisfied that, subject to a management plan, the development would not result in an unacceptable impact on highway safety or that the residual cumulative impacts of the scheme would be severe.

Subject to conditions, the proposals would accord with saved 2006 Local Plan policies TPT1 and TPT3, Core Strategy Policy NW10 (6), Emerging Policy LP31(6) and paragraph 109 of the National Planning Policy Framework.

#### **e) Conclusion**

Officers conclude that the proposals would be an appropriate form of development within the Green Belt. Notwithstanding this, the development is considered to result in an adverse impact on the amenity of nearby occupiers, particularly Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. No further harms have been identified.

#### **f) Enforcement Action**

As the application is retrospective and seeks to retain the current, unauthorised use of land, the Board will need to consider the expediency of enforcement action if the recommendation detailed below is agreed upon. From a planning policy perspective there are clear grounds for following up the recommendation with enforcement action as there is significant breach of Development Plan policies by fact and by degree.

There would be an impact here as the applicant would have to vacate the site and there may well be a loss of employment and the closure of the business if a suitable alternative site is not found.

Given the identified conflict with the Development Plan and the impact on neighbour amenity, it is considered that enforcement action is still expedient even given the potential impacts and that the requirements of any notice should require the use of land to cease with a compliance period of one month considered proportionate.

## Recommendation

A) That planning permission be **REFUSED** for the following reason:

1. The proposed change of use would result in an unacceptable adverse impact on the residential amenity of neighbouring occupiers and satisfactory mitigation measures could not be delivered to reduce any detrimental impact to the occupiers of such properties to an acceptable level. The development thus fails to accord to 2014 North Warwickshire Core Strategy Policy NW10(9) and Policy LP31(9) of the Submitted Regulation North Warwickshire Local Plan (2018) as supported by the NPPF 2019.

B) That authority be granted to the Chief Executive to issue an Enforcement Notice requiring the use of land for dog walking, care and training to cease with a compliance period of one month, for the reasons set out in this report.

## Notes:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of the planning issues and providing the opportunity to overcome reasons for refusal. However, despite such efforts, the planning objections have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2020/0684

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/12/2020
2	Resident	Objection	9/2/2021
3	Resident	Objection	11/2/2021
4	Resident	Objection	7/2/2021
5	Fillongley Parish Council	Objection	10/2/2021
6	WCC Rights of Way	Consultation	10/2/2021
7	WCC Highways	Consultation	21/1/2021
8	NWBC Heritage	Consultation	12/2/2021
9	NWBC Environmental Health	Consultation	16/2/2021

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

## **General Development Applications**

**(6/d) Application No: PAP/2021/0611**

**Cole End Park, Lichfield Road, Coleshill,**

**Works to trees in Conservation Area, for**

**Tame Valley Wetlands Scheme**

### **Introduction**

This is not an application for Consent to undertake works to trees protected by a Preservation Order. The trees are already protected by virtue of them being in the Coleshill Conservation Area. The applicant is giving notice to the Council that it proposes to undertake works to these trees and is thus giving the Council the opportunity to make Tree Preservation Orders in respect of some or all of the trees affected.

The Board's remit in this situation is only to make Orders or not.

The Council has six weeks to make this decision. If this period expires without a decision, the works may continue by default.

The six week period in this case ends on 10 December – four days after this Board meeting.

The application is submitted to the Board for determination as the land is owned by the Borough Council

A Board site visit was arranged so that Members could view the trees concerned prior to the meeting.

### **The Site**

Cole End Park is at the northern side of the town located on either side of the River Cole where it passes under the single carriageway bridge linking the High Street with the Lichfield and Station Road. The trees the subject of this application are at the far western end of Cole End Park running alongside the A446. The area is within the Local Nature Reserve

### **The Proposals**

The overall aim of the works is to enhance the woodland habitat here by undertaking a programme of felling – amounting to a 50% thinning of the existing stand of trees – and re-planting in the same area with a wider range of species. This would increase the bio-diversity level of the area, the variety of habitats and also reduce the risk of trees falling because a number are crack willows. 13 crack willow trees would be felled in total – comprising 9 single stem trees and 4 with multiple stems.

There are three work areas identified on the plan at Appendix A.

The larger area would be thinned as set out above and re-stocked with alder, white willow, aspen, goat willow and guelder rose. This would cover around two thirds of the area to be felled.

The two other areas will involve new planting with pendunculate oak, field maple and a selection birches, hollies and crab apples amongst others.

All of these works are programmed to take place between November 2021 and March 2022.

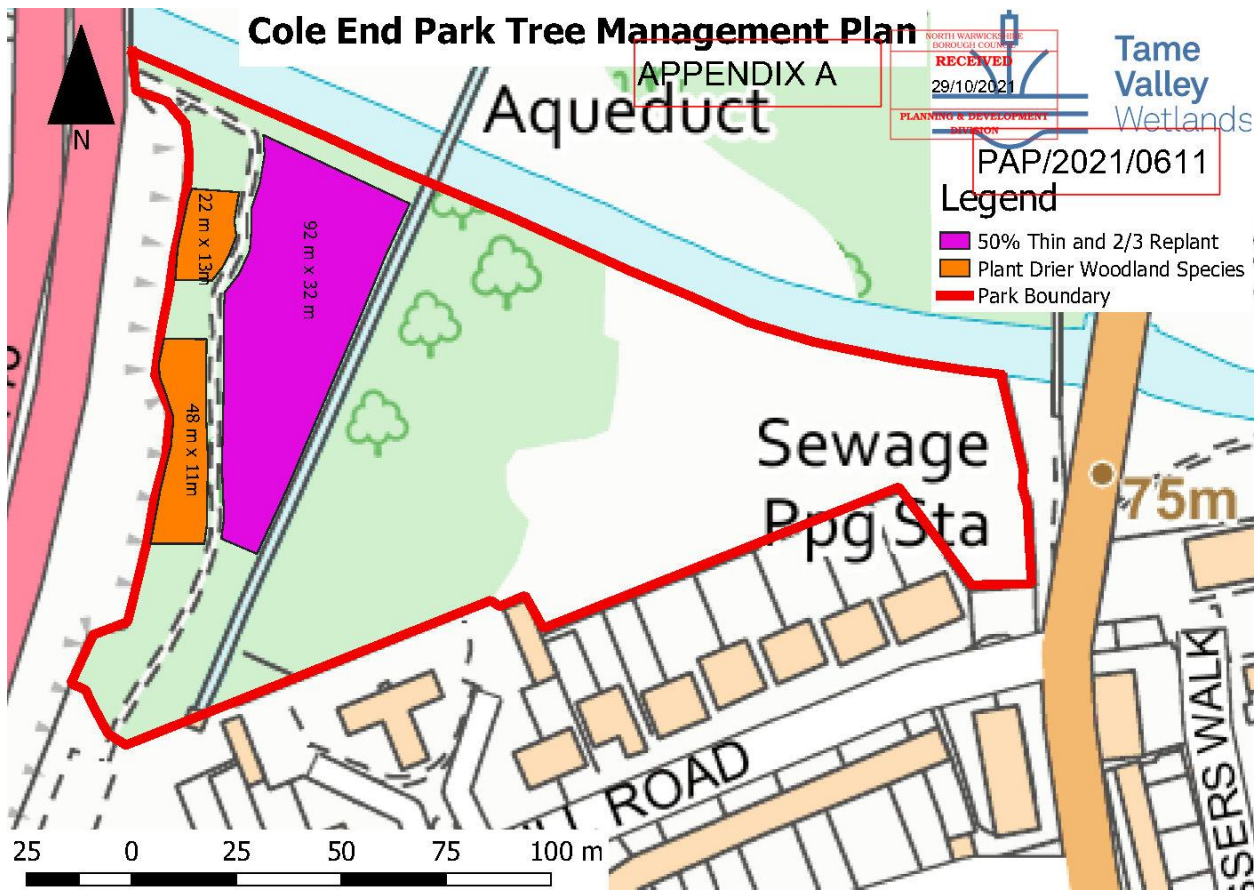
### **Observations**

Because this is a Notification application there are no planning policies to be taken into consideration in coming to a decision to make an Order or not. In this case the new trees would all be protected by virtue of them remaining in the Conservation Area. Public amenity would be enhanced because of the wider variety of trees and greater variety of habitats made available within the public domain. The increasing risk of the failure of the crack willows to fall in a public park is also a consideration.

In this case the programme of work has been prepared by the Wetlands Trust and will be undertaken by the Trust within its own financial and operational resources.

### **Recommendation**

That the works may proceed.





## **General Development Applications**

**(6/e) Application No: PAP/2021/0473**

**Land East and South East Of Dunton Hall, Kingsbury Road, Curdworth,**

**Development of a 349.9 MW Battery Energy Storage System with associated infrastructure, for**

**Mr David Bryson - Welbar Energy Storage Ltd**

**Mr David Bryson - Welbar Energy Storage Ltd**

### **Introduction**

The application is referred to the Board at the discretion of the Head of Development Control as the proposal falls under the remit of the Town and Country Planning (Consultation) (England) Direction 2021 as a “Green Belt development”. This is because the size and scale of development is such that if the Board resolves to approve it, the case should first be referred to the Secretary of State for him to decide whether to call the case in for his own determination. The Council can refuse planning permission without the need for referral.

### **The Site**

This is a single field, presently in agricultural use, extending to approximately 11 hectares. It adjoins the north west boundary of the Hams Hall Substation. Dunton Island, a materials recycling facility and Dunton Hall are all located to the north west of the site. The line of HS2 runs along the site’s western boundary. The village of Lea Marston is located to the east. The Reindeer Park is located to the north.

The site is characterised by a gently sloping topography, which slopes south-eastward from an elevation of approximately 95m to 85m above ordnance datum (AOD). It is bounded by hedgerows and hedgerow trees on the eastern, western and southern boundaries. It is surrounded by other fields, woodland and hedgerows to the immediate north-east, east and south and west. There is a dominant presence of energy infrastructure associated with the Hams Hall Substation and Hams Hall Distribution centre to the south-east. An overhead high voltage line runs from the south-east corner of the Site in a north westerly direction. These cables connect directly into the Hams Hall Substation to the south of the Site.

The location is illustrated at Appendix A.

### **The Proposal**

This is for a battery energy storage plant in the vicinity of Hams Hall Substation (owned by National Grid). It will accommodate a storage capacity of 349.9MW. This will be provided through 158 single stack battery containers, each measuring 2.34 metres in height together with associated infrastructure. They would be arranged within the site with Inverter and Transformer Units measuring 2.90 metres high between them. In addition to these components, the scheme includes four Battery Compound Control

Rooms, four Battery Compound Switch rooms and two Super Grid 220 MVA Transformers. The scheme will be surrounded by 2.4m high deer fencing with fifteen External CCTV and lighting columns for security measuring 2.85m in height.

Electricity will be exported to the Grid via a single cable connecting to the Hams Hall substation of the south.

The development would provide a rapid-response electrical back-up to the National Grid providing a flexible system balance energy supply and demand thus contributing to the UK's progress in meeting its renewable energy target. Such a system is a complimentary element in the UK's energy mix, as excess energy can be stored and released during peak demand, or when renewable sources are not generating enough energy to meet demand. Their benefits are that they provide quick boosting within seconds and also, they have a significantly lower carbon footprint than conventional back up generation plants. As a consequence, they need favourable site conditions in order to deliver these benefits - in particular proximity to nationally significant transmission infrastructure.

The development would be de-commissioned in 30 years and the land re-instated to its present condition.

The overall layout is shown at Appendices B and C

The plans at Appendix D show typical elevations

The footpath network is at Appendix E

The line of the HS2 rail line is at Appendix F.

A number of supporting documents are submitted.

A Statement of Community Involvement reports on the public consultation undertaken by the applicant prior to submission. This took the form of an "in-person" event at the Lea Marston Hotel as well as engagement with the two Parish Councils. 22 residents attended the event and 5 completed a form – 4 were in favour and one was against

A Transport Assessment says that during the construction period of eighteen months, there would be a temporary increase in traffic on the local highway network – around 7 HGV movements a day and around 10 smaller vehicle movements a day. Construction traffic would access the site via a temporary road from the Kingsbury Road, which is to be provided by HS2 leading to its construction corridor alongside the new rail line and will be removed upon completion. During the operational phase there would only be minimal traffic visiting the site – perhaps two movements a week. This will use a road link within the site to a proposed HS2 construction track which will run from Hams Lane to the east of the site. This will run along the northern boundary of the Hams Hall substation.

A Noise Impact Assessment identifies three nearby residential properties – Dunton Hall, Dunton Coppice and Hams Lane. For the purposes of the Assessment, the report assumes that any noise emitting equipment would be operating continuously during the day and night. Account has been taken of traffic noise as well as the predicted levels

arising from the HS2 rail line. Based on the worst case as indicated above – continuous use – the Assessment concludes that mitigation will be required to reduce noise impacts during the night-time. These measures are to include noise barriers along the northern boundary of the site.

An Arboricultural Report concludes that there are good quality trees around the site boundaries and that the development has recognised their root protection areas in arriving at a proposed layout. Additional areas of planting and hedgerow enhancement would be recommended.

A Flood Risk Assessment records that the site is in Flood Zone 1 which is at low risk from fluvial flooding. The site is currently greenfield and the proposal would retain around 30% of the site with a permeable surface. The surface water arising from the un-permeable areas together with that from the structures would drain to a series of depressions close to the south-east corner of the site and thence through restricted outfall measures to the adjoining ditch.

An Ecology Appraisal concludes that there will be no direct or indirect impacts on the Whitacre Heath SSSI which is around a kilometre to the east, because of the separation distance. There will be a permanent loss of around 9 hectares of improved grassland and 0.09 hectares of wet natural grassland. However, a number of mitigation measures are included in order to compensate. These include retention of as much of the existing wet grassland as possible within the north-east corner of the site – this amounts to 0.05 hectares; retention of all hedgerows, the creation of a 0.2 hectare species rich native hedgerow along the northern boundary of the site, creation of a species rich scrub land on the margins of the site together with a 9 to 10 metre wide buffer between the retained hedgerows and the proposed containers. However even these measures will not lead to a bio-diversity gain and the Appraisal suggests either enhancement of at least 1.5 hectares of grassland on the adjoining land – in the same ownership as the site or contributions in lieu of this. This off-site area would be managed through a Management Plan which would be conditioned under any planning permission. The retention and enhancement of the hedgerows together within the buffer alongside them will maintain bat foraging areas, however the design of the site lighting will need detailed consideration. Evidence of Badgers was found on the site and detailed measures will be needed to be agreed prior to construction. A similar detailed assessment of the presence of greater crested newts will be needed prior to construction.

A Heritage Assessment identifies no overriding heritage constraint to the proposal. There is a potential for Roman remains within the site as similar remains have been found nearby. Evidence of medieval and post-medieval agricultural use may also be present. The report concludes that there would be limited impact of the setting of the Grade 2 Listed Dunton Hall and its associated Grade 2 Listed barn and grade 2 pigeon house – all some 310 metres to the west. This is because the significance of these buildings lies in their agricultural form and character which has been much altered because of the loss of land associated within the holding; the impact of the construction of HS2 line which passes right by these assets between them and the application site and the consequential demolition and rebuilding of the barn together with their being no inter-visibility with the application site. The Grade 2 Listed Blackgreaves Farm is 800 metres to the north but there is no intervisibility with the site and no known historic association. As a consequence no harm would be caused to its setting.

A Landscape and Visual Impact Assessment has been prepared. There are no designated landscapes within the site or its vicinity. In terms of the effects on landscape character, this majors on the substantial impact of the construction of the HS2 line just to the west of the site with its embankments and new footbridge to accommodate a diverted footpath. This refers not only to that line but also to the rail sidings to the north and south. The existing hedgerow field boundaries to the site would be retained thus retaining the overall field pattern. These would be enhanced. Mitigation measures for HS2 include new tree planting along its eastern embankment. However, this project will have large scale and high adverse landscape impacts. The report concludes that the proposed development would add to the cumulative landscape change here, but that it would only add limited change to the soon to be changed landscape hereabouts. The overall landscape impact is thus local in extent but greater the closer one is to the site itself. In terms of visual impacts then with the low level of the development and the enhanced planting, the visual impact is only partial, with the greatest impacts arising from around 150 metres to the north and 450 metres from the east. The report also concludes that there would be significant adverse impacts experienced by users surrounding public footpath network. However, these would be transitory. Moreover, the Assessment says that as the development has a proposed “life” of 30 years, these impacts will be removed when de-commissioning takes place. Overall, the report concludes the cumulative visual impacts when HS2 is taken into account would be moderate but local in extent.

As the site is in the Green Belt, the applicant has undertaken a Green Belt Assessment. This starts with acknowledgement that the proposal is inappropriate development. However, the focus of the report is to assess the proposal against the five purposes of including land within the Green Belt as set out in the NPPF. It agrees that this assessment should focus on three of these purposes – to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The evidence base used in the assessment is the Coventry and Warwickshire Joint Green Belt Study of 2016. This Study identified a large number of defined parcels of land to be “tested” against the five purposes as well as identifying a number of larger “broad areas”. The application site is in Board Area number 10 but it also abuts land parcel number CH19 to its south. The Assessment concludes that the site only plays a limited role in contributing to purpose three – that of safeguarding the countryside from encroachment. When the assessment is re-run by taking into account other committed development in the area – particularly HS2 – it comes to an identical conclusion - one of limited additional cumulative harm to that third purpose. It also points out that with a proposed development life of 30 years, even these limited impacts will be removed over time.

For the benefit of Members the reasoning that leads to the above conclusions is set out in Appendix G.

A Planning Statement draws together the conclusions from these previous documents and puts these into a planning setting. It then addresses the final planning balance. The Statement sets out why the proposal has been put together – very much based on the need to increase the use of renewable energy. It also runs through the reasoning behind the selection of this particular site – the proximity to the National Grid’s transmission infrastructure which can support both the import and export of electricity at a significant level and which is of such a capacity that avoids the need for a greater

number of alternative smaller works in the wider network. These are the considerations put forward in the final planning balance and the Statement concludes that they do clearly outweigh the cumulative harm caused to the Green Belt and to other matters. The Statement relies on the evidence of the submitted documentation – as summarised above – to reach this conclusion.

The argument leading to the Statement's conclusion is attached at Appendix H.

## **Representations**

Seven letters of support from surrounding properties have been received referring to:

- The proposal will support the environment
- It supports green energy and climate change development
- Necessary for the future of the country.
- Integral and necessary tool required for renewables.
- Position of the development is out of site
- Next to HS2 will be inconspicuous

Lea Marston Parish Council objects as the application is in the Green Belt and is “excessive” in scale.

Curdworth Parish Council objects on the grounds that it is a development in the Green Belt. They also feel that it is an overdevelopment in the area and that there would be an additional increase in traffic, with the current road infrastructure being unable to cope.

## **Consultations**

Warwickshire County Council as Highway Authority - No objection subject to standard conditions.

Warwickshire County Ecologist – No objections subject to a condition requiring management of biodiversity

Warwickshire County Council (Rights of Way) – No objection

Warwickshire County Council as Lead Local Flood Authority – No objections

Warwickshire County Archaeologist – Trial trenching will need to be carried before development is commenced.

Environmental Health Officer – To be reported

Environment Agency – No objection

Warwickshire Police – No objection subject sufficient security being provided for the infrastructure

Warwickshire Fire and Rescue Service – No objection subject to the provision of suitable fire-fighting facilities.

HS2 Ltd – No objection

## **Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14(Landscape), LP15(Historic Environment), LP16 (Natural Environment), LP18(Tame Valley Wetlands NIA including Kingsbury Waterpark), LP23 (Transport Assessment and Travel Plans), LP25 (Railway Lines), LP27 (Walking and Cycling), LP29 (Development Considerations) LP30(Built Form), LP33(Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

## **Other Relevant Material Considerations**

The North Warwickshire Landscape Character Assessment 2010

The 2019 Resolution of the North Warwickshire Borough Council – Climate Change Emergency

The National Planning Policy Framework 2021 - (the “NPPF”)

National Planning Practice Guidance

Climate Change Act 2008

Climate Change Act (2050 Target Amendment) Order 2019

National Infrastructure Strategy 2020

Energy White Paper: Powering Our Net Zero Future (December 2020)

The Infrastructure Planning (Electricity Storage Facilities) Order 2020

## **Observations**

### **a) Green Belt**

The site is in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted unless there are material planning considerations of such weight to clearly override that Green Belt harm and any other harm. In such a case, the very special circumstances will exist to support that proposal.

The NPPF defines what might be inappropriate development in the Green Belt. In this case the proposal could fall under two of the categories set out in the NPPF. In the first instance, if the proposal is treated as the “construction of new buildings” – the containers being treated as structures for planning purposes – then the proposal would not fall into any of the exceptions set out in para 149 of the NPPF. It would thus be inappropriate development. In the second instance, if the proposal is treated as a “renewable energy project” then in para 151, the NPPF says that “elements” of such projects “will comprise inappropriate development”. In such cases, the NPPF goes onto

to say that developers would need to demonstrate “very special circumstances” if projects are to proceed. The NPPF continues by saying that “very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.” It is therefore necessary first to establish if there are “elements” of the proposal here, that do comprise “inappropriate development”. It is considered that there are. There are two reasons for this. Firstly, as set out above the proposal would place a number of containers on the site and these would be treated as “structures” in planning terms. This would fall within the planning definition of a “building”. There are also other buildings proposed. As the proposal doesn’t fall into a defined exception – the proposal is an inappropriate development. Secondly it is considered that the proposal does not preserve the openness of the Green Belt and that it conflicts with the purposes of including land within it. This will be explored in more detail below. Overall, therefore, the proposed development constitutes inappropriate development in the Green Belt by definition, as it does not fall within the exceptions set out in para 149 of the NPPF or with the content of para 150.

The proposal also causes actual Green Belt harm because it does not preserve the openness of the Green Belt. There is no definition of “openness” in the NPPF but in planning terms, it is generally taken to mean “the absence of development”. Guidance is however given through Government guidance which identifies four elements that should be taken into account in any assessment. In respect of the spatial element than a presently large open field would be “filled” with containers and other buildings. This as a matter of fact and degree will reduce the amount of open land in this area both in itself and when treated in combination with other existing development. In respect of the visual element then whilst the containers would be set back from boundaries, these are not significant. The steel containers would be very visible from adjoining public footpaths and the site would be surrounded by fencing which would be 2.4 metre high deer fence together with on-site lighting. In other words, there would be a visual loss of openness. The third element, that of the amount of activity associated with the proposal, would cause a limited impact given the infrequent need to visit the site. Finally, the proposal should be treated in planning terms as being permanent and not a temporary development even although the application refers to a “life” of 30 years. For these reasons the development is considered to reduce the openness of the Green Belt hereabouts resulting in a significant level of harm.

Paragraph 137 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. The containers are engineered products that have an industrial appearance as would any lighting. They are not, inherently, products that fit into a countryside environment. On the scale proposed, the proposal if installed on the site would result in significant encroachment into the countryside. Paragraph 138 of the NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence”. The proposed development would result in a significant loss of openness of the Green Belt and would result in significant encroachment into the countryside, thus undermining one of the purposes of including land in the Green Belt.

In conclusion therefore, the proposal is considered to be inappropriate development in the Green Belt causing substantial definitional harm and significant actual Green Belt harm.

## **b) Other harms**

### **i) Landscape Impact**

The site does not contain any statutory landscape designations. It falls within the “Middleton to Curdworth Tame Valley Farmlands Landscape” area as defined in North Warwickshire’s Landscape Character Assessment of 2010. This is described as characterised by “gently undulating and open arable slopes of the western Tame Valley, a number of small watercourses cut through the landscape to connect to the Tame, the most notable being the Langley Brook, which flows to the south of Middleton.” It then goes on to say that, “several busier “A” roads pass through the area and connect to the busy and exposed A42 / M6 toll junction to the south. These busy transport corridors connect to nearby industrial areas to the south around Hams Hall and have an urbanising influence, particularly on the south part of this landscape area. The settlement of Curdworth is located just beyond the junction at the fringe of the area. Lines of pylons also cut through this landscape.” Amongst the landscape management strategies referred to are the maintenance and conservation of the primary hedge lines and their positive management as landscape features together with new hedgerow planting and enhanced tree cover.

As recorded above the site is part of an area within this landscape area which slopes southwards from the Kingsbury Road towards Hams Hall. It is thus not really visible from the north and any landscape impact is unlikely to affect the character of the whole of this Character Area. There is a definite fall southwards across the site as is the case with the surrounding fields. The fields here are bounded by hedgerows and there are areas of woodland to the south and north-east. The description above refers to urbanising influences in the southern part of the Area and this is evident from the area around the site. Because of the low-level of the proposed development and the opportunity to mitigate its impact through the enhancement of hedgerow and tree planting, together with these existing urbanising influences, the actual impact on the landscape character of this additional development is considered to be local in extent and limited in scale. This conclusion is given added weight when the landscape impact of the construction of the HS2 line is added into the Assessment.

### **ii) Visual Impact**

There is a public footpath – the M16 - which runs directly along the southern site boundary running from Hams Lane to the Lichfield Road. In addition, the site lies south of footpath M18 closer to Blackgreaves Lane. As part of the HS2 works, footpath M16 will be diverted during the construction works and realigned following its completion. It cannot therefore be argued that the development would not be visible within its general vicinity. The provision of the containers, lighting and other structures would be visible from these footpaths against a backdrop of the undulating landscape. The site slopes south-eastward from an elevation of approximately 95m to 85m above datum. Their visual impact can be mitigated through appropriate colouring of the structures and the provision landscape buffers.

The development is low level with the containers measuring 2.34m in height and the inverter and transformer units being 2.9m in height. There are also 4 battery compound control rooms, 4 switch-rooms and 2 transformers. The proposal will be surrounded by



2.4m high deer fencing with 15 CCTV and lighting columns measures 2.85m. The position of HS2 directly to the west of the site has a far more substantial visual impact within the wider area and substantially alters the landscape setting hereabouts. There are also the high voltage overhead lines which have an adverse visual impact in the area around the site. As in the assessment of the landscape impacts, it is concluded that the visual impact will be local in extent and limited in scale given the cumulative impacts of other developments affecting the setting here.

### **iii) Heritage Impact**

The site lies in close proximity to the Grade 2 Listed Dunton Hall and its associated Grade 2 buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 199 of the NPPF advises that great weight should be given to an assets' conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 201 states that where there is substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal.

The heritage impact of the proposal is mainly on Dunton Hall and its associated listed buildings - which are 375m, 310m and 250m due west of the site. Blackgreaves Farmhouse is some 800m north of the site but there is sufficient distance from the proposal not to be impacted as there are no visual, functional or community linkages between them. The significance of the Dunton Hall complex is that of the retention of a group of former agricultural buildings that reflect a certain period through the retention of contemporaneous architecture and historic characteristics. However, this significance and particularly the setting, has already been compromised by the loss of agricultural land and particularly the addition of modern urbanising development – soon to be added to with HS2. The impact on the setting of the Dunton Hall complex is limited due to the limited intervisibility between the two sites and the significant severance caused by the line of HS2 that will run directly between the two sites. Moreover, the HS2 project requires the demolition of the Pigeon house and its rebuilding in a different location. Therefore, it is considered that there would be less than substantial harm caused to these heritage assets.

The proposed development lies within an area of archaeological potential. The submitted assessment with the supporting information to this application concludes that there is a potential for archaeological remains dating to the Roman period to survive within the proposed development site. Whilst limited evidence for prehistoric activity has been recorded across the surrounding area this may be a reflection of the limited number of previous archaeological interventions. The potential for prehistoric archaeological remains to survive across the site should therefore be considered to be unknown. Recent archaeological fieldwork undertaken elsewhere in Warwickshire on sites with a similar underlying geology that have produced a largely negative geophysical response but, have been shown to contain significant and extensive

archaeological deposits following further investigation. Therefore, the applicant has been required to carry out trial trenching on the site, which will define the character, extent, state of preservation and importance of any archaeological remains present and will also provide information useful for identifying potential options for minimising or avoiding damage to them. As a consequence, the recommendation below recognises this on-going evaluation.

#### **iv) Ecology Impacts**

The new Environment Act as well as the NPPF require there to be bio-diversity gain as a consequence of new development proposals. The application includes a Biodiversity Impact Assessment. This explains the significance of the site and evaluates the various impacts of the proposed development upon the site. These will include analysis during the construction phase as well as for longer term impacts. Measures will be recommended to compensate or mitigate adverse impacts, including loss of habitat and reductions in bio-diversity. The NPPF goes further and seeks for net biodiversity gains to be achieved, rather than maintenance of the current status-quo. It is proposed to provide habitat enhancements within the site and in the wider landownership. The Biodiversity Impact Assessment carried out by the applicant's ecologist, shows a biodiversity gain. This is through a number of on-site enhancements, including buffer zones, native wildflower meadow, dense scrub planting on the boundaries, new hedgerows, infilling gaps, tree planting and species sensitive lighting as well as an off-site area for enhancement. All of these works will be required to be managed for 30 years. The County Council's ecologist agrees the Assessment and supports the mitigation strategy suggested. These matters will be prescribed through planning conditions as advised by the County Council to provide long term biodiversity gain.

#### **iv) Flood risk**

The main concern in respect of flood risk is the area of impermeable hardstanding associated with the supporting infrastructure of the plant. The proposal indicates that surface water run-off can be managed and mitigated on site and not be increased. The Local Lead Flood Authority has not objected to the proposal subject to conditions relating to the submission of a detailed surface water drainage scheme to be submitted along with a maintenance plan.

#### **v) Highways**

The application was accompanied by a Transport Statement which indicates that the operational proposal once installed will lead to a minimal increase in vehicles on the highway network, but that a small increase is likely for a temporary period during construction which is anticipated to take approximately 18 months, with the typical average of around 20 vehicle movements per day including HGV movements, at any one time.

During construction, access to the site will be via the existing access from the A4097 Kingsbury Road which has been developed for the construction of HS2. Access for the future maintenance of the facility would be via a proposed new HS2 access road via Hams Lane.

The Highway Authority has no objection to the proposal and has suggested conditions relating to access, parking and manoeuvring on site and construction traffic. The representations made by the two Parish Councils carry little weight given the actual levels of traffic to be generated and the Highway Authority's comments.

#### **vi) Other Matters**

In respect of the noise assessment and the lighting impacts, it is considered that suitably worded conditions can be used to secure the approval of details so as to mitigate against any adverse impacts.

#### **c) Harm Side of the Planning Balance**

This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial definitional Green Belt harm; the significant actual Green Belt harm caused, the limited landscape and visual harm as well as the less than substantial harm on heritage assets.

#### **d) The Applicants Considerations**

It is now necessary to identify the considerations put forward by the applicant in support of the proposals.

The applicant has put forward a number of considerations which when taken together are considered to carry sufficient weight to clearly outweigh the cumulative level of harm found and thus provide the very special circumstances to support the development. Each of these will be looked at in further detail They are:

- (i) The Need for Development in terms of climate change
- (ii) The contribution of the Proposed Development to meeting national and local imperatives for low carbon and decentralised energy network
- (iii) The constraints and lack of available and suitable sites on a site selection process;
- (iv) The low potential for adverse impacts arising from situating the proposal in this location; and
- (v) The temporary nature of the development.

#### **(i) Need for the Development**

His case is based on climate change being the key priority over the coming years – in particular the move to zero carbon. Changes, especially with the improvement in green technology, can have a major long lasting impact. The Borough Council is already committed to reducing its carbon footprint of the Borough and encourages changes that lead to such improvements.

The argument as set out below is taken from the Planning Statement.

He points to Policy LP35 of the Local Plan which indicates that renewable energy projects will be supported where they respect the capacity and sensitively of the landscape and communities to accommodate them. In particular, they will be assessed

on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy.

The provisions of the NPPF too set out National policy with regards to the provision of sustainable development. This includes, as set out in various paragraphs of the document, the need to enable sustainable development to be provided identifying that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources.

The NPPF states at paragraph 7 that the planning system is to contribute to sustainable development. Paragraph 8 (c) states that by moving to a low carbon economy is one of the ways the planning system can contribute towards sustainable development. This is reinforced in paragraph 152 which states amongst other things that renewable and low carbon energy and associated infrastructure should be supported. Paragraph 158 states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable.

The documents entitled 'Overarching National Policy Statement for Energy (EN-1)' and 'National Policy Statement for Renewable Energy Infrastructure (EN-3)' are both national policy documents associated with energy production at the national level published by the Department of Energy and Climate Change and published in July 2011. While the document pertaining to policy EN-1 does not relate specifically to the form of renewable development proposed here, it does set out and reiterate the fact that energy is vital to economic prosperity and social well-being so is therefore important not only to produce it but to get it where it is needed (paragraph 2.1.2). It is set out in paragraphs 2.2.5 and 2.2.6 of policy EN1 that the UK is reliant on fossil fuel and while they are likely to play a significant role for the time to come, there is national need to reduce this dependency to energy from renewable sources. Turning to the contents of national policy EN-3 it details the need for developments to be assessed on the principles of good design while also taking account of the landscape and visual amenity while also considering impacts such as noise and effects on ecology.

In November 2015, a Ministerial Statement was issued setting out priorities for UK energy and climate change policy. It set out the need for secure, affordable, clean energy being critical to the economy, national security and family budget. Reference is made to low carbon transitions being cost effective, delivering growth for the economy and consumers.

As a result of the Renewable Energy Directive is 2018/2001/EU, which sets out Europe's target for 32% of all energy produced to be from renewable sources by 2030. This sits within the European Green Deal commitment for the EU to become climate neutral by 2050. This directive remains in place until such time the UK has withdrawn fully from the EU. However, the Government have made clear their ambition to lead the world in renewable energy, carbon reduction and enhancement of biodiversity. The Government's new Environment Plan sets out the government's 25 year plan which seeks to kickstart a green economic recovery and providing a blueprint for meeting net zero emissions targets by 2050. The plan has a very strong emphasis on the part renewable energy will have to play.

In October 2019 the North Warwickshire Borough Council declared a climate emergency and set out an action plan to address the council's impact on climate change which ties in with Paragraph 8 in the NPPF to take a more proactive approach to adapting to climate change, including moving to a low carbon economy.

In terms of the Green Belt as identified in paragraph 151 of the NPPF, the proposed battery energy plant would result in a reduction of emissions associated with energy generation equating to 350MW providing the equivalent energy needs for approximately 120,000 homes.

Officers consider that this consideration should carry substantial weight as it is based on up to date and relevant national and local planning policy

**(ii) The contribution of the Proposed Development to meeting national and local imperatives for low carbon and decentralised energy network**

The applicant says that there are a number of benefits of energy storage. The proposal will enable the integration of more renewables (especially solar photovoltaics and wind) in the energy mix. 1 MW of energy storage enables 4MW of renewables to connect to the grid. This means Hams Hall alone would enable 1.4GW of renewables in the UK. This renewable energy storage would constitute a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. There are challenges to renewable energy and intermittent nature of renewables, power fluctuations and fast fluctuations disrupt the balance between supply and demand. The energy storage systems are an integral requirement for the UK if we are to meet climate change targets. This should not be underestimated. The benefits of the energy storage is that it will help to decarbonise the national grid which will ultimately decrease the reliance on fossil fuels and increase the capacity of renewables into the system.

This consideration too should carry significant weight.

**(iii) The constraints and lack of available and suitable sites on a site selection process**

The National Grid infrastructure means that there are only limited assets available to provide stability and control to the network which renewables require as they provide fluctuating energy when demand may be low. A National Pathfinder programme in 2019 identified two strategic bands across the UK where this could be provided to link into the National Grid. Hams Hall is rated as high for its effectiveness in providing this stability support at the national level. Hams Hall substation was selected as it is a Main Integrated Transmission System (MITS) node, which basically means that network continuity can be maximised here. It is also one of only twenty substations that have adequate capacity for the import and export of up 350MW of capacity. Other substations would require upgrades or improvements to provide this capacity. The other substations also do not have the potential expansion areas around them in terms of open land in proximity to the substations. Basically, Hams Hall is the only MITS substation that is not constrained by land, available capacity or delayed connection date due to upgrades.

Once Hams Hall was considered most appropriate, a sieving process of the land was undertaken taking into account constraints of existing infrastructure, road networks, the

position of the substation, transmission lines, railway lines, the existing industry, quarry and extraction facilities, the minerals plan, HS2 and national grid land. Following this, environmental surveys were carried out and then consultation. This concluded in consideration of this piece of land as the only viable option for accommodating the storage facility in proximity to Hams Hall Substation.

This consideration carries substantial weight as the locational requirements for a proposal of this importance are almost “bespoke”, because they are very site specific.

**(iv) The low potential for adverse impacts arising from situating the proposal in this location**

The applicant considers that the adverse impacts arising from siting the proposal on this site in the Green Belt are low to moderate in scale. This is taken from the evidence of his submitted documentation.

Officers disagree with the weight to be given to this consideration.

**(v) The temporary nature of the development.**

The applicant gives this consideration some weight, but the time period is not an inconsiderable amount of time. There will still be Green Belt harm during this period. and officers would give this consideration only limited weight.

**e) The Applicant’s Side of the Balance**

This report concludes that substantial weight should be given to the applicant’s considerations based on need, the site location criteria for selecting this site and significant weight to the contribution that this development would make to low carbon targets.

**f) The Final Planning Balance**

Members are therefore now asked to assess the final balance. The “test” for that assessment is that the considerations put forward by the applicant should “clearly” outweigh the cumulative level of harm caused if the development is to be supported.

The harm side of the balance has been set out in section (c) above with the other side of the balance set out in section (d).

It is considered that the applicant’s considerations do clearly outweigh the harm side of the balance. The reasons for this are:

- a) As a starting point, the weights apportioned to the various matters identified on either side of the balance suggest that the final assessment weighs in favour of supporting the proposal. However, this is insufficient as a final conclusion on the “benefit” side of the balance has to “clearly” outweigh the harm side to meet the NPPF “test”. There are two matters which “tip” the balance in support of the application.
- b) Firstly, the matters set out under the national need section of the applicant’s case are reflected in up-to-date and relevant national and local planning policy. These

therefore carry substantial weight. However, this does not necessarily mean that this site should be supported.

- c) What is critical in the assessment is the second factor – namely that the locational requirements for this type of development are almost “bespoke”. The applicant’s analysis has thus resulted in a specific focus on the Hams Hall area. The evidence base put forward to justify this site is robust and is based on the operational and functional requirements of the proposal.
- d) Nevertheless, the site is in the Green Belt and its protection too is of national significance recognised through national and local planning policy. Members will be aware that the NPPF and local planning policy, makes no distinction between types of Green Belt. As a consequence, there should be no pre-emption about the weight to be given to the Green Belt. It has to be weighed in the final balance. However, it is a matter of fact and degree in this particular case, that the setting of the site is a material consideration. The actual Green Belt harm as opposed to the definitional harm, whilst significant, is tempered by other significant existing and committed infrastructure projects actually adjoining the site. It is agreed that the proposal’s impact on the openness of the Green Belt is reduced because of these. If it stood alone without these other developments, then the conclusion may be very different.
- e) Whilst there was less than substantial harm found to local heritage assets, it is considered that the public benefits of securing and meeting climate change targets outweighs that harm.

In conclusion therefore, there is merit in the argument that there are limited site opportunities for developments of this nature. Energy storage facilities do need to be sited in locations where available connection into the National Grid exist. In this case that means that a Green Belt site is almost inevitable. Given the national and local policy in providing energy infrastructure, it is considered that these factors are sufficient to tip the balance in favour of finding that the proposal can be supported and thus that they amount to the very special circumstances necessary to support the proposal.

## **Recommendation**

That the Board is minded to support the grant of planning permission subject to referral to the Secretary of State and subject to there being no objection from the County Planning Archaeologist as a consequence of the site trial trenching A full schedule of conditions is to be agreed with the Board Chairman, the Board Vice-Chairman and the Opposition Planning Spokesperson together with the relevant local Members, based on those set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 Options plan, 02 Proposed Site Plan, 03 Proposed site plan, 04 Site location plan, 06 Grid compound elevation, 07 Grid control and switch room, 08 Fence elevation, 09 Battery compound switch room, 10 Battery

compound control room, Super Grid Transformer Elevation, 12 Aux Transformer Elevations and 3D views, 13 40ft Inverter and Transformer Container, 14 10ft Control Container Plan Elevations, 15 CATL Battery Pack Plan and Elevations, 16 External Lighting and CCTV Column, 17 Internal Lighting and CCTV Column

REASON : To ensure that the development is carried out strictly in accordance with the approved plans.

### **Pre-commencement conditions**

3. No construction shall be undertaken until an updated Construction Management Plan is submitted to and approved in writing by both the Planning and Highway Authorities and which should contain details of

- The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.
- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.
- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that all vehicles will enter and leave the site in a forward gear.
- Suitable areas for the unloading and storage of materials off the public highway.
- Protection of hedgerows and trees during construction
- The construction shall be carried out in accordance with the approved construction management plan throughout the period of construction.

REASON: In the interests of highway safety and the protection trees and hedges.

4. Notwithstanding the submitted details no development shall commence details of the colour of the containers, compound rooms, fencing, external lighting and columns, which shall be painted dark green shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests the visual amenity of the area and in accordance with policy.



5. No development shall commence until the finished floor level of the containers, transformer units, control rooms and transformers have been submitted and approved in writing by the Local Planning Authority.

REASON:

In the interests the visual amenity of the area and in accordance with policy.

6. No development of any phase shall take place until an Ecological Survey, taking into account key features and habitats, including badgers, bats and birds, within that phase of development and mitigation in accordance with the principles in the approved Ecological Appraisal report, has been submitted to and approved in writing by the Local Planning Authority. The development of that phase is to be completed thereafter in accordance with any mitigation measures (a Protected Species Mitigation Scheme) required by the submitted survey.

Reason:

To ensure the development does not harm protected species in accordance policy.

### **During Construction**

7. All construction traffic shall access and egress the site from/to the west via the A4097, Junction 9 of the M42 and the temporary haulage road. Construction traffic shall not be permitted to access the development site via Lea Marston.

REASON:

In the interests of highway safety.

8. No access to the proposed development by construction or maintenance vehicles will be permitted off Hams Lane in advance of the Highway Authority being provided with the technical details of the HS2 Ltd. access road between Hams Lane and Mr Dillon's retained land and subsequently agreeing in writing to its design.

REASON:

In the interests of highway safety.

9. Following completion of the access between Hams Lane and Mr Dillon's retained land the temporary access road off the A4097 used for construction shall be permanently closed and the public highway verge reinstated to a specification to be agreed in writing with the Highway Authority.

REASON: In the interests of highway safety.

10. No construction shall be undertaken until visibility splays have been provided for the temporary access road off the A4097 with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of 160 metres, in general accordance with Drawing Number 2105047-03, dated 16th July 2021. No structure, tree

or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

11. No construction shall be undertaken until the temporary access road off the A4097 is constructed to sufficient width to enable two HGV's to pass off the public highway in general accordance with Drawing Number 2105047-TK01, dated 31st August 2021.

REASON:

In the interests of highway safety.

12. No construction shall be undertaken until the temporary access road off the A4097 has been surfaced with a bound material for a minimum distance of 15 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interests of highway safety.

#### **Prior to development being brought into use**

13. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority within six months from the commencement of the development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

- A Biodiversity Impact Assessment that demonstrates that a net Biodiversity Net Gain will be achieved through the enactment of the LEMP. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure biodiversity gain and to accord to policy in the North Warwickshire Local Plan.

14. Notwithstanding the submitted details no external lighting shall be installed on site until plans showing the type of the light appliance, the height and position of the fitting, illumination levels and light spillage details have been submitted to and approved in writing by the Local Planning Authority. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE 2005). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. In discharging this condition the Local Planning Authority expects lighting to be restricted adjacent to the woodland and hedgerows and kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods; and
- Connections to areas important for foraging should contain unlit stretches.

REASON: In the interests of the amenities of the area and to minimise unnecessary lighting spillage above and outside the development site.

15. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to the use of the battery storage plant commencing and to the satisfaction of the Local Planning Authority.

REASON: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters

16. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the use of the development hereby approved being brought into use, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out

in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy.

17. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.
- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

18. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures

### **Temporary consent**

19. The development hereby approved including all related on-site built infrastructure (such as any CCTV cameras and poles, switch gear, access tracks, security fences, lights etc) shall be removed and the land restored to a condition suitable for agricultural use with 6 months of the batteries ceasing to be used, or the expiry of 30 years after the

date of the first connection of any element of the development to the National Grid/the related substation, whichever is sooner.

REASON: In order to revert the approved site to its original state of agricultural land in accordance with policy and the timely restoration of the land.

Potential archaeological condition

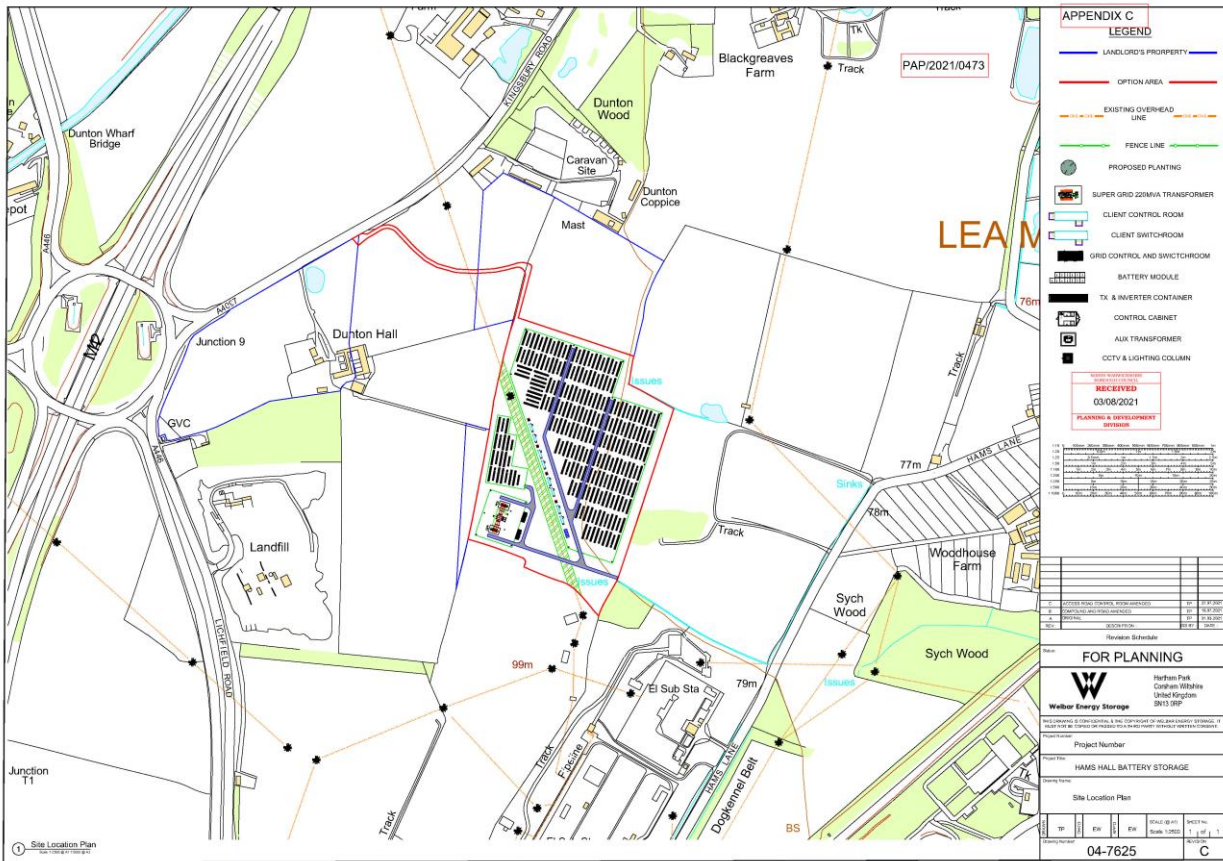
## Notes

1. Public footpath M16 runs adjacent to the southern boundary of the application site. The recorded alignment of this public footpath is shown on the attached extract of the Definitive Map, the legal record of public rights of way. The public footpath M16 must remain open and unobstructed at all times unless closed by legal order.
2. The applicant is advised that part of the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. Accordingly the applicant is advised to follow ongoing progress of the HS2 project at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill> and active engagement is encouraged between all parties on respective construction programmes.
3. Highway conditions above, will require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.
4. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.
5. The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
6. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
7. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the

Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at;[www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning).

8. Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.
9. Any Construction Environmental Management Plan (CEMP) for the application site should include measures to manage siltation of the watercourse and drainage features during works to mitigate the impact on the water environment. Any alterations or connections to Ordinary Watercourses will require Ordinary Watercourse Land Drainage Consent (OWLDC) from WCC as LLFA.
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.





**PLANTING NOTES**

All existing vegetation to be protected in accordance with BS5837: Trees in relation to design, demolition and construction.

Top soil and sub soil will be excavated as part of the construction process. Landscape works associated with topsoil and sub soil works on site will be in accordance with BS 4428:1989 Code of Practice for General Landscaping Operations and BS 3002: 2015 Specification for Topsoil.

**Planting stock**  
All planting shall be supplied in accordance with relevant British Standards including:

- BS 3026 Nursery Stock - Specification for trees and shrubs and ground cover plants
- BS 4043 Recommendations for transplanting root balled trees
- BS 4628 General Landscaping operations
- BS 5236 Cultivation and planting of trees in the advanced nursery stock category

**Trees**  
All whips and feathered trees to be supported by canes as required.

**Shrubs**  
All ground cover shrubs shall be supplied as scheduled and comply with quality standards as set out in BS 3026 Part 1. All container grown stock to comply with current edition of British Container Growers Standards to the grade specified. Planting holes for shrubs to be 150mm wider than root spread and 400mm deep.

**Tree/Shrub Protection**  
All proposed trees and shrubs to be protected by appropriate biodegradable tree/shrub shelters to ensure successful establishment and growth, and protection against disturbance if applicable. Specified protection methods should not impede natural movement of shrubs or restrict growth.

**Meadow Mixture**  
Areas to be seeded with meadow grass mixture Elmorgate Seeds EM2 - Standard General Purpose Meadow Mixture or similar.

**Indicative Plant Schedule:**

**Proposed Trees**  
All trees root ball, feathered, and 2x2 gauge to be planted as shown on plan.

**Acacia campylocha**, Field Maple, 300-350cm 20%  
**Morus nigra**, Cash Apple, 300-350cm 15%  
**Prunus padus**, Bird Cherry, 250-300cm 15%  
**Prunus spinosa**, Blackthorn, 250-300cm 10%  
**Crataegus monogyna**, Hawthorn, 300-350cm 10%  
**Quercus robur**, Oak, 300-350cm 20%

**Proposed Structure Infill and Hedgerow Planting**  
**Calluna monogyna**, Hawthorn, 1+2 120-150cm BR 70%  
**Corylus avellana**, Hazel, 1+1 120-150cm BR 10%  
**Prunus padus**, Bird Cherry, 1+2 120-150cm BR 5%  
**Prunus spinosa**, Blackthorn, 1+2 120-150cm BR 5%  
**Rosa canina**, Dog Rose, 1+9 120-150cm BR 5%  
**Ilex aquifolium**, Holly 1+1 60-90cm BR 5%



**LEGEND**

**Proposed Landscape and Ecological Features**

- Red line boundary
- Existing Vegetation (hedgerow and trees)
- Existing Grassland
- New Structure Planting and Infill Meadows Hedgerow Enhancement
- New Hedgerow Planting
- Meadow mixture
- Indicative Proposed Standard Trees (20m)
- Bird Box
- Bat Box

**GENERAL NOTES**

- This drawing should be read in conjunction with all relevant architects, engineers, and ecologists drawings and reports.

**REV DESCRIPTION APP DATE**

**LD&A DESIGN**

PROJECT TITLE  
8058 Hams Hall

DRAWING TITLE  
Hams Hall Battery Energy Storage System

ISSUED BY Glasgow T: 0141 222 9780  
DATE 28/07/2021 DRAWN GC  
SCALE/BA3 1:2,500 CHECKED BC  
STATUS Final APPROVED BC

**DWG. NO 8048\_08**

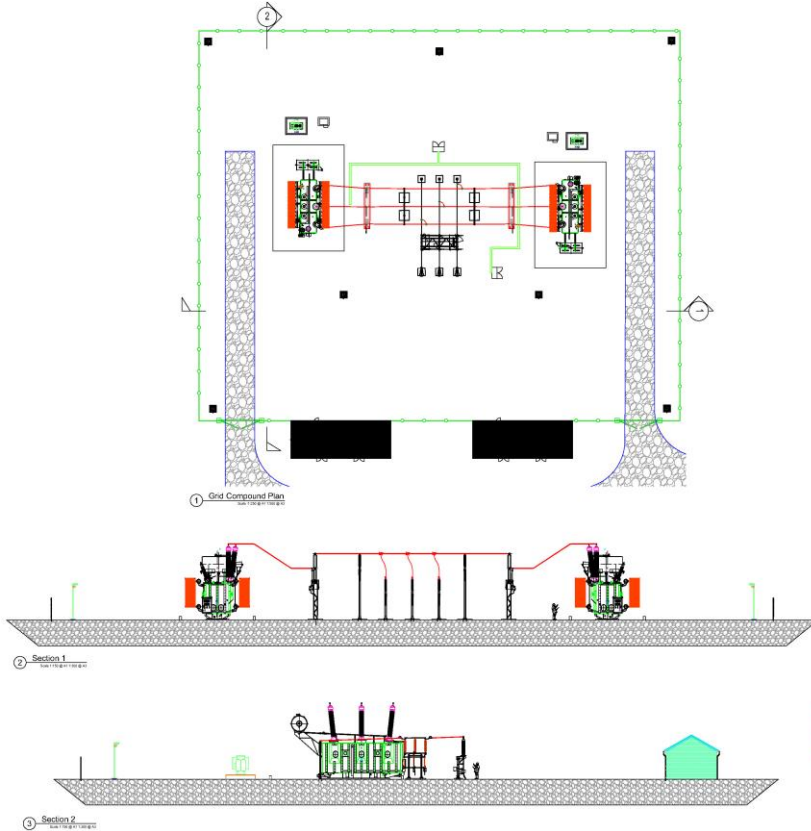
No dimensions are to be scaled from this drawing. All dimensions are to be checked on site. Area measurements for indicative purposes only.

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Source: Ordnance Survey

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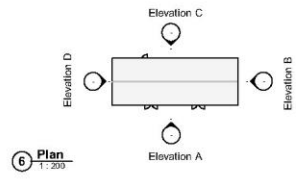
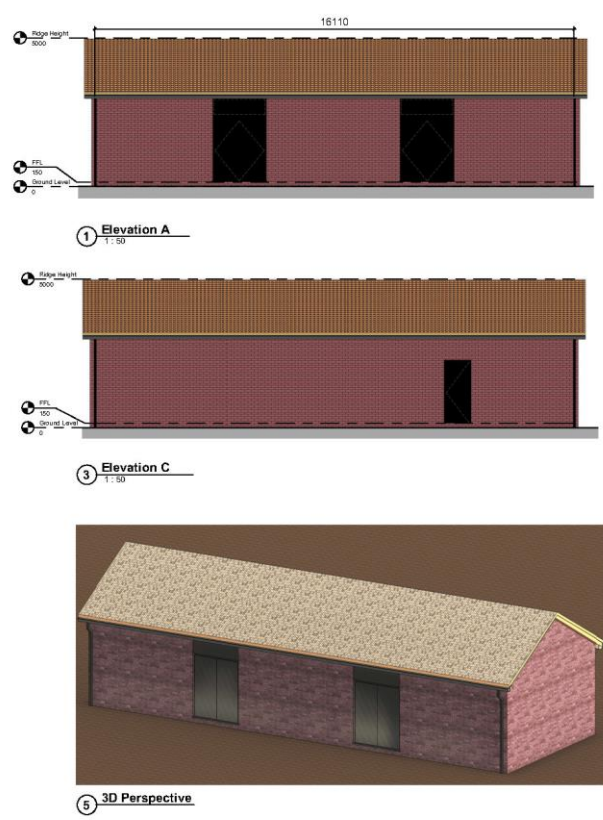


PAP/2021/0473



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DIVISION

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NO.	DATE	BY	SCALE	SHEET NO.	SHEET TOTAL
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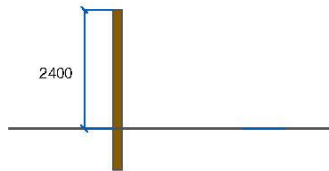
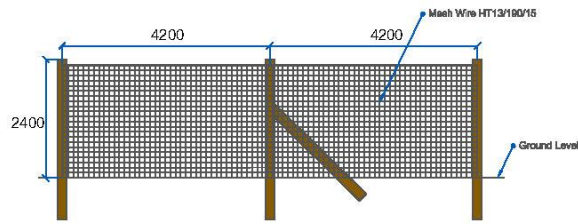


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PLANNING & DEVELOPMENT  
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NO.	DATE	BY	SCALE	SHEET NO.	SHEET TOTAL
				07-7625	A

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DIVISION

REV	ORIGINAL	DESCRIPTION	BY	DATE
A				23.07.2021

Revision Schedule

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**Welbar Energy Storage**  
 Hartham Park  
 Corsham Wiltshire  
 United Kingdom  
 SN13 0RP

Project Number: **Project Number**

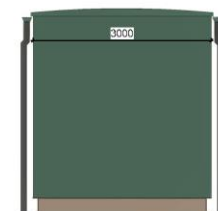
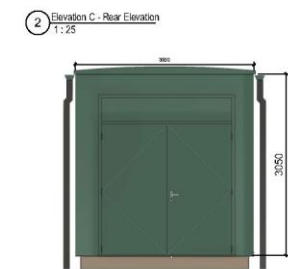
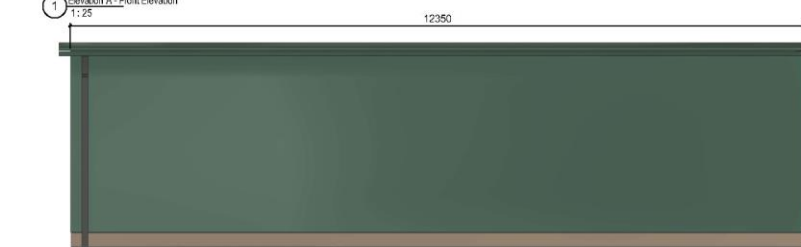
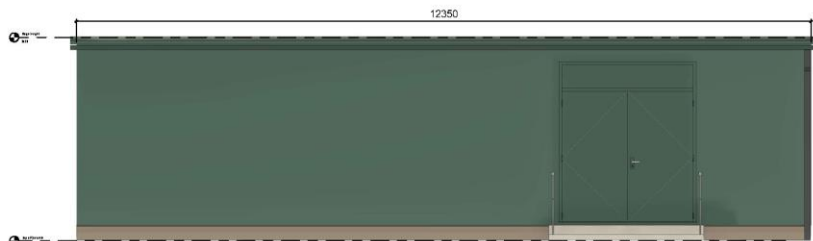
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Drawing Name: **Fence Elevation**

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Drawing Number: **08-7625**      REVISION: **A**

PAP/2021/0473



RECEIVED  
03/08/2021  
PLANNING & DEVELOPMENT  
DIVISION

REV	ORIGINAL	DESCRIPTION	BY	DATE
A				23.07.2021

Revision Schedule

Status: **FOR PLANNING**

**Welbar Energy Storage**  
 Hartham Park  
 Corsham Wiltshire  
 United Kingdom  
 SN13 0RP

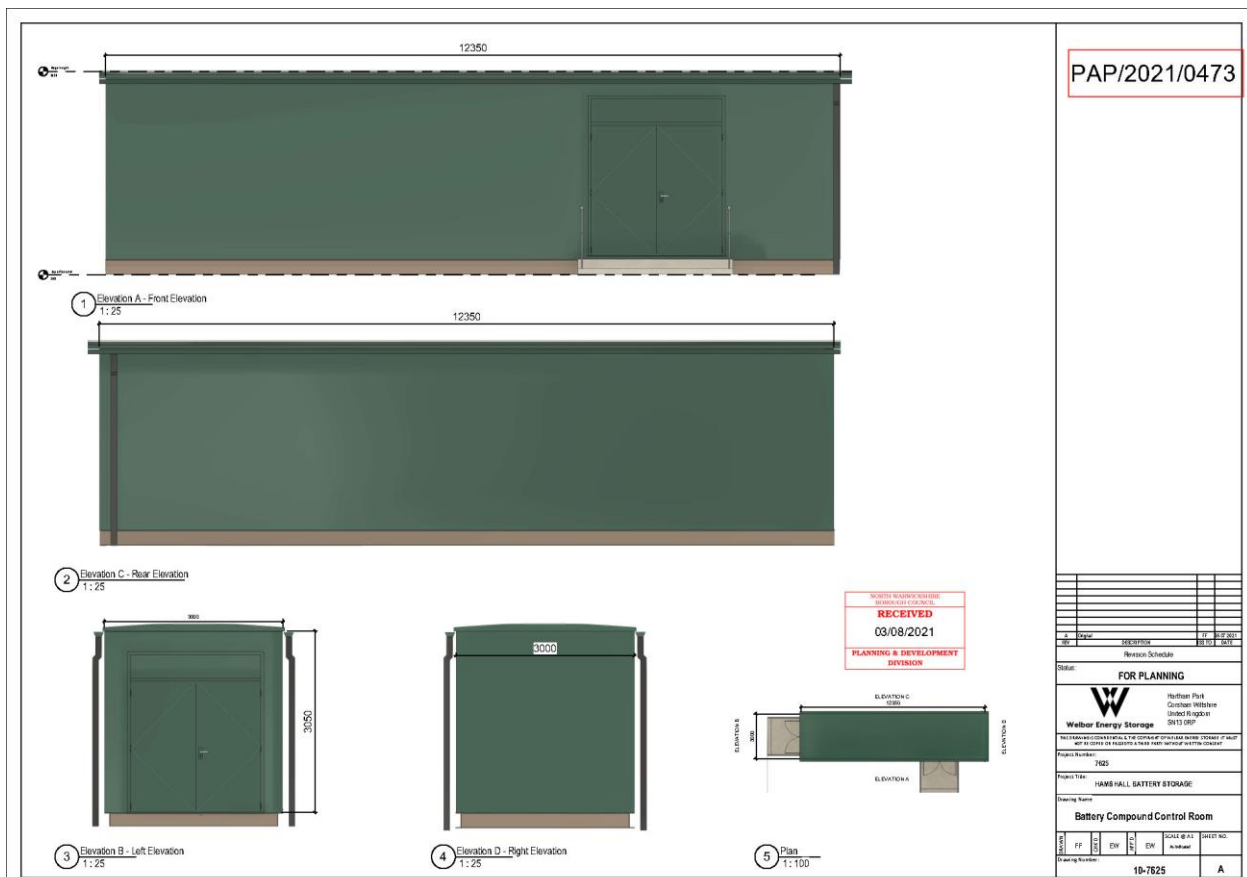
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Drawing Name: **Battery Compound Switch Room**

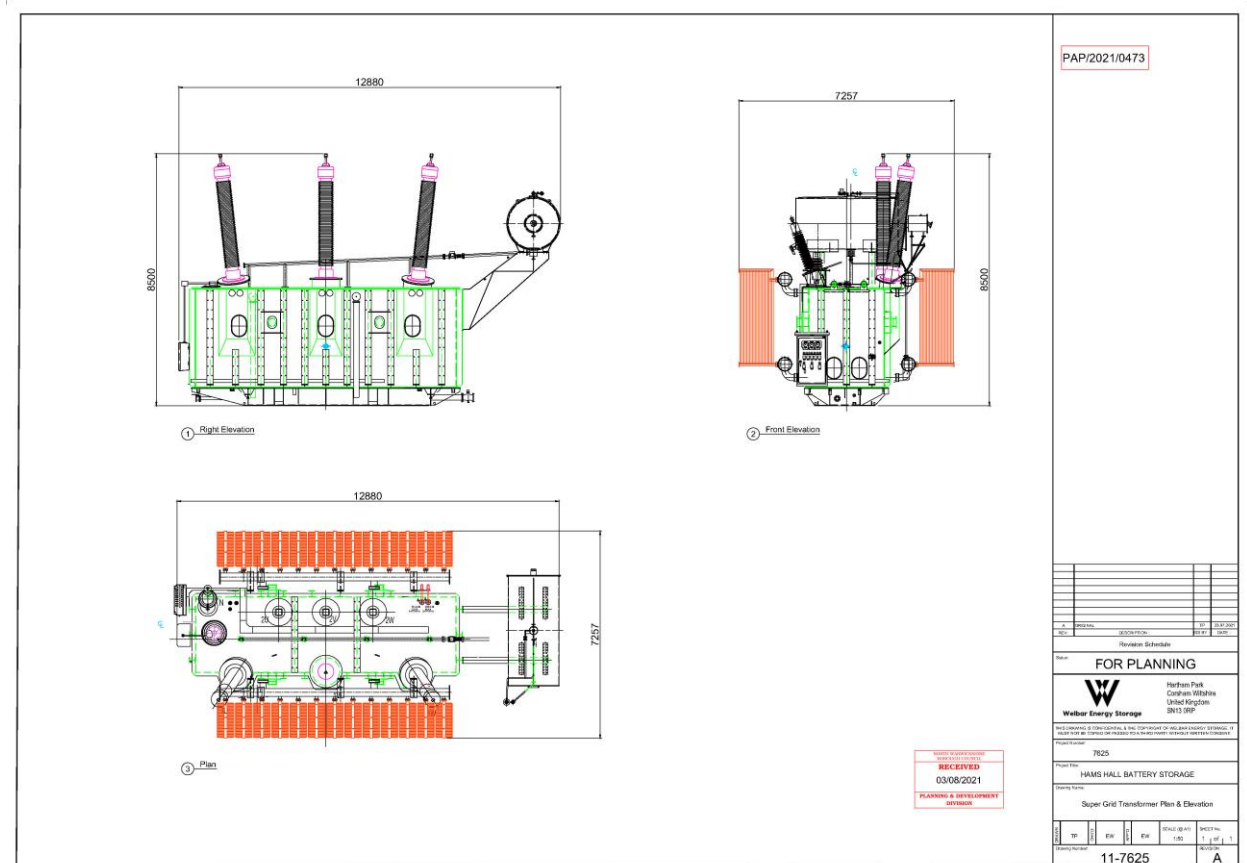
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Drawing Number: **09-7625**      REVISION: **A**



PAP/2021/0473

NO.	DATE	DESCRIPTION	BY	APP'D BY
1		Revision Schedule		
FOR PLANNING				
Harlow Park Constan Withbrae Clackmannanshire SH13 9RF				
HWS Energy Storage Limited, a Private Limited Company, is authorised to carry out the business of energy storage in Scotland under the Electricity (Storage) Regulations 2015.				
Project Number: 7625				
Project Title: HAMS HALL BATTERY STORAGE				
Drawing Name: Battery Compound Control Room				
SCALE	DATE	BY	APP'D BY	SHEET NO.
1:100	03/08/2021			11-7625
Drawing Number: 19-7625				A



PAP/2021/0473

NO.	DATE	DESCRIPTION	BY	APP'D BY
1		Revision Schedule		
FOR PLANNING				
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HWS Energy Storage Limited, a Private Limited Company, is authorised to carry out the business of energy storage in Scotland under the Electricity (Storage) Regulations 2015.				
Project Number: 7625				
Project Title: HAMS HALL BATTERY STORAGE				
Drawing Name: Super Grid Transformer Plan & Elevation				
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Drawing Number: 11-7625				A







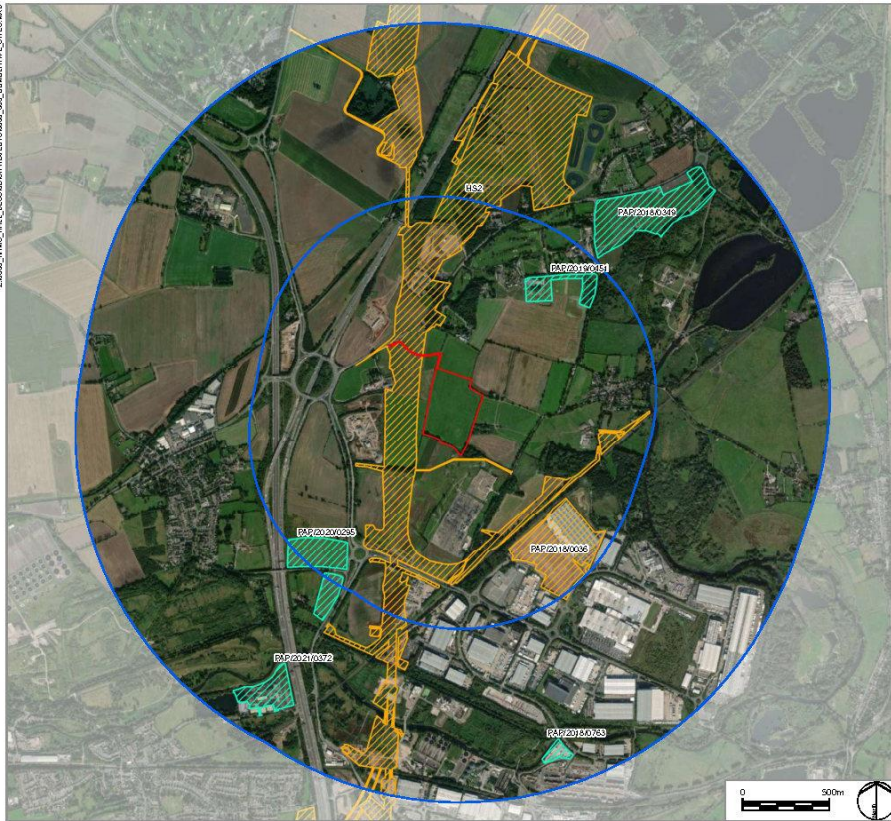
APPENDIX E



<p>Extract of scanned 1998 Definitive Map</p> <p>Produced by: EB</p> <p>Date: 25/08/2021</p>	<p>N</p> <p>1:10,000</p> <p>0 50 100 200 300 400</p> <p>Meters</p>	
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## APPENDIX F

- LEC ENV
- Site boundary
  - Distance from Site boundary including access track (1 and 2km)
  - Cumulative Sites
  - Consented (labeled individually)
  - In Planning (labeled individually)

### LD A DESIGN

PROJECT TITLE  
HAMS HALL BESS

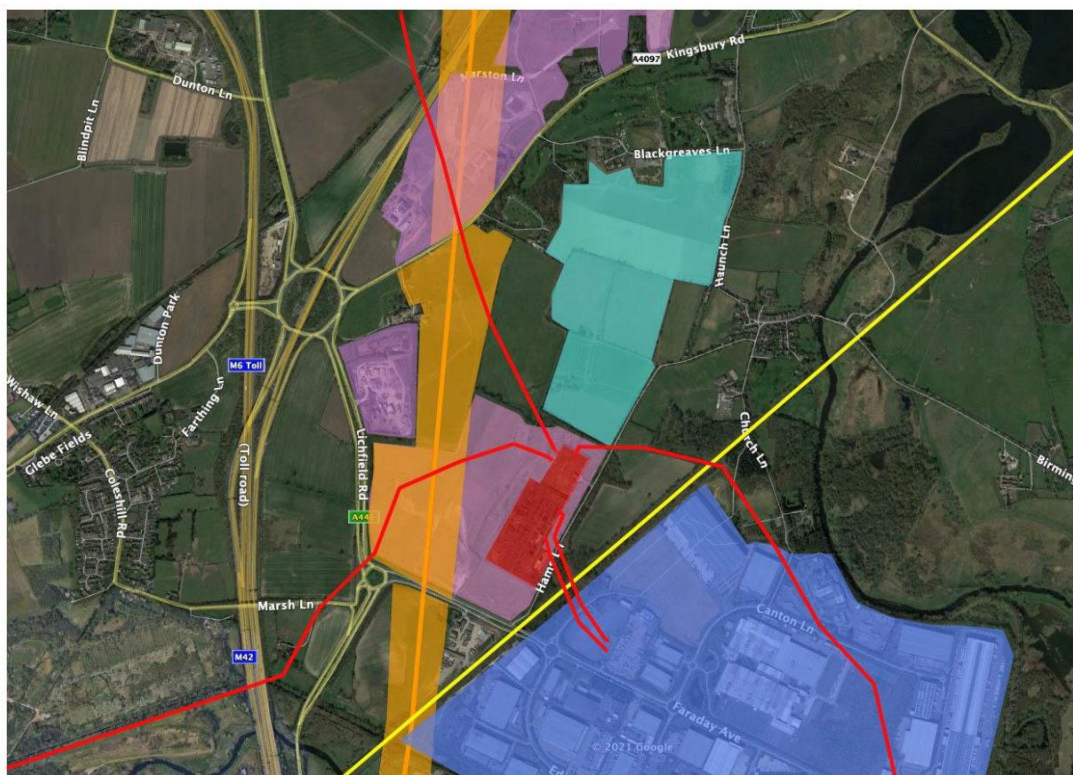
DRAWING TITLE  
Figure 5:  
Cumulative Sites

ISSUED BY	Pelamborough	T: 01733 310471
DATE	Jul 2021	DR AWN V04
SCALE	1:17,000	CHECKED GC
STATUS	Draft	APPROVED ES

DWG. NO. 8058\_005

No dimensions are to be scaled from this drawing.  
All dimensions are to be checked on site.  
Area measurements for indicative purposes only.  
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Source: Ordnance Survey

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## Hams Hall Battery Energy Storage System

Green Belt Assessment  
July 2021

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Glasgow, G2 4RL  
United Kingdom  
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8048

**Contents**

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2.0 Local Planning Policy and Relevant Local Development Framework Studies ..... 4  
3.0 Assessment of Green Belt Purposes ..... 7  
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Figure 1: Site Location and Local Context

Figure 2: Site Location and the Metropolitan Green Belt

Figure 3: Cumulative Sites in the Green Belt

Version: 1.1

Version date: 28 July 2021

Comment: Draft

This document has been prepared and checked in accordance with ISO 9001:2015.

## 1.0 Introduction

This Green Belt Assessment report has been prepared by LDA Design on behalf of Welbar Energy Storage Ltd ('the Applicant') to accompany a planning application for a Battery Energy Storage Scheme (BESS) ('the Proposed Development') on 11 ha of land (including the temporary construction access track) to the northwest of the existing Hams Hall Substation, North Warwickshire (the 'Site').

The Proposed Development comprises a fast response electricity storage unit comprising battery energy storage containers and associated infrastructure to facilitate access, construction and connection to the electricity grid. The Proposed Development would connect to the nearby Hams Hall Substation.

The Site is situated within the Coventry and Warwickshire Green Belt, part of the larger West Midlands Green Belt. The Site and Green Belt which would be affected by the Proposed Development are located within North Warwickshire Borough Council (NWBC).

The extent of the Site and its location within the Green Belt is shown on **Figure 1: Site Location and Local Context**.

This report considers the potential harm of the Proposed Development on four of the five purposes of Green Belt as defined in paragraph 138 of the National Planning Policy Framework (revised, July 2021) (NPPF). The fourth purpose – *"to preserve the setting and special character of historic towns"*, is not considered as there are no towns that can be considered historic within the 3km study area from the Site boundary. The fifth purpose – *"assisting in urban regeneration, by encouraging the recycling of derelict and other land"*, is not assessed as this purpose of Green Belt is delivered by a combination of factors and policies beyond the scope of this assessment.

This report does not consider the effects of the proposed cable route, as once operational the cables would be underground and the existing landuse re-instated. There would be no permanent impact on the openness of the Green Belt as a result of the cable route.

### 1.1. The Purpose of Green Belt

Paragraph 137 of the NPPF states *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

The five purposes of Green Belt as set out in paragraph 138 of the NPPF are:

- a) *"to check unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

Under paragraphs 151 of the NPPF, renewable energy developments are considered to be “inappropriate development” within Green Belt. Paragraph 147 of the NPPF confirms that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Paragraph 148 advises “local planning authorities should ensure substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

Paragraph 151 of the NPPF adds “when located in Green Belt, elements of many renewable projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include wider environmental benefits associated with increased production of energy from renewable sources.”

Paragraph 145 adds, in relation to the improvement of the Green Belts, “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

## 1.2. Harm to Green Belt, any other harm and very special circumstances (VSC)

The courts have established Green Belt is an ‘open textured policy’<sup>1</sup>. Therefore, in considering the harm to Green Belt and the balancing exercise for Very Special Circumstances (VSC), this Green Belt Assessment report should be read in conjunction with the following documentation submitted as part of the planning application:

- **Planning Statement** (Document Ref: 8058) – which includes the consideration of alternative sites; the harm to Green Belt openness; and the balancing exercise of VSC; which considers the potential harm to the Green Belt and any other harm.
- **Design and Access Statement (DAS)** (Document Ref: 8058) – which details the design evolution of the Proposed Development with the aim of reducing harm and impact wherever possible.
- **Landscape and Visual Impact Assessment (LVIA)** (Document Ref: 8058) – which includes a consideration of the visual impact of the Proposed Development.
- **Landscape Plan** (Drawing Ref: 8058\_08) – which indicates proposed landscape mitigation and ecology measures.
- **Other technical documentation** - including the Ecological Appraisal Report (Document Ref: P21-517), Heritage Desk Based Assessment (Document Ref: MK0509), and Flood Risk Assessment and Drainage Strategy (Document Ref: 6412).

## 1.3. Proposed Development

The Proposed Development comprises battery energy storage containers and associated infrastructure to facilitate connection to the electricity grid, providing the capacity to store

<sup>1</sup> Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466

electricity from intermittent renewable sources that would otherwise be wasted, and return it to the National Grid when baseload supply falls below the level of demand and there would otherwise be an electricity shortage. The connection to the grid will be made at the National Grid Substation at Hams Hall, within NWBC and located directly southeast of the Site.

The operational phase of the Proposed Development would be for 30 years. When it ceases to be operational, all built features would be removed and the areas that they have affected would be reinstated to their former condition. Landscape and ecological enhancements proposed as part of the proposed landscape plan would be retained and left to continue the Biodiversity Net Gain (BNG) achieved on site.

The components of the Proposed Development are relatively low in terms of height, and as installed units would be coloured olive green as requested by NWBC, and regular in terms of massing as a general comparison the battery storage units would be situated within containers with similar dimensions to shipping containers with an approximate maximum height of 3m. Taller elements such as those associated with the substation, have been located and designed with the aim of reducing the potential impact they may have.

Full details of the Proposed Development are provided in the **Planning Statement, Design and Access Statement** and planning drawings submitted as part of the planning application.

## 2.0 Local Planning Policy and Relevant Local Development Framework Studies

During consultation the local planning authority requested consideration of the North Warwickshire Borough Council, including:

- 2006 Local Plan saved policies;
- 2014 Core Strategy; and
- The Emerging Local Plan

At time of writing the latest update of the new Local Plan examination indicates that the Inspector is reviewing all information from hearing sessions and intends to respond to the Council shortly.

### 2.1. Local Planning Policy

Policies related to Green Belt within North Warwickshire is outlined below:

#### 2.1.1. North Warwickshire Adopted Local Plan (adopted 2006) saved policies

The North Warwickshire Local Plan was developed between 2003 and 2006 and adopted on 4 July 2006. Most of the policies within the Plan were saved under direction from the Secretary of State in June 2009 although on adoption of the Core Strategy some of these have been superseded. Those relevant to the Site are outlined below.

##### Core Policy 4 - Green Belt

*"The openness of the Green Belt in the Borough will be maintained and there will be a general presumption against inappropriate development."*

##### Policy ENV 2 Green Belt

*"1. The outer extent of the West Midlands Green Belt in North Warwickshire is shown on the Proposals Map. Within this area, Government Policy Guidance Note 2 Green Belts applies.*

*2. Areas within Development Boundaries are excluded from the Green Belt."*

#### 2.1.2. Core Strategy (2014)

The Core Strategy, adopted 9<sup>th</sup> October 2014, forms a key part of the Local Plan (formerly the Local Development Framework (LDF)) for North Warwickshire. It contains a vision and strategic objectives for the Borough, as well as Core Policies that will set the basis for directing development for the next 15 to 20 years. It contains broad policies and strategies to cover all types of development. Policies of relevant to Green Belt are outlined below.

##### Policy NW3 Green Belt

*"1. The outer extent of the West Midlands Green Belt in North Warwickshire is shown on the Proposals Map.*

*2. Areas within Development Boundaries are excluded from the Green Belt.*

*3. Infill boundaries in the Green Belt will be brought forward to indicate where limited infill and redevelopment would be permitted.*

*4. Settlements surrounded or washed over by the Green Belt will be able to pursue the Community Right to Build. Housing sites would have to be locally affordable in perpetuity. A community or other use would be required to show how it would remain in community use in perpetuity."*

**2.1.3. Emerging Local Plan**

NWBC are working on a new Local Plan. NWBC submitted the draft North Warwickshire Local Plan in November 2017 and are awaiting response from the Planning Inspectorate following completion of Examination in Public (EiP). The draft planning policy relevant to the Proposed Development and Green Belt is summarised below.

**Policy LP3 Green Belt**

Sets out considerations when proposals within the Green Belt in addition to the NPPF. Relevant planning consideration, such as the sustainability of the location; landscape and visual appearance or impact, the loss of employment land and impacts on general amenity will all be considered in the final planning balance in respect of proposals to redevelop previously developed land within the Green Belt.

**2.2. Relevant Green Belt Studies Base Studies**

**2.2.1. Coventry & Warwickshire Joint Green Belt Study (April 2016)**

This Stage 2 study was undertaken for six West Midlands councils and assessed the Green Belt against the five Green Belts purposes, as set out in the NPPF. It appraised the relative performance of the identified Green Belt parcels. The study considered all existing Green Belt within the Coventry and Warwickshire sub-region. The Green Belt was divided into parcels for the purposes of the study.

Land parcels were defined by reference to physical boundaries and areas of the same or very similar land use or character. In terms of those features considered suitable for delineating Green Belt boundaries, these were defined as;

- *“Significant natural features – for example, substantial watercourses and water bodies.*
- *Significant man-made features – for example, motorways, A and B roads and railway lines, and established infrastructure and utilities such as sewage treatment works.”*

*Woodland, hedgerows and tree lines were considered to be recognisable but less permanent boundaries; streams and ditches were considered to be both recognisable and permanent but less significant boundaries than those above. However, where appropriate, both were used to define land parcel boundaries.”*

The assessment identifies 59 parcels, and three broad areas fall wholly or partially within North Warwickshire.

The Site is located within Broad Area 10 and abuts local parcel CH9 directly south. The Green Belt Study states that for Broad Areas:

*“Following the identification of parcels of land adjacent to the Stage 2 authorities’ large built-up areas and main rural villages, the remaining areas of Green Belt – the largely open and undeveloped countryside between the large built-up areas and main rural villages – were defined as ‘broad areas’. As the main body of the Green Belt, these broad areas were assumed to make a considerable contribution to Green Belt purposes. As such, the detailed criteria-based assessment applied to the Green Belt parcels adjacent to the settlements outlined in Table 3.1 was not used. Instead, a broader descriptive assessment was undertaken, outlining why these larger, more strategic areas of the Green Belt fundamentally fulfil the purposes of this strategic designation in the West Midlands. The separate broad areas were defined using significant linear features, such as motorways and dual carriageways.”*

The ‘General Notes’ for Broad Area 10 in which the Site lies identify the following:

*“Broad area 10 lies between Nuneaton and Bedworth to the east, Kingsbury and Piccadilly to the north, Coventry to the southeast and Coleshill in the west. In between these larger settlements are a number of villages – Fillongley, Old Arley, New Arley, Hurley and Shustoke. The broad area contains several Scheduled Monuments and pockets of ancient woodland, two of which are designated as SSSIs: Hoar Park Wood and Kingsbury Wood. There are two other SSSIs within the broad area: Whitacre Heath and the River Blythe. Broad Area 10 makes a considerable contribution to all of the Green Belt purposes, it:*

- *Checks the sprawl of Nuneaton and Bedworth, Kingsbury and Piccadilly, Coventry, Coleshill, Fillongley, Old Arley, New Arley, Hurley and Shustoke.*
- *Prevents the merging of these settlements.*
- *Safeguards the countryside, which contains several ancient woodlands, SSSIs, historic villages and scheduled monuments.*
- *Preserves the setting and special character of historic town of Coleshill, the historic core of which contains the prominent Grade I listed Church of St Peter and St Paul, which is visible across the western half of the broad area.*
- *Assisting urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands.”*



3.0 Assessment of Green Belt Purposes

Table 1 below provides an assessment of the Proposed Development against the four purposes of Green Belt as defined in paragraph 138 of the NPPF. The assessment is based on guidance provided by the NPPF, National Planning Policy Guidance (NPPG) and guidance produced by the Planning Advisory Service (PAS) and Local Government Association (LGA) in relation to Green Belt (2015).

As noted in Section 1.2, the consideration of any other harm and balancing exercise of VSC is provided by the Planning Statement and other technical documents submitted as part of the planning application.

Table 1: Assessment Green Belt Purposes	
Assessment Criteria	Assessment
<b>GB Purpose 1: To check the unrestricted sprawl of large built up areas</b>	
<i>The proximity and visual connectivity of the area / site to the settlement's edge</i>	<p>The closest settlements to the Site (measured from the Site boundary) are as follows:</p> <ul style="list-style-type: none"> <li>• Lea Marston – approximately 700m to the east;</li> <li>• Curdworth – approximately 1.1km to the south west; and</li> <li>• Coleshill – approximately 1.5m south (Hams Hall Distribution Centre 600m southeast).</li> </ul> <p>The Site forms part of a larger area of agricultural land that is characterised by medium and large-scale fields delineated by field hedgerow boundaries and tree lines, which are largely rectilinear. Pockets of woodland and tree belts are present in areas largely north, east and south of the Site.</p> <p>The Site's visual connectivity to the wider landscape is, in general, limited to its local context as assessed in the LVIA. While the ZTV (LVIA Figure 4) indicates that theoretical coverage is largely focused within 1km of the Site boundaries, actual visibility would be limited by the existing vegetated field boundaries around the site and mature vegetation within the intervening landscape to areas within approximately 150m north, 200m to 400m west and 450m east of the Site.</p> <p>Views of settlement edges from withing the Site are limited but views through gaps in the eastern hedgerow looking east towards an outlying property at Lea Marston property approximately 450m from the Site is possible. Some of roof tops of the Hams Hall Distribution Centre on the northern side of Coleshill are seen above the field boundary vegetation from the higher western side of the Site.</p>
<i>The extent to which the area / site is contained.</i>	<p>The Site, in general, is visually well-contained by relative flat topography, and a combination of existing hedgerows, individual trees and treelines along and close to the Site's boundaries.</p>

	<p>Existing views from the surrounding landscape of the Site are presented in the LVIA's accompanying photograph panels (see LVIA Figure 6) and shows the degree of visual containment afforded to the Site.</p> <p>The design of the Proposed Development has been informed by a sensitive siting of the BESS within the existing vegetated field pattern that would enhance the screening properties of the existing boundary vegetation with new planting.</p> <p>The iterative design process of the Proposed Development has sensitively sited various built elements of the scheme to reduce potential visibility from views towards the Site, including locating the substation elements within the well contained southwestern corner of the Site. The Proposed Development would be set back from the existing field boundaries and the level of containment further improved by new planting.</p> <p>Full details of the design evolution are provided in the Design and Access Statement (DAS).</p> <p>Details of the proposed planting is indicated on the Landscape Plan.</p>
<p><i>Whether its development would round off the urban edge.</i></p>	<p>The Proposed Development would not round off the edge of an existing settlement.</p>
<p><b>Purpose 1 Conclusion:</b></p> <p>The Site is located within a relatively flat, agricultural landscape and is not adjacent to any large built up areas. It is additionally buffered all around by immediate agricultural fields, with Hams Hill substation situated within the agricultural landscape directly southeast. The nature of the Proposed Development is also distinct to urban built form. It is considered that the Site's contribution to this purpose of the Green Belt is very limited. There would be no harm to this purpose as a result of the Proposed Development and the strategic function of the remaining Green Belt would remain intact.</p>	
<p><b>GB Purpose 2: To prevent neighbouring towns merging into one another</b></p>	
<p><i>The degree to which development would physically reduce the distance between the urban edge and neighbouring settlements.</i></p>	<p>At a strategic level, the distances between the Site and settlements are outlined in the consideration of Purpose 1. The Proposed Development would not result in the reduction of the physical gap between these existing settlements.</p>
<p><i>The degree to which the development would</i></p>	<p>Existing views to and from the Site to the surrounding landscape are presented in the LVIA which describes the degree of visual</p>

<p><i>result in the perception that distances between settlements have reduced.</i></p>	<p>containment afforded to the Site and the lack of intervisibility between the Site and any settlements.</p> <p>There would be no perceptible reduction in the distances between the settlements, as a result of the existing physical separation from settlements and the network of existing vegetation (comprising field boundary hedgerows, tree lines and areas of woodland outside the Site) that are within and surround the Site and in turn, visually contain it.</p> <p>Proposed planting along the Site boundaries would help further contain the Site.</p>
<p><i>The degree to which the site / area relates to the scale and separate identity of the settlement.</i></p>	<p>The size of the Site is relatively small in comparison to the nearby settlements and does not play any role in the identity of these. The distinct separate identity of nearby settlements would remain intact.</p>
<p><b>Purpose 2 Conclusion:</b></p> <p>The Site plays no role in relation to this purpose and the Proposed Development would result in no harm to this purpose. The strategic function of the Green Belt would remain with the separation and distinct separate identity of settlements remaining intact.</p>	
<p><b>GB Purpose 3: To assist in safeguarding the countryside from encroachment</b></p>	
<p><i>The existence and scale of existing development within the Green Belt in the vicinity of the area / site.</i></p>	<p>There are no large scale residential developments in the immediate vicinity of the Site.</p> <p>Pylons and associated overhead lines within the landscape are notable features and become increasingly prominent as they converge on the substation directly southeast of the Site.</p> <p>Other features within the vicinity include the existing aggregate recycling centre, located approximately 200m west of the Site, and the M42/M6 interchange approximately 560m to the west.</p> <p>As part of the iterative design process, the Proposed Development would be set back from the existing hedgerows which form the Site boundaries.</p> <p>In combination, these existing developments exert some visual influence on the Site and its immediate landscape, contributing to a degradation in the character of the agricultural landscape.</p>
<p><i>The degree to which the character of the area / site is 'settlement fringe' rather than 'open countryside' or of rural character.</i></p>	<p>As identified in relation to Purposes 1 and 2, the Site is relatively distant from settlement. It is not on the fringe of any existing settlement. However, there are existing built developments that reduce the sense of countryside and rural character as detailed above.</p> <p>The visibility of the Proposed Development is limited as described within the LVIA. Proposed enhancement planting, including infill</p>

	planting on the eastern and western boundaries, hedgerow on the northern boundary, tree planting along the Site's southern boundary and the relaxation of hedgerow management for biodiversity would further reduce the visibility of the Development and perception of encroachment into the countryside.
<i>The nature of the existing settlement edge, i.e. whether it is a soft edge or a hard urban edge.</i>	The Site is not located adjacent to the vegetated settlement edge of Lea Marston nor the harder urban edges of Curdworth and Coleshill.
<p><b>Purpose 3 Conclusion:</b></p> <p>The Site does contribute to this purpose of the Green Belt and development of the Site would result in some very limited harm to this purpose. This harm would be limited owing to the contained visibility of the Site and Proposed Development and temporary up to 30 years of the Proposed Development operational period. The surrounding wider agricultural landscape would remain characteristic and predominant whilst the strategic function of the remaining Green Belt for this purpose would remain intact.</p>	
<p><b>GB Purpose 4: To preserve the setting and special character of historic towns</b></p>	
<i>The nature of the existing historic settlement</i>	There are no historic settlements near to the Site. Consequently, the Site does not contribute to the setting and special character of historic towns.
<p><b>Purpose 4 Conclusion:</b></p> <p>Given there are no historic settlements near to the Site, the Proposed Development would not result in harm to this purpose of the Green Belt designation.</p>	

## 4.0 Conclusions

The assessment detailed in **Table 1** identifies that the Site does not contribute to purpose 1 – checking the unrestricted sprawl of large built up areas, purpose 2 – preventing neighbouring towns merging into one another nor purpose 4 - to preserve the setting and special character of historic towns, as set out by paragraph 138 of the NPPF.

The Site plays a limited role in contribution to purpose 3 – to assist in safeguarding the countryside from encroachment. Development of the Site would result in some very limited harm to this purpose, which would be very limited owing to the contained nature and limited visibility of the Site and Proposed Development. Limited harm to this purpose would be temporary lasting up to 30 years of the Proposed Development operational period. The surrounding wider agricultural landscape would remain characteristic and predominant.

Overall, the strategic function of Green Belt purpose 3 would remain intact and purposes 1, 2 and 4 would be unaffected.

**5.0 Cumulative Assessment of Green Belt Purposes**

**5.1.1. Cumulative developments**

The LVIA sets out the cumulative developments considered which are limited to the consented developments:

- PAP/2018/0036 - Approval of reserved matters application for erection of two employment units (use class B2/B8) together with ancillary offices, service yards, car parking and on-plot landscaping (PAP/2016/0399); and
- High Speed 2 (HS2).

To provide context of the potential emerging pattern of development with the study area these developments are mapped on **Figure 2**.

As noted in the LVIA, PAP/2018/0036 is physically and visually remote from the Proposed Development and as such is not considered further as part of this cumulative assessment. Potential cumulative effects assessed are therefore limited to those likely to arise from cumulative interactions between the Proposed Development and HS2.

**5.1.2. Cumulative Assessment**

As part of this Green Belt assessment, a consideration of potential cumulative effects to the purposes of Green Belt has also been undertaken and is presented in **Table 2** below, which sets out the potential cumulative impact that may arise as a result of the Proposed Development alongside HS2. This table should be read in conjunction with **Table 1**, which considers the potential harm that could arise should the Proposed Development come forward in isolation although this is considered unlikely given the legal consent and works already undertaken for other sections of HS2.

<b>Table 2: Cumulative Assessment Green Belt Purposes (1 – 4)</b>	
<b>Purpose</b>	<b>Cumulative Assessment</b>
<p><b>GB Purpose 1:</b> <i>To check the unrestricted sprawl of large built up areas</i></p>	<p>As set out in <b>Table 1</b> the closest settlements to the Site comprise Lea Marston, Curdworth and Coleshill. Views of settlements from within the Site are very limited.</p> <p>HS2 lies adjacent to the north and west of Coleshill approximately 600m southeast of the Site, the closest settlement to this consented development within the context of the Site.</p> <p>The Site would remain visually contained as set out in the LVIA and <b>Table 1</b> above. Cumulatively, in consideration of both the Proposed Development and HS2 sufficient separation between settlements would remain so as not to result in unrestricted sprawl.</p> <p>It is concluded that any cumulative harm to this purpose would be limited by the overall physical and visual separation of the Proposed Development and HS2 from existing built up areas.</p>

<p><b>GB Purpose 2:</b> <i>To prevent neighbouring towns merging into one another</i></p>	<p>As set out in <b>Table 1</b> the closest settlements to the Site comprise Lea Marston, Curdworth and Coleshill. Views of settlements from within the Site are very limited.</p> <p>There would be a marginal reduction in the physical distance between the settlements of Curdworth and Coleshill resulting from the introduction of HS2. However, given the distance and nature of HS2, being distinct to urban development, the perception of the merger would not arise.</p>
<p><b>GB Purpose 3:</b> <i>To assist in safeguarding the countryside from encroachment</i></p>	<p>As set out in <b>Table 1</b> the Site is situated with a landscape context that contains a number of man-made features that erode the sense of countryside. These include pylons and associated overhead lines, the existing aggregate recycling centre and the M42/M6 interchange west of the Site.</p> <p>The Proposed Development would result in limited encroachment on the countryside. The HS2 proposals would result in a large section of linear infrastructure within what is currently agricultural land.</p> <p>The cumulative effects on this Purpose would be largely as a result of HS2, with the Proposed Development contributing relatively little cumulative harm.</p>
<p><b>GB Purpose 4:</b> <i>To preserve the setting and special character of historic towns</i></p>	<p>As set out in <b>Table 1</b>, there are no historic towns within the vicinity of the Site.</p> <p>There would be no cumulative harm to this purpose of the Green Belt designation as a result of the Proposed Development.</p>
<p><b>Concluding remarks</b></p> <p>The cumulative effects of the two schemes together would result in no additional harm on Green Belt Purposes 1, 2 and 4 given the relative distance from settlements, the visual containment of Site and Proposed Development, and the absence of historic settlement in the locality.</p> <p>The Proposed Development would only result in limited additional cumulative harm to purpose 3.</p>	

## 6.0 Conclusions

The Site is visually well-contained by a combination of existing hedgerows, shrubs, tree lines and areas of woodland vegetation that are located within and / or in close proximity to the Site's boundaries. The relatively low lying landform of the Site, combined with the existing layers of vegetation, provide a considerable degree of visual containment.

As evidenced in the analysis contained within the LVIA, the Site's visual connectivity to the wider landscape is, in general, limited to its local context up to approximately 150m to the north, approximately 200m to 400m to the west and approximately 450m to the east of the Site. The visibility of the Proposed Development would be further reduced as a result of the proposed enhancements to the existing vegetated Site boundaries which be strengthened with additional planting and allowed to grow out providing visual screening and biodiversity benefits.

The nature of the Proposed Development means that site fabric and characteristics of the Site such as the vegetative network, field pattern and topography would remain intact and legible.

Notwithstanding the above, the duration of the Proposed Development would be entirely reversible after its 30-year operational phase. The exception to this is the proposed enhancement measures including infill hedgerow and tree planting which could be retained permanently subject to future land management once the land is returned to the landowner.

It is concluded that the Proposed Development would result in the very limited harm to purpose 3 – to assist in safeguarding the countryside from encroachment of the Green Belt designation, and the strategic performance and function of the remaining Green Belt would remain intact.



**Figures**

Figure 1: Site Location and Local Context

Figure 2: Cumulative Sites in the Green Belt

## 6.0 Planning Assessment

This chapter explains why a BESS is being promoted at this location, how the Site has been selected, and details the assessment work that has been undertaken to inform the design layout and consideration of fit with relevant planning policies.

### 6.1. Why Battery Energy Storage?

As mentioned in chapter 4, the UK is working towards zero carbon in 2050. In order to achieve this target, the UK needs to radically increase its use of renewable energy.

However, since September 2020, the National Grid Electricity System Operator (ESO) has issued four electricity margin notices (EMNs), warning that the buffer of electricity supply required to ensure the lights remain on was too small<sup>1</sup>.

The Energy Trend Report (January-June 2021) which focuses on the supply and demand of coal, oil, gas, electricity and renewables in the UK also demonstrates that renewable generation fell on the same period last year due to less favourable conditions in 2021, particularly for wind. Therefore, nowadays, the influx or intermittent renewable generation such as wind turbines and solar farms has led to problems and congestion on the grid.

As the UK continues the transition to renewable power generation and mass adoption of new technologies changes the profile of electricity demand, utilities must find new, reliable, and resilient methods of balancing demand and supply.

Battery storage can support wind and solar generation dips, especially in the face of unpredictable weather patterns and rising electricity demand as a result of new technologies such as electric vehicles.

Battery energy storage will be a long-term player in the grid of the future, albeit scaling this technology remains the biggest challenge. When coupled with wind and solar generation, large-capacity batteries can store excess energy during peak solar or wind hours, dispatching when demand is high. While battery storage technologies have become more cost-effective with significant advancement in recent years, energy storage installations have not kept pace with the closure of power plants.

Battery energy storage is also considered to be a low carbon source of energy as it allows greater supply of intermittent renewable energy to be stored and released on the local and national grid network, which has strong policy support at a national and local level as mentioned above.

Therefore, battery energy storage, in an economic sense, provides an answer to the expansion of variable renewables and helps to 'balance the system'. The need to roll out new grid connected batteries at an unprecedented speed and scale is required now if the UK is to deliver net zero electricity emissions by the middle of the next decade. Such is the scale of the challenge that Imperial College London have estimated that 'over 140GW of grid-connected batteries will be needed to achieve our net zero ambitions, representing a 100-fold increase on the volume of use today<sup>2</sup>.

<sup>1</sup> [Meeting decarbonisation goals with reliability and resilience | Current News \(current-news.co.uk\)](https://www.current-news.co.uk/news/2020/09/01/meeting-decarbonisation-goals-with-reliability-and-resilience/)

<sup>2</sup> <http://www.imperial.ac.uk/news/223373/uk-offshore-wind-target-must-least/>

## 6.2. Site Selection Process

Energy storage projects need to be sited in locations where there is a cost effective and technically viable connection into the National Grid's transmission infrastructure, which can accommodate both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility.

The Proposed Development is located adjacent to Hams Hall Substation which is part of, and is operated by, the National Grid. Hams Hall Substation is one of twenty National Grid substations in England that the Applicant has determined to have adequate capacity available for its requirements, i.e. a minimum of 300MW of import capacity and 349.9MW of export capacity available (this analysis has been conducted using National Grid's publicly available ConnectNow tool<sup>3</sup>). Of these 20, following analysis there is not adequate land available at 12 of these substations as a result of limited space within the National Grid's existing substation compounds and lack of potential to expand onto surrounding land.

In 2019 National Grid announced two Pathfinder programmes: A Stability Pathfinder and A Constraint Management Pathfinder. The aim of the pathfinders was to identify and develop energy storage assets to provide stability and control constraints on the network. They identified two geographical bands in England (between B8 and B9), in which Hams Hall Substation falls, that were strategically capable of achieving the required level of stability and control (see Appendix 1). Only 2 of the remaining 8 substations originally shortlisted from the 20 are located between bands B8 and B9. Both are in Green Belt and Hams Hall is the only option for a project of this scale in the constraint management zone.

Hams Hall Substation is identified by National Grid's Stability Pathfinder as one of 3 substations in the Midlands rated as 'high' for its effectiveness in providing stability support at the national level. With only 2 being located between B8 and B9. Hams Hall Substation is also a Main Integrated Transmission System (MITS) node which means that connecting to this type of substation minimises wider works on the network and the diversity of constraint management services that can be provided to National Grid are maximised. In addition, a battery connected to a National Grid substation in the Midlands will help balance excess wind generation in the north with high demand in the south.

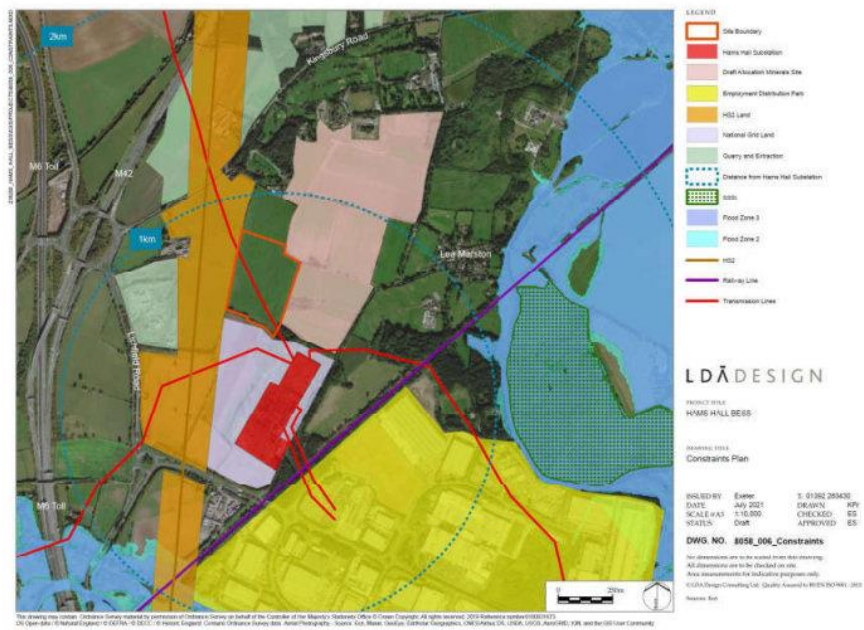
Hams Hall Substation has therefore been selected as a suitable location for a BESS by the Applicant from a nationwide review of locations. It should be noted that all of the locations highlighted within the Pathfinder are within Green Belt. This means that all options to solve this reinforcement issue will almost certainly require development on Green Belt land.

Figure 6.1 highlights that apart from the Green Belt designation, there are a range of other constraints around Hams Hall Substation that need to be considered in selecting the Site. The land surrounding the Hams Hall Substation is owned by National Grid. It is criss-crossed by a network of overhead lines, pylons and cables with sterilised buffers within which there can be no development, thereby making BESS development at a suitable scale unfeasible. The HS2 DCO area takes out a significant proportion of land to the west of Hams Hall Substation and makes development beyond it difficult. Significant areas to the

<sup>3</sup> <https://customer.nationalgridet.com/s/pre-application>

west and north are already in use as quarry and extraction pits, whilst the land identified in green is a Minerals Safeguarding Area. The land highlighted in yellow is the extent of Hams Hall Distribution Park, an employment allocation located on the site of the former Hams Hall Power Station. Beyond these locations the distance from the Substation increases, and the proximity of Lea Marston and Curdworth, which include numerous listed buildings, closes. Furthermore, Whitacre Heath SSSI and extensive flood zone 2 and 3 areas cover a large swathe of land to the east of the Substation. As a result of these constraints, the Proposed Development Site is considered to offer the only viable option for accommodating a BESS in close proximity to Hams Hall Substation.

**Figure 6.1 Site Selection – Constraints analysis**



**6.2.1. Very Special Circumstances**

As outlined, battery storage provides a vital source of flexibility for the energy system. It can support the integration of low carbon technologies, reduce the overall costs of operating the system and help avoid or defer costly reinforcements to the networks. As such, battery storage projects are nationally important infrastructure for supporting the delivery of the Government’s target of reducing carbon emissions.

Energy storage projects need to be sited in locations where an available connection into the National Grid exists, which can accommodate both the import and export of electricity at the level which can be provided by the proposed storage facility. Locations adjacent to main substations are necessary as this reduces and requirement for potentially visually

intrusive connection infrastructure, while also maximising the electrical efficiency of the storage facility and its interaction with the grid.

The Proposed Development is located adjacent to Hams Hall Substation which is part of, and is operated by, the National Grid. Hams Hall Substation is a MITS node, which is defined by the National Grid as a transmission substation with connections to more than 4 transmission circuits excluding Grid Supply Point transformer circuits. The definition of a MITS Substation is designed to reflect the need for a connection to be sufficiently deep into the main integrated transmission system to provide the diverse constraint management options described below. MITS connection works are defined as those transmission reinforcement works required from the connection site to a MITS Substation. In summary, by connecting to a MITS Substation, wider works on the network are avoided and the diversity of constraint management services that can be provided to National Grid are minimised.

The Proposed Development will offer benefits in various forms and to various stakeholders, including:

- Enabling the integration of more renewables (especially solar PV and wind) in the energy mix - 1MW of energy storage enables 4MW of renewables to connect to the grid meaning Hams Hall alone would enable 1.4GW of renewables in the UK;
- Decarbonising the electricity grid within the Borough and nationally – this project will therefore assist the Council deliver the commitments made in its Climate Emergency Action Plan;
- Decreasing the need to invest in new conventional generation capacity and upgrades, resulting in financial savings and reduced emissions especially from electricity generation; and
- Improving energy security by optimising the supply and demand, thus reducing the need to import electricity via interconnectors.

Hams Hall Substation has been selected by the Applicant following a national review of potential sites for a large-scale battery, based on various factors relating the utility and robustness of the connection to the grid as set out below.

There is no available land within 1km of the substation which is outside of the Green Belt. As the strategic substation is in the Green Belt, there is little choice but to locate critical supporting infrastructure in the Green Belt. That being so, as explained throughout this document, it is fortuitous that the application site is ideal in every other respect.

Given the national importance of the Proposed Development in providing infrastructure for supporting the delivery of the Government's target of reducing carbon emissions, it is therefore considered that Very Special Circumstances for development in the Green Belt are clearly demonstrated in accordance with Paragraph 147 of the NPPF.

### 6.3. Impacts on the Green Belt

Paragraph 137 of the NPPF states *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

The five purposes of Green Belt as set out in paragraph 138 of the NPPF are:

1. *“to check unrestricted sprawl of large built-up areas;*
2. *to prevent neighbouring towns merging into one another;*
3. *to assist in safeguarding the countryside from encroachment;*
4. *to preserve the setting and special character of historic towns; and*
5. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

A Green Belt Assessment submitted with this Planning Application identifies that the Site does not contribute to purpose 1 or 2 of paragraph 138.

The Assessment goes on to state that the Site plays a limited role in contribution to purpose 3 – to assist in safeguarding the countryside from encroachment. Development of the Site would result in some very limited harm to this purpose, which would be very limited owing to the contained nature and limited visibility of the Site and Proposed Development. The surrounding wider agricultural landscape would remain characteristic and predominant.

Overall, it is concluded that the strategic function of the Green Belt purpose 3 would remain intact and purposes 1, 2 and 4 would be unaffected and 5 is not relevant.

### 6.4. Access and highways

A Transport Statement and Construction Traffic Management Plan (CTMP) have been prepared in support of the Proposed Development. The Transport Statement assesses the suitability of access to the Site and the potential impact of the Proposed Development during construction and operation.

#### 6.4.1. Site Access – Construction

Access to the site will be via the existing access from the A4097 which has been developed for the construction of HS2. This access is of sufficient width to accommodate articulated vehicles and has visibility splays of 2.4 metres by 160 metres commensurate with the 50 miles per hour speed limit.

#### 6.4.2. Site Access – Maintenance

Access for the future maintenance vehicles will be via a proposed new HS2 access road from Hams Lane which passes to the south of the site.

**6.4.3. Traffic Impact**

The main period for traffic movements associated with the Site will occur during construction, with only four maintenance visits required per week when the BESS is operational. It is anticipated that there will be in the region of 1,440 HGV movements during the construction phase, which is anticipated to take approximately 18 months, with a typical average of 7 deliveries (14 vehicle movements) per day. In addition, it is expected that a daily workforce of around 20 personnel may be required on site at any one time.

In summary, the Proposed Development provides an opportunity to store electricity provided by zero carbon energy generating facilities at a location which can be safely accessed by construction and operational vehicles and at which the temporary traffic impacts during construction would be minimal. The Proposed Development is therefore in accordance with Core Strategy Policy NW10 (Development Considerations), Emerging Local Plan Policy LP25 (Transport Assessments) and paragraph 109 of the NPPF.

**6.5. Ecology and Biodiversity**

A Phase 1 Habitat Survey was carried out in July 2021 within a survey area that encompassed the Site and adjacent land. An Ecological Appraisal is submitted with the application. The Ecological Appraisal describes and evaluates the habitats and features present on Site and assesses their potential to support protected species. It also identifies potential impacts of the scheme on biodiversity and sets out retention, enhancement or mitigation measures needed. A summary of key findings of the appraisal is provided below.

**6.5.1. Statutory designated sites and Non-Statutory designated wildlife sites**

Whitacre Heath Site of Special Scientific Interest (SSSI) is located approximately 1km east of the Site. The Site falls within the Impact Risk Zone of this Site. However, given the geographical separation of the Site from the SSSI and the nature of the Proposed Development, no direct or indirect impacts on the SSSI are anticipated.

**6.5.2. Habitats**

The Proposed Development footprint will result in the temporary loss of approximately 9 ha of improved grassland and 0.092 ha of marshy grassland. In addition, improved grassland will be temporarily impacted by the proposed temporary access route, which will be reinstated following the completion of the works. The improved grassland habitat that forms the majority of the Site does not meet the criteria for any Habitats of Principal Importance grassland habitat types.

The marshy grassland area recorded at the north-east of the Site is considered to be a local priority habitat. This habitat is small in extent (0.092 ha) and separated from other areas of similar wetland habitat. This habitat is not considered to meet the criteria to qualify as a Habitat of Principal Importance as it is not botanically species-rich in plants.

### 6.5.3. Protected species

The Ecology Appraisal summarises the potential for, or evidence of, presence of protected and notable fauna in the Site. The Ecological Appraisal considers that, subject to the application of the proposed mitigation identified, the Proposed Development is unlikely to have an adverse impact on protected species.

### 6.5.4. Retention, enhancement and mitigation

The following measures for habitat creation and enhancement measures are proposed in principle:

- A 9-10m buffer zone from the hedgerows on the boundaries of the Site will be included within the development, using a mix of native shrub species and broadleaf trees, including the use of fruit and berry bearing species for the benefit of species such as birds and badger;
- New areas of native wildflower meadow will be created within the unfenced areas of the Site.
- Areas of dense scrub at the boundaries of the Site, to provide further sheltering opportunities for amphibians, reptiles, nesting birds and badger;
- Creation of new native species-rich hedgerow on the northern boundary of the main area of the Site;
- The infilling of gaps in existing hedgerows; and
- Tree planting that is in keeping with the local area.

### 6.5.5. Biodiversity Net Gain

The Applicant is committed to delivering biodiversity gain through development. Whilst the Proposed Development will not achieve biodiversity gain in terms of area-based habitat units, it will achieve biodiversity gain in relation to linear habitat units i.e. hedgerow.

The preferred option will be to enhance at least 1.5 ha of grassland within the same landownership (see blue line areas of Drawing number 04-7625), to be semi-improved neutral (species rich) grassland. The off-site compensation area will be managed for 30 years, and the on-going management of the habitats will be prescribed through a LEMP, to achieve a good condition of this habitat and provide long term biodiversity gain. The enhancement of other suitable habitats will also be considered to help generate sufficient biodiversity gain, as necessary. The off-site compensation areas will require a Phase 1 habitat survey and condition assessment in order to confirm the baseline value and the enhancement potential in Biodiversity Unit terms.

## 6.6. Landscape and visual impact

A Landscape and Visual Impact Assessment has been conducted of the Proposed Development and is included in the Planning Application submission.

### 6.6.1. Effects on Landscape Character

There are no designated landscapes, such as Areas of Outstanding Natural Beauty, within the Site or study area that would be potentially affected by the Proposed Development.



The iterative design process has carefully considered the siting of the Proposed Development within landscape of LCA 12 – Middleton to Curdworth Tame Valley Farmlands. The landscape fabric of the Site, including the field pattern and structure, would be retained. There would be limited changes to the topography of the Site. Effects on landscape character are greatest within the Site and its immediate context where the landscape would change from having an agricultural character to that of a BESS and associated infrastructure. However, given the low heights of the Proposed Development, the majority of development at approximately 3.5m, screening provided by the existing Site field boundary vegetation, and intervening field boundary vegetation, the scale of effect would reduce rapidly with distance beyond the Site, set within the context of existing National Grid and road infrastructure.

Effects on LCA 12 – Middleton to Curdworth Tame Valley Farmlands would be at most of **Moderate-Slight significance** and **Adverse** within the Site itself and within its immediate context. A **Slight** and **Adverse** landscape effect would extend approximately 100m to the north to the field boundary at Reindeer Park and along some fringes of the adjoining fields where there are evident gaps. Beyond these areas, effects on this LCA would be **Minimal** and **Neutral**.

Planting proposed along the Site boundaries would further reduce predicted landscape effects beyond the Site as it matures. Landscape and ecological enhancements as part of the proposed landscape planting would be retained and left to support the Biodiversity Net Gain (BNG) achieved on-site.

#### 6.6.2. Effects on Visual Receptors

The potential visibility of the Proposed Development would be largely limited given the relatively low elevation of the Site, relative flat topography of the surrounding area, low heights of the various proposed structures, and presence of existing vegetation along the Site boundaries and across the immediate surroundings. Field work has established that visibility of the Site is found to be largely limited to views up to approximately 150m to the north and partial inward views gained to the east (up to approximately 450m) and west (approximately 200m to 400m). Inward views to the north and south were found to be screened by landform and mature vegetation.

Visual effects arising from the Proposed Development would be at their greatest for visual receptors west of the Site, including footpath 165/M16/1, Dunton Hall and a short section of Kingsbury Road, and areas to the east including footpath 206/M14/1, a short section of Hams Hall Lane and an outlying Lea Marston property. From these locations in the short to medium term, effects would be of **Slight significance** and **Adverse**. As mitigation planting matures visual effects experienced from these locations would reduce to **Slight-Minimal** and, on balance, **Neutral**.

Outside of these locations effects on visual receptors would be **Minimal** and **Neutral** given the very limited visibility of the Proposed Development.

It should be noted that from all receptor groups it is considered unlikely that the Proposed Development would be seen given the low heights of the equipment.

### 6.6.3. Cumulative effects

Cumulative landscape and visual effects would arise from the introduction of the Proposed Development to a future baseline that includes the consented HS2 proposals directly west of the Site.

The HS2 proposals would substantially alter the southern part of LCA 12 - Curdworth-Tame Valley Farmland. HS2 would contribute the largest proportion of this cumulative effect and would become a permanent feature of the landscape, unlike the Proposed Development, which remains temporary and would be removed after its proposed operating life, 30 years.

Views experienced from the visual receptors directly east would be affected by HS2 proposals. However, the cumulative visual effect of this change would be to screen views looking towards the Site from the west, with limited potential for combined and sequential views experienced from footpath 165/M16/1 to the east, south and west.

The resultant cumulative effect on landscape character is assessed to be of **Moderate significance** and **Adverse** within the **Immediate** context of the Site given the extent of new development that would be introduced into the lightly undulating, agricultural landscape. HS2 would contribute the largest proportion of this cumulative effect and would become a permanent feature of the landscape, unlike the Proposed Development, which remains temporary and would be removed after its proposed operating life.

Cumulative effects on visual receptors would be limited to receptors immediately west of the Site where the rerouting of footpath 165/M16/1 would result in some potential combined and sequential views from short sections of the route resulting in **Slight, significance** and **Adverse** effect.

### 6.6.4. Landscape Plan

A Landscape Plan is submitted with the Planning Application. This Plan has been informed by the LVIA and discussions with BSG Ecology, setting out areas for new and enhanced planting to screen views from surrounding receptors.

Given the enclosed nature of the site and the incorporation of proposed mitigation measures, it is considered that the Proposed Development complies with Core Strategy Policy NW11 (Renewable Energy and Energy Efficiency) and emerging Local Plan Policy LP14 (Landscape).

### 6.7. Archaeology and Heritage

A Heritage Desk-based Assessment has identified no overriding heritage constraints to the Proposed Development.

There is the potential for Roman period remains to be present within the Site, as similar remains have been identified in close proximity to the Site during a recent archaeological evaluation. Potential Roman remains may comprise ditch features or pit features associated with an agricultural use of the Site, and would be of limited heritage significance.

It is likely that during the medieval and post-medieval period the Site was in use for arable cultivation, as such, buried remains of ridge and furrow cultivation may be present, as may former field boundaries. No previous built development appears to have occurred within the Site, and as such the expected survival of any potential buried remains would be good.

The Assessment has also considered the proposed changes to the setting of Grade II Listed Dunton Hall and a Grade II Listed Barn associated with Dunton Hall. The report found that the proposals would not impact upon the significance of these buildings, which is primarily derived from their architectural form. There is limited intervisibility between the Site and Dunton Hall and the planned route for HS2 runs between the Site and these buildings. Indeed, a significant section of the main Grade II listed barn will be demolished to allow for HS2 construction traffic routing. As such the report found that there would be no non-physical impact upon these heritage assets and there would be no harm to their significance from the proposals.

Therefore, it is considered that the Proposed Development would be in accordance with Policy NW14 (Historic Environment) of the Core Strategy and Policy LP15 (Historic Environment) of the emerging Local Plan.

#### 6.8. Noise

A Noise Statement has been submitted with the Planning Application. This Statement provides a comparison between the estimated rating noise level of the battery storage scheme and the future ambient noise level at the nearest NSRs to the site.

The rating noise level of the battery storage scheme is lower than the anticipated HS2 noise level during the daytime at all the nearest NSRs and during the night-time for dwellings at Dunton Hall. It is likely that the rating noise level will also be lower than the ambient noise level at 2 Hams Lane. Whilst the rating noise level exceeds the ambient noise level at Reindeer Park by up to 6 dB during the night-time if all equipment is continuously operational, the exceedance of the internal ambient noise levels suggested in BS 8233 by 1 dB is unlikely to be perceptible.

Potential noise mitigation measures include use of quieter equipment, use of equipment enclosures, localised noise barriers, or a noise barrier along the northern boundary of the site. It is therefore considered that, with noise mitigation, the aims of paragraph 180 of the NPPF, Core Strategy Policy NW10 (Development Considerations) and emerging Local Plan Policy LP31 (Development Considerations) will be met as noise from the proposed development will not result in any significant adverse impacts on health or quality of life to nearby NSRs.

#### 6.9. Flood Risk and Drainage

The Site is located within Flood Zone 1, and as such is considered to be at low risk of flooding from fluvial and sewer sources, very low risk of flooding from surface water, and moderate risk of flooding from groundwater sources. Given the low risk of flooding to the Site and the nature of the Proposed Development, no mitigation measures have been proposed.

The Site is currently greenfield. The impermeable areas across the Site are limited, therefore no formal drainage is required. As such, a pragmatic approach has been taken to promote infiltration and create storage across the Site. The proposed storage containers will be constructed atop concrete plinths with loose gravel between the plinths. The areas between the containers will also be stripped of grass and replaced by loose gravel, whilst approximately 30% of the Site will remain vegetated. Whilst this does alter the surfacing, the loose gravel will be freely draining, allowing runoff to infiltrate to the substrate as per the existing soft landscaped scenario. The loose gravel surface will intercept and distribute flows, create storage, attenuate runoff, and promote infiltration across the Site.

The following recommendations have been made:

- All ground-based services (cabling etc.) should be designed and installed to be flood resilient/water compatible, and this should be achieved in accordance with appropriate design standards and best practice guidelines.
- Any security fencing mesh sizing should be made as large as reasonably practical to ensure free flow of flood water through the fence and reduce the possibility of debris build up affecting overland flow routes.

Providing the development adheres to the conditions advised within the flood risk report, the proposals demonstrate that the runoff rates can be managed and mitigated on site and would not be increased post-development. Therefore, runoff would not adversely affect flood risk and surface water drainage at the Site. On this basis, it is considered that the requirements of Core Strategy Policy (NW10 (Development Considerations) and emerging Local Plan Policy LP31 (Development Considerations) will be met.

#### 6.10. Arboriculture

A Tree Survey has been conducted across the whole site. This has informed appropriate buffer margins between the Proposed Development and existing hedges.

No trees or hedgerows would be impacted by the Proposed Development. The existing gap in hedgerow through which the proposed construction access track will pass has been swept path tested for HGVs and does not need any further widening. The long-term maintenance access track that the BESS will link to will be provided by HS2.

#### 6.11. Socio-economic

The Proposed Development will not only directly contribute towards achieving the Government's carbon reduction aims but also helps achieve other important, social and economic goals. The scheme will generate economic benefits through generating jobs for installation, maintenance and its eventual decommissioning. Where possible local contractors, where quality, skills and services match requirements, will be used for the construction phase of the Proposed Development.

## 7.0 Conclusion

The Proposed Development is for the installation of a 349.9MW Battery Energy Storage System with associated infrastructure at land to the northwest of the existing Hams Hall Substation, North Warwickshire.

Given the national importance of the Proposed Development in providing infrastructure for supporting the delivery of the Government's target of reducing carbon emissions, it is considered that Very Special Circumstances for development in the Green Belt are clearly demonstrated in accordance with Paragraph 147 of the NPPF.

This Planning Statement has demonstrated that the Site is suitable for the development and is justified in planning policy terms. Where impacts may be experienced in relation to landscape and visual impacts and ecology, mitigation measures are proposed in order to adequately manage them so that effects are minimised or removed.

The Proposed Development accords with the relevant policies of the Development Plan and emerging Local Plan and as such can be approved without delay.

**Appendix 1 MITS Substations**

8058  
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# Appendix A



System schematics and geographic drawings

## Contents

Appendix A includes a set of system schematics and geographic drawings of the current NETS, with the approximate locations of existing power stations and reactive compensation plants shown. The schematics also show the NETS boundaries and ETYS zones we have used in our analysis. This year we have included an appendix A8 which identifies the relevant GB existing MTS substation.

### Appendix A

Geographical	
A1 - GB Existing Power Stations.....	2
A2 - GB Existing Transmission System.....	3
A3 - GB Transmission System Boundaries.....	4
Schematic	
A4 - GB Existing Transmission System.....	5
A5 - GB Transmission System ETYS Zones.....	6
A6 - GB Transmission System Boundaries.....	7
A7 - GB Reactive Compensation Plant.....	8
A8 - GB Existing MTS Substations.....	9





Figure A2: GB Existing Transmission System

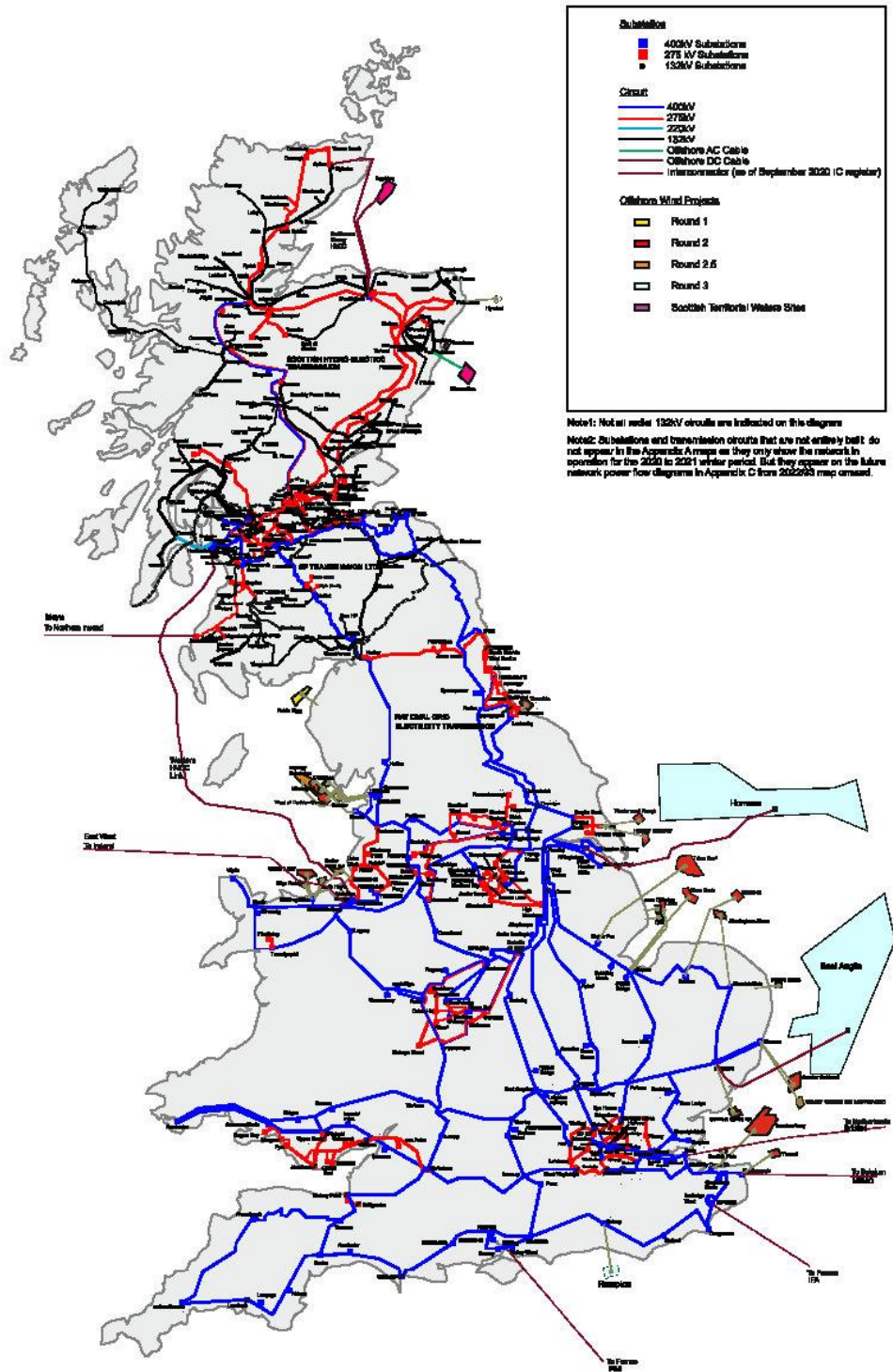


Figure A3: GB Transmission System Boundaries

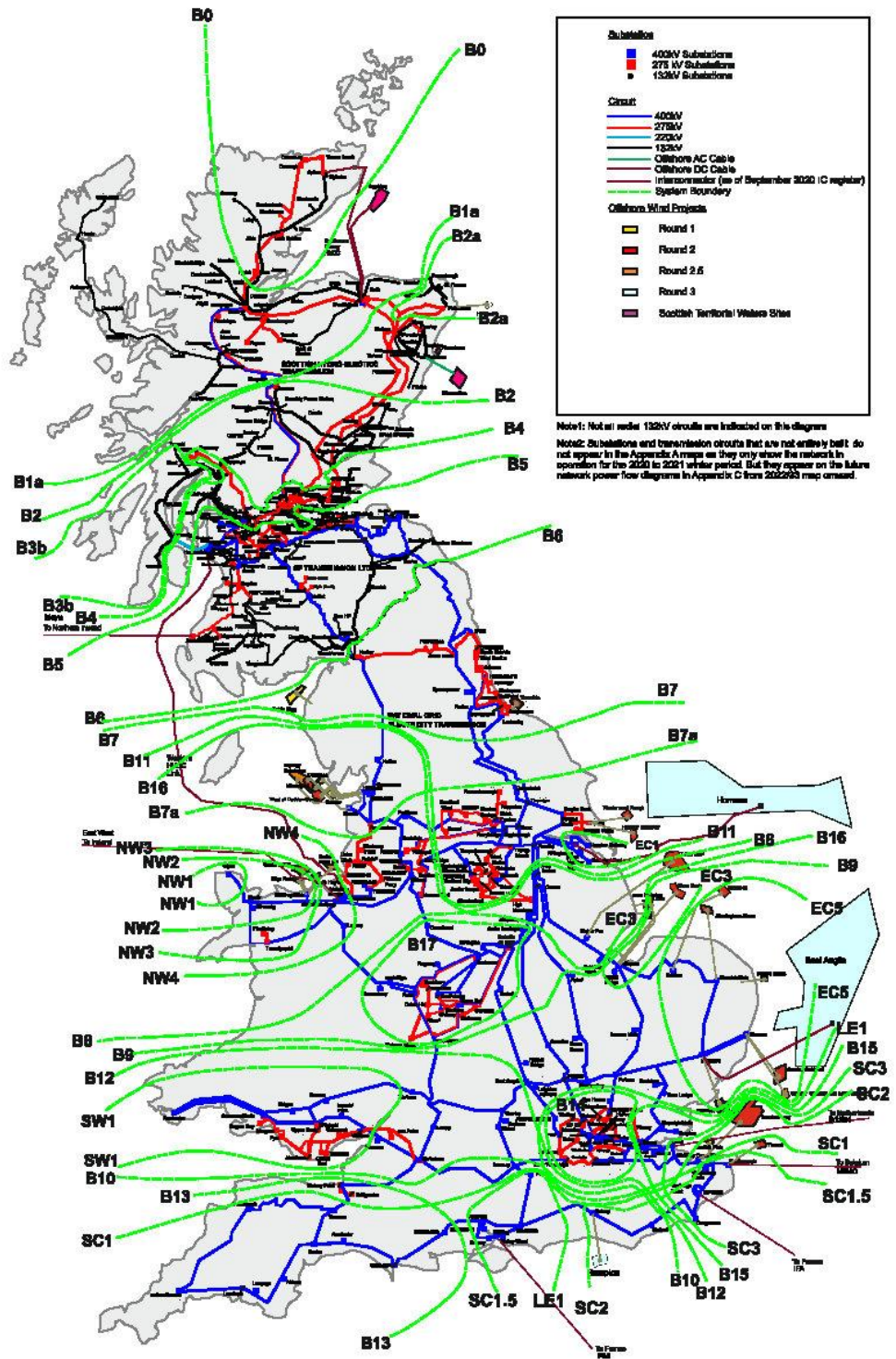
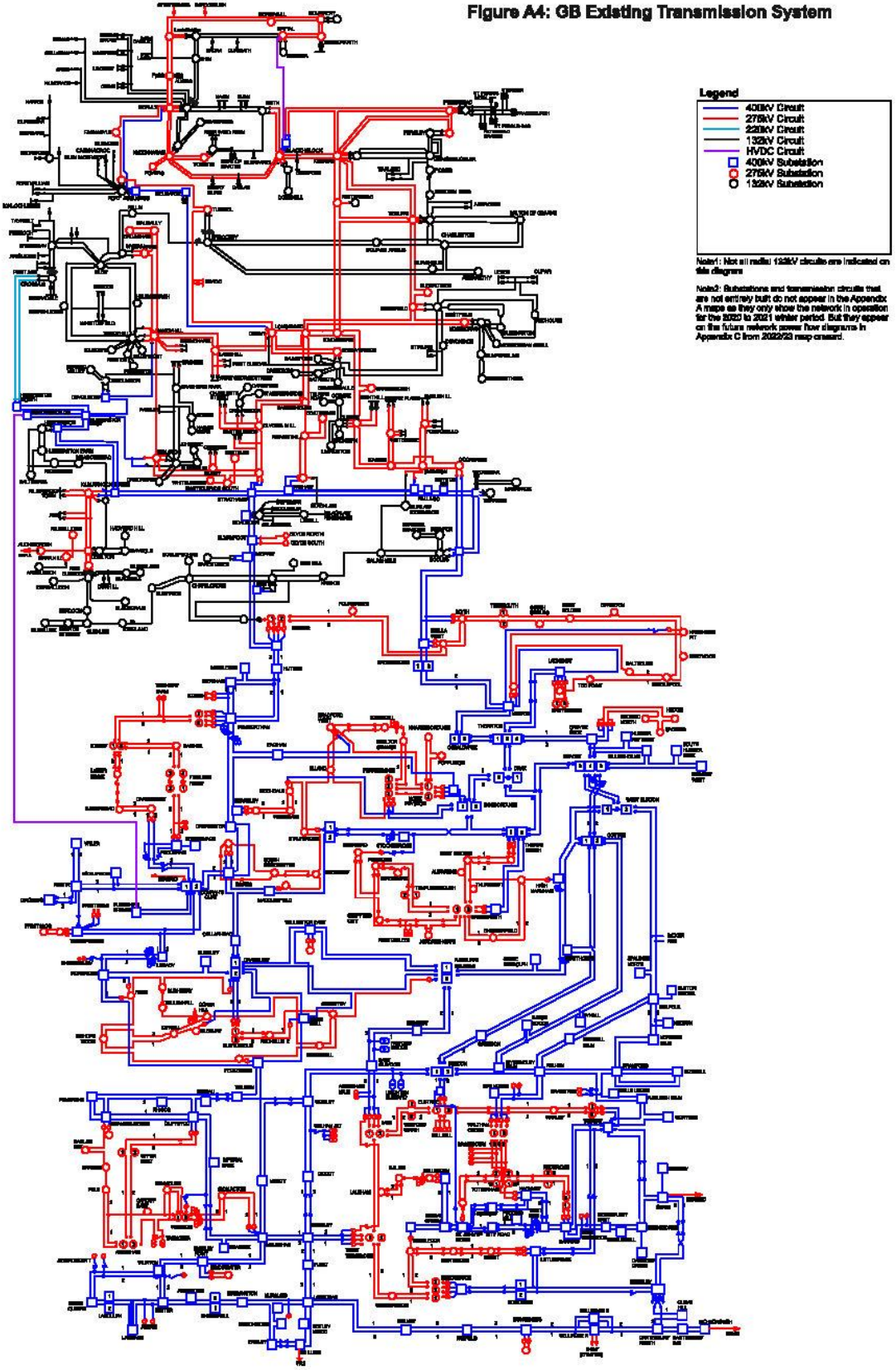


Figure A4: GB Existing Transmission System

SHE TRANSMISSION

RP TRANSMISSION

NATIONAL GRID



- Legend**
- 400kV Circuit
  - 275kV Circuit
  - 225kV Circuit
  - 132kV Circuit
  - HVDC Circuit
  - 400kV Substation
  - 275kV Substation
  - 132kV Substation

Note 1: Not all 132kV circuits are indicated on this diagram

Note 2: Substations and transmission circuits that are not entirely built do not appear in the Appendix A maps as they only show the network in operation for the 2002 to 2011 winter period. But they appear on the future network power flow diagrams in Appendix C from 2022/23 map created.

Figure A5: GB Transmission System ETYS Zones

SHE TRANSMISSION  
RP TRANSMISSION  
NATIONAL GRID

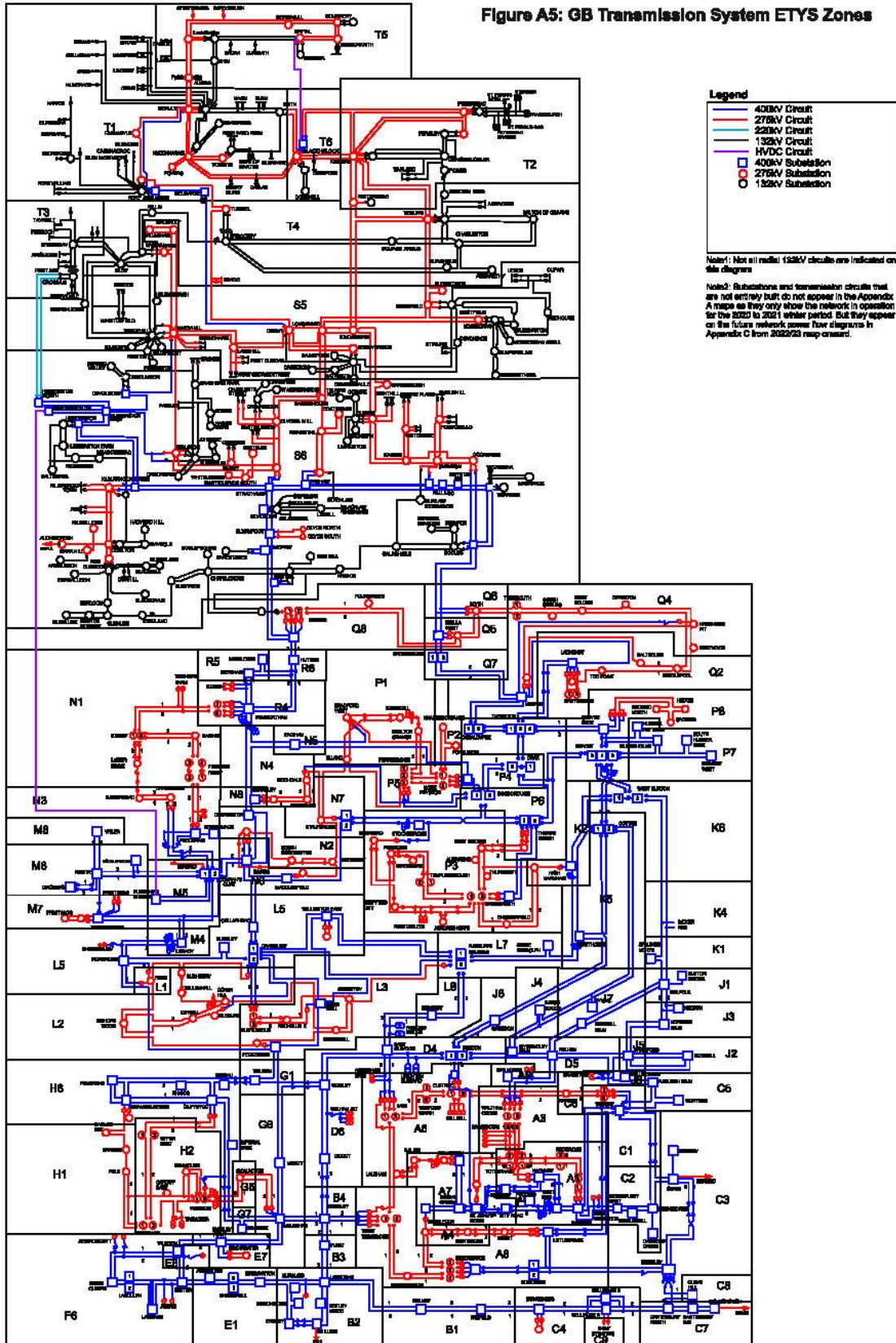


Figure A6: GB Transmission System Boundaries

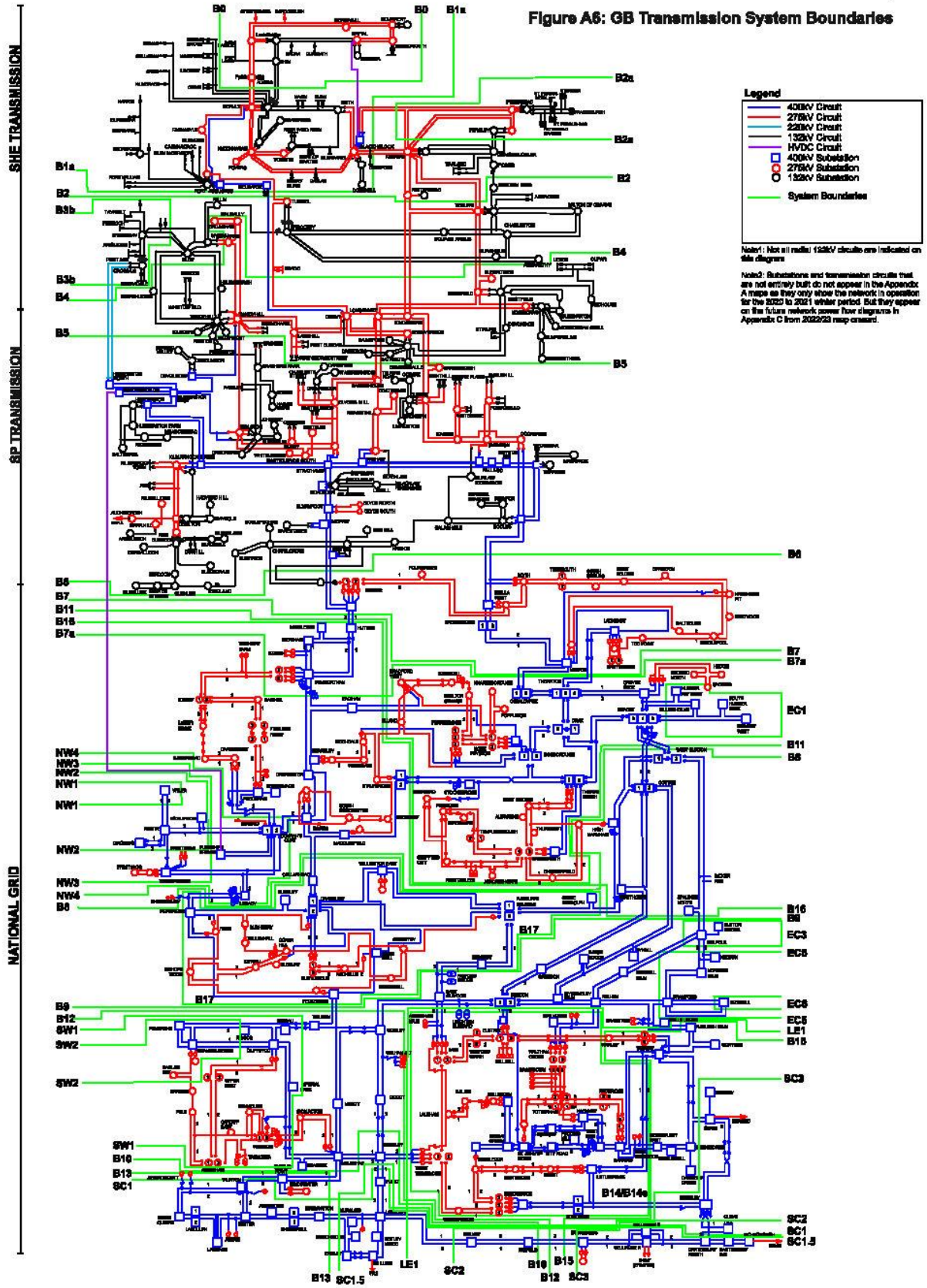


Figure A7: GB Reactive Compensation Plant

SHE TRANSMISSION

RP TRANSMISSION

NATIONAL GRID

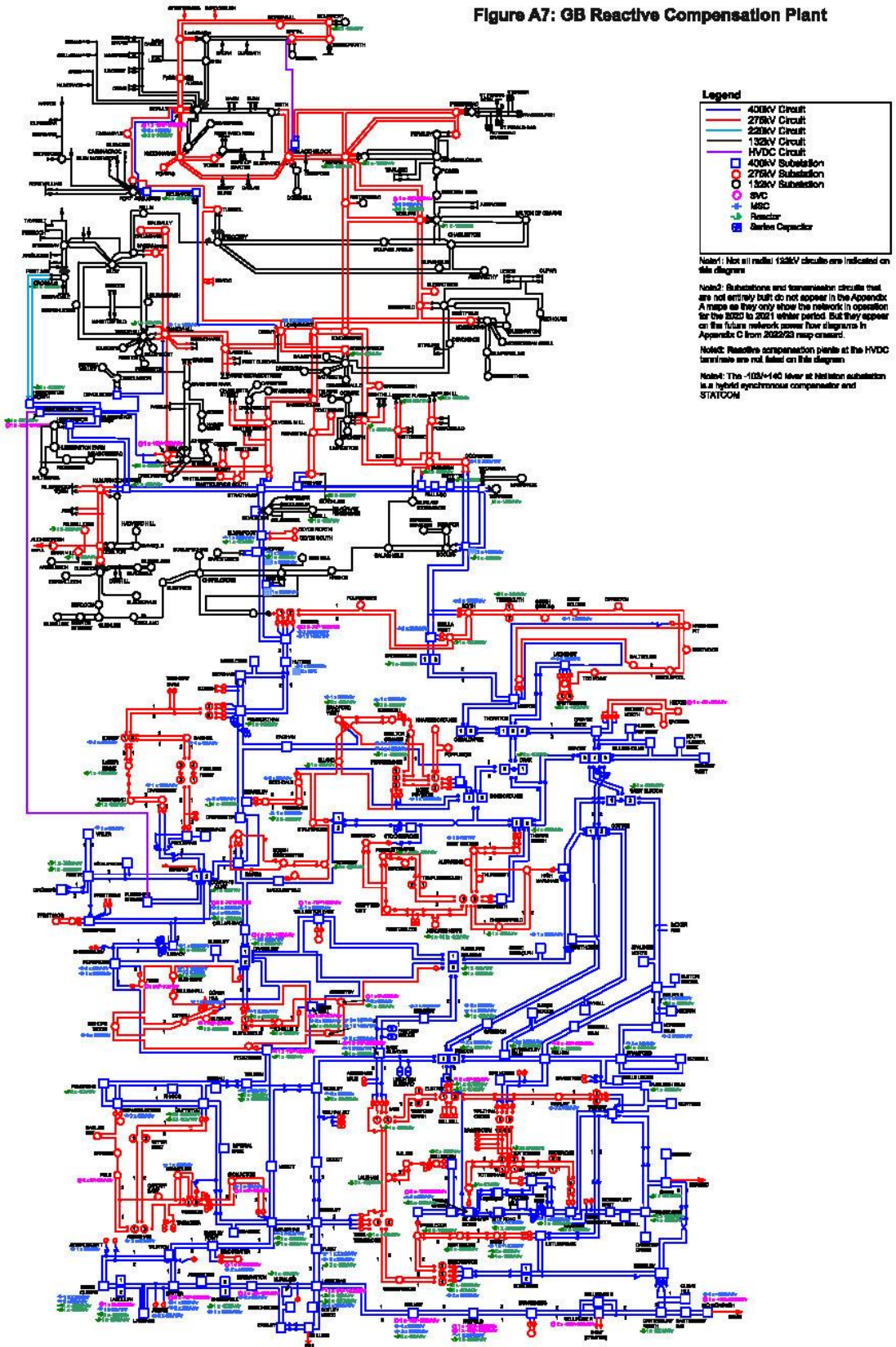
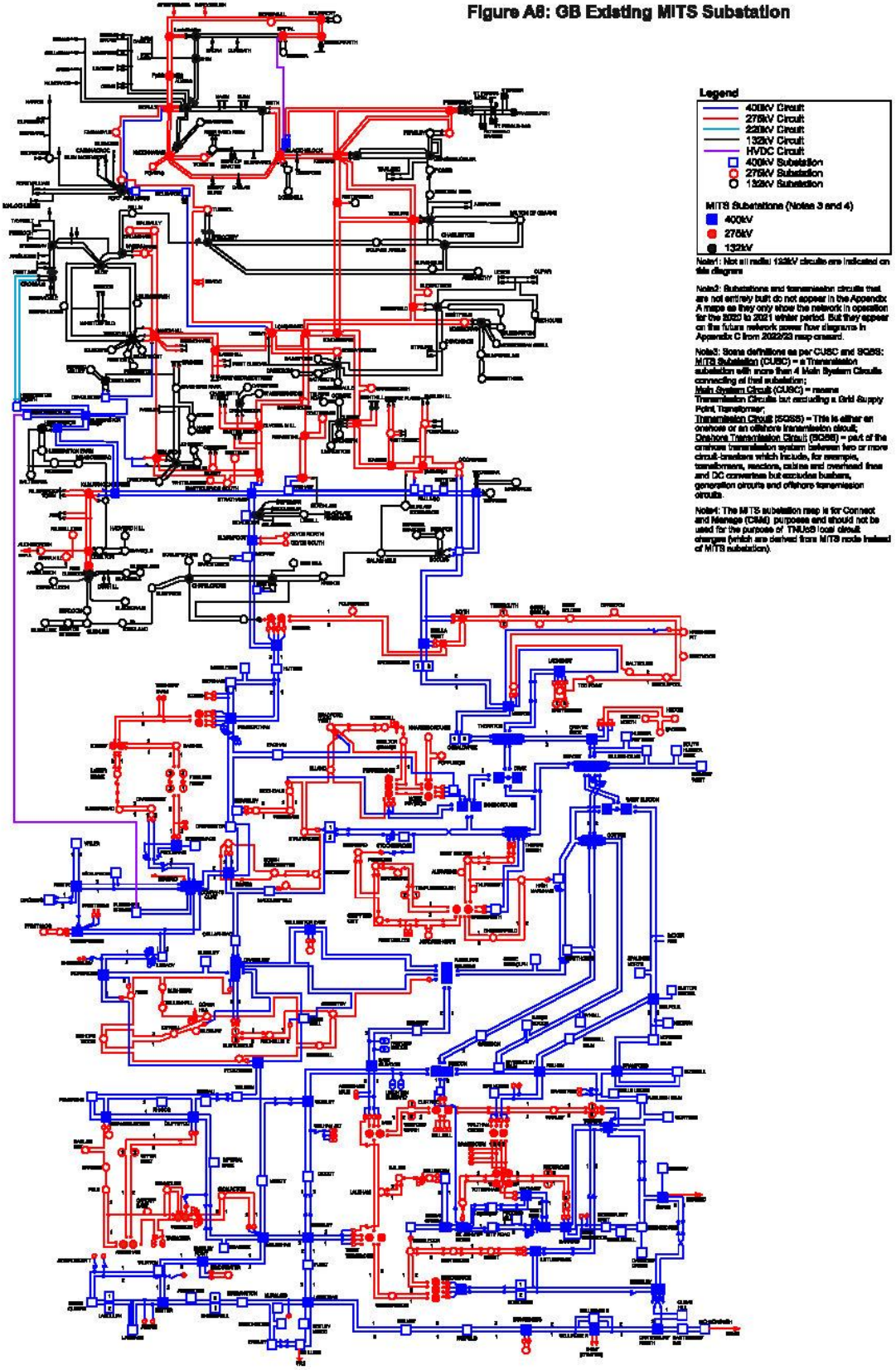


Figure A8: GB Existing MITS Substation

SHE TRANSMISSION

RP TRANSMISSION

NATIONAL GRID



- Legend**
- 400kV Circuit
  - 275kV Circuit
  - 225kV Circuit
  - 132kV Circuit
  - HVDC Circuit
  - 400kV Substation
  - 275kV Substation
  - 132kV Substation
- MITS Substations (Notes 3 and 4)
- 400kV
  - 275kV
  - 132kV

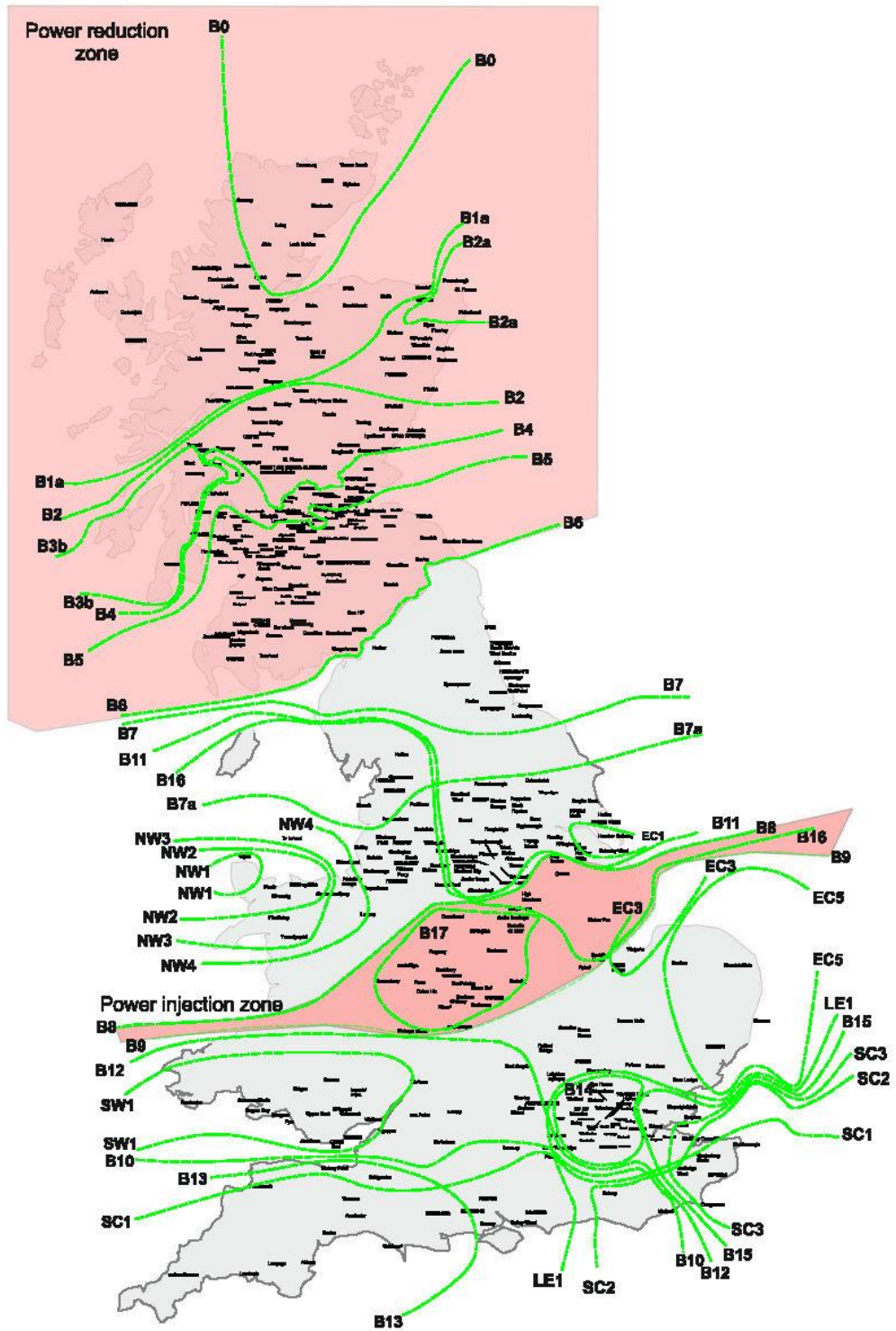
Note1: Not all 132kV circuits are indicated on this diagram

Note2: Substations and transmission circuits that are not entirely built do not appear in the Appendix A maps as they only show the network in operation for the 2023 to 2024 winter period. But they appear on the future network power flow diagrams in Appendix C from 2022/23 map created.

Note3: Some definitions as per CUSC and SCBS:  
**MITS Substation (CUBC)** = a Transmission substation with more than 4 Main System Circuits crossinging at that substation;  
**Main System Circuit (CJSC)** = means Transmission Circuits but excluding a Grid Supply Point Transformer;  
**Transmission Circuit (SCSB)** = This is either an onshore or an offshore transmission circuit;  
**Onshore Transmission Circuit (OSCB)** = part of the onshore transmission system between two or more circuit-breakers which include, for example, transformers, reactors, cables and overhead lines and DC conversion but excludes busbars, generation circuits and offshore transmission circuits.

Note4: The MITS substation map is for Connect and Manage (CAM) purposes and should not be used for the purposes of TNUoS cost default charges (which are derived from MITS nodes instead of MITS substation).

## Constraint Management Pathfinder Transmission System Boundaries of Focus





Stability Path for Phase 1 - appa sdc: substation effectiveness weighting table

Site Name	Site ID	Voltage	Region	Stability support national	Stability support local	Regional voltage
Bicker Pan	BICP	400	E_Midlands	High	Low	High
Bicker Pan	BICP	400	E_Midlands	High	Low	High
Buckholme	BUST	400	W_Midlands	High	Low	Low
Callarhead	CELL	400	W_Midlands	High	Low	Low
Cottam	COTT	400	E_Midlands	High	Low	High
Drakelow	DRAK	400	W_Midlands	High	Low	Low
Drakelow	DRAK	400	W_Midlands	High	Low	Low
Hans Hall	HAMB	400	E_Midlands	High	Low	Low
High Newtham	HIGH	400	E_Midlands	High	Low	Low
Ironbridge	IRON	400	W_Midlands	High	Low	High
Ironbridge	IRON	400	W_Midlands	High	Low	Low
Oldbury	OLDB	400	W_Midlands	High	Low	Low
Pafford Bridge	PAFB	400	W_Midlands	High	Low	Low
Penn	PENN	400	W_Midlands	High	Low	Low
Ratcliffe-On-Soar	RATS	400	W_Midlands	High	Low	Low
Rugby	RUGE	400	W_Midlands	High	Low	Low
Shrewsbury	SHRE	400	W_Midlands	High	Low	Low
Spalding North	SPLN	400	E_Midlands	High	Low	High
Staythorpe	STAY	400	E_Midlands	High	Low	High
Stoke Bardolph	STOB	400	E_Midlands	High	Low	High
West Burton	WBLR	400	E_Midlands	High	Low	High
Willington East	WILE	400	W_Midlands	High	Low	Low
Alderley Park	ADDP	132	W_Midlands	Low	Low	Low
Ashby	ASPO	132	E_Midlands	Low	Low	High
Barnston	BARN	132	W_Midlands	Low	Low	Low
Bentley	BENT	132	W_Midlands	Low	Low	Low
Berkswell	BESW	132	W_Midlands	Low	Low	Low
Bicker Pan	BICP	132	E_Midlands	Low	Low	High
Bishops Wood	BESW	132	W_Midlands	Low	Low	Low
Black Lake	BLAL	132	W_Midlands	Low	Low	Low
Bosham	BOTH	132	W_Midlands	Low	Low	Low
Brougham Road	ROUG	132	W_Midlands	Low	Low	Low
Burnwood	BWOD	132	W_Midlands	Low	Low	Low
Burslem	BURS	132	W_Midlands	Low	Low	Low
Burton	BURT	132	W_Midlands	Low	Low	Low
Burton South	BUTS	132	W_Midlands	Low	Low	Low
Bushby	BUSH	132	W_Midlands	Low	Low	Low
Busheolme	BUST	132	W_Midlands	Low	Low	Low
Cannock	CANN	132	W_Midlands	Low	Low	Low
Canterbury	CANN	132	W_Midlands	Low	High	Low
Casle Bromwich	CASB	132	W_Midlands	Low	Low	Low
Callarhead	CELL	132	W_Midlands	Low	Low	Low
Chapelide	CHEA	132	W_Midlands	Low	Low	Low
Chasenhua	CHEC	132	E_Midlands	Low	Low	High
Chelmsley Wood	CHEW	132	W_Midlands	Low	Low	Low
Cilgostre	CLIP	132	E_Midlands	Low	Low	High
Coalville	COVI	132	W_Midlands	Low	Low	Low
Coppenhill	COPP	132	W_Midlands	Low	Low	Low
Copt Heath	COPT	132	W_Midlands	Low	Low	Low
Coventry	COVE	132	W_Midlands	Low	Low	Low
Coventry Central	COVC	132	W_Midlands	Low	Low	Low
Coventry South	COVS	132	W_Midlands	Low	Low	Low
Coventry West	COVW	132	W_Midlands	Low	Low	Low
Cress	CRES	132	W_Midlands	Low	Low	Low
Daverby	DAVE	132	W_Midlands	Low	Low	Low
Derby	DERB	132	W_Midlands	Low	Low	Low
Derby South	DEBS	132	W_Midlands	Low	Low	Low
Drakelow	DRAK	132	W_Midlands	Low	Low	Low
Elmdon	ELMD	132	W_Midlands	Low	Low	Low
Erington	ERDI	132	W_Midlands	Low	Low	Low
Farsbrook	FOBR	132	W_Midlands	Low	Low	Low
Grentham	GREN	132	E_Midlands	Low	Low	High
Grentham North	GRNO	132	E_Midlands	Low	Low	High
Grentham South	GRAS	132	E_Midlands	Low	Low	High
Gresley	GRES	132	W_Midlands	Low	Low	Low
Hans Hall	HAMB	132	W_Midlands	Low	Low	Low
Harbury	HARB	132	W_Midlands	Low	Low	Low
Hatton Gas Compressor	HATG	132	E_Midlands	Low	Low	High
Heaton	HAMT	132	E_Midlands	Low	Low	High
Hamor	HEAM	132	W_Midlands	Low	Low	Low
Hercford	HERC	132	W_Midlands	Low	Low	Low
Hincley	HINC	132	W_Midlands	Low	Low	Low
Hortonwood	HAWW	132	W_Midlands	Low	Low	Low
Ironbridge	IRON	132	W_Midlands	Low	Low	Low
Katley	KATL	132	W_Midlands	Low	Low	Low
Kings Green	KING	132	W_Midlands	Low	Low	Low
Knowl	KNOW	132	W_Midlands	Low	Low	Low
Lea Marston	LEAM	132	W_Midlands	Low	Low	Low
Lincoln	LINC	132	E_Midlands	Low	Low	High
Longton	LONG	132	W_Midlands	Low	Low	Low
Loughborough	LOUG	132	W_Midlands	Low	Low	Low
Malsom	MALV	132	W_Midlands	Low	Low	Low
Medford C	MEFC	132	W_Midlands	Low	Low	Low
Melton Mowbray	MELM	132	E_Midlands	Low	Low	High
Middlemeh	MIDD	132	E_Midlands	Low	Low	High
Nechells	NECH	132	W_Midlands	Low	Low	Low
Newcastle	NEWC	132	W_Midlands	Low	Low	Low
North Greatwell	NOGR	132	E_Midlands	Low	Low	High



**Agenda Item No 7**

**Planning and Development Board**

**6 December 2021**

**Report of the  
Head of Development Control**

**Appeal Update**

**1 Summary**

1.1 This report brings Members up to date with recent appeal decisions.

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted.</b></p>
---

**2 Appeal Decisions**

**a) Kinwalsey**

2.1 This decision relates to the erection of a new dwelling in the Green Belt in one of the most isolated areas of the Borough. The Inspector was not convinced that the design and appearance of the property was of sufficient weight to override the substantial Green Belt harm caused. A copy of the decision letter is at Appendix A.

...

**b) Whitacre Heath**

2.2 This decision relates to a proposal for up to 30 affordable dwellings in the Green Belt on the edge of Whitacre Heath. The dismissal of the Appeal is comprehensive in its scope, giving no weight to the appellant's considerations and utilises the new Local Plan to its full potential. A copy of the decision letter is at Appendix B.

...

**c) Baxterley**

2.3 This appeal related to the change of use of a building to holiday accommodation. The inspector here followed the new Local Plan in finding that this was an isolated and unsustainable location. The letter is at Appendix C.

...

### 3 Report Implications

#### 3.1 Environment, Sustainability and Health Implications

3.1.1 The Kinwalsey and Baxterley decisions clearly accord with the sustainability and spatial objectives, as well as the policies of the new Local Plan. The Whitacre Heath decision reflects the weight now to be given to these issues with the new Local Plan.

#### 3.2 Links to Council's Priorities

3.2.1 The decisions accord with the priorities of protecting the Borough's rural character and the Green Belt.

The Contact Officer for this report is Jeff Brown (719310)

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>



## Appeal Decision

Site Visit made on 16 September 2021

**by R Walmsley BSc, MSc, MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2021**

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**Appeal Ref: APP/R3705/W/21/3275107**

**Land 185 metres North West of Rutters Hall, Kinwalsey Lane, Kinwalsey CV7 7HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Cotterill c/o Architecture by John Cotterill against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2020/0478 dated 7 September 2020, was refused by notice dated 16 April 2021.
  - The development proposed is the erection of a new detached dwelling house and detached garage.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The address in the banner heading above has been taken from the appeal form as this more accurately describes the location of the appeal site.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.
4. On the evidence available to me I am content that the emerging Local Plan has reached an advanced stage in its preparation and therefore substantial weight can be attached to it for the purposes of the determination of this appeal.

### Main Issues

5. As the site is within the Green Belt the main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect on the openness of the Green Belt;
  - the relationship to the development strategy for the area; and
  - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this

amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate development*

6. The Framework at Paragraph 149 indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within a number of exceptions as set out in the paragraph. The development would not meet any of the exceptions listed, nor those within Policy LP3 of the emerging draft Local Plan (2018) including modifications (July 2021) (DLP). The proposal would, therefore, be inappropriate development in the Green Belt. The main parties have come to the same conclusion. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

### *Effect on openness of the Green Belt and purposes*

7. The Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." It has been established that openness has both a spatial and visual aspect.
8. In spatial terms, the footprint and massing of the development would reduce the Green Belt's openness. Visually, while the building has been designed to fit the site, it would result in the area being significantly more urbanised than the existing situation. The ground works proposed and the comings and goings associated with the development would reinforce the developed nature of the site. Despite the country roads, motorway and Rutters Hall nearby, the site itself is a large open field which is rural in character and the development would introduce a dwelling of notable proportions onto a site that, because of its character, is currently inconspicuous and undeveloped.
9. The development would be screened, in part, by existing vegetation on the site boundaries and by the motorway to the north. Nonetheless, some of this planting is fragmented, particularly on the southern boundary of the site, and is deciduous meaning that the development would not be screened all year. The boundary planting would be reinforced with hedging and shrubs and trees that bear berries or nuts. However, without a planting specification to suggest otherwise, I surmise that this planting would also be deciduous and modest in scale, limiting its mitigating effects on visual grounds.
10. The above factors lead me to conclude that the development would lead to significant harm to the openness of the Green Belt. Through that loss, there would be an intrusion into the countryside, conflicting with one of the five purposes of the Green Belt, set out in Paragraph 138 of the Framework. In accordance with the Framework, substantial weight must be given to this harm.

### *Development Strategy*

11. Policy NW2 of the Core Strategy (2014) (CS) and Policy LP2 of the DLP set out the development strategy and settlement hierarchy through which new development is to be directed. The development would lie outside of a defined settlement and fall under category 5 of Policy NW2. The development is not necessary for agriculture, forestry or other uses that can be shown to require a

- rural location, nor is the proposal for affordable housing. And so, the development conflicts with Policy NW2.
12. The development would also fall under category 5 of Policy LP2. There are several special circumstances listed to justify new isolated homes in the countryside.
  13. On the matter of isolation, according to the Court of Appeal in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610* the word "isolated" simply connotes a dwelling that is physically separate or remote from a settlement. In this case, the new dwelling would be and therefore would be an isolated home in the countryside. Turning to the special circumstances listed, the development would not meet rural workers' needs, relate to a heritage asset, re-use a redundant building, sub-divide an existing residential dwelling or relate to a rural exception site.
  14. The remaining exception listed is a development of exceptional quality or innovative design when considered on its merits and with regard to other policies in the Plan. Paragraph 80 of the Framework explains what is meant by exceptional design quality, namely a development that is 'truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'
  15. I commend the appellant for entertaining the notion of a building that brings site context and environmental sustainability to the fore. Measures including environmentally responsible materials, energy efficient technological solutions and habitat creation point to a sustainable building. The building's fenestration and orientation to respond to light, sunlight, shelter, privacy and views add to the development's environmental credentials. The building is also innovative in so far as technologies would create a building that is secure, private and future proofed against current and future pandemics.
  16. However, the design is heavily influenced by the client's need for a large dwelling to accommodate multiple generations, with maximum security and with good access to the airport. Privacy and noise have also featured heavily in the design brief. This is not unreasonable, however, it does not speak of a building that places sustainability and rural context at its heart.
  17. Measures including automated intelligent systems may be innovative in their own right but they do not combine with other innovative design and construction techniques to create a building that sets new standards for development in rural areas. And so I find that whilst the building is beautiful architecturally, it does not harmonise with its environment so that its energy requirements is reduced to the absolute minimum and so minimise expensive eco-technology.
  18. The form and massing of the development creates a building that in three-dimensional terms would not appear unduly dominant. However, the building would not be inconspicuous or overly sensitive to its setting, owing to its lavish proportions and urban geometry. Whilst not in any way decrying the quality of the proposal as a piece of architecture, for the reasons given the development would not meet the high bar set by planning policy, that of a building being truly outstanding and significantly enhancing its immediate setting. I recognise

that good design is a key aspect of sustainable development but that presupposes that the use, of itself, is acceptable for that location.

19. Therefore, for these reasons, the proposal does not represent any of the categories of development permitted in the open countryside. The proposal is therefore contrary to Policy NW2 of the CS and Policy LP2 of the DLP.

*Other considerations*

20. The development would free up existing housing and provide the social benefit of pastoral care. However, I have no evidence before me of the houses that would be released to gauge to what extent this would help meet the Council's need for housing. Whilst multi-generational living is a social benefit it is not an innovative concept. I give the social benefits of the development limited weight.
21. Given the security requirements of the client, I question whether he and his family will travel to and support the services and facilities nearby. Being a development for one house, the benefit of the development to local employment is limited. The economic benefits, therefore, attract little positive weight.
22. The appellant suggests that the site is unsustainable for agriculture but it is not clear why the size of the site and its location make this so. The Council's landscape management strategy supports pasture and therefore, as the appellant suggests, the site could be used to graze horses. This matter carries no weight in favour of the appeal.
23. It is not clear how the measures to maximise the ecological value of the site enhance the heritage asset of the Ancient Arden landscape for this to attract positive weight. Nonetheless the ecological measures proposed are welcome, albeit there seems to be some doubt over the green roof proposed. The ecological benefits carry moderate weight.
24. There is no evidence before me of the search for alternative sites. I accept that it would be difficult to accommodate a building of the form and scale proposed within a more urban context, simply because of its size. However, that is not to say that a building that offers multi-generational living, is secure, accessible, environmentally sustainable and of high architectural merit could not be realised in an urban location; often the most challenging briefs culminate in the most innovative buildings. The appellant suggests that a plot of this size is needed for the dwelling to be fully accessible and to meet Lifetime Home Standards but no further details are given to explain why this is the case. This factor attracts limited beneficial weight.

**Balance and Conclusion**

25. The proposal would amount to inappropriate development as defined by the Framework, and which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the proposal would lead to a loss of openness in the Green Belt and it would be contrary to one of the purposes of the Green Belt. I have also concluded that the proposal would be contrary to Policy NW2 of the CS and Policy LP2 of the DLP. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.



26. I give moderate weight to the other considerations. These, taken together, do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

**Conclusion**

27. For the reasons set out, the proposal would conflict with the development plan when taken as a whole. Material considerations put forward in this case do not indicate that permission should be granted despite this conflict. Therefore, the appeal is dismissed.

*R Walmsley*

INSPECTOR



## Appeal Decision

Site Visit made on 26 October 2021

**by R Hitchcock BSc(Hons) DipCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 November 2021**

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**Appeal Ref: APP/R3705/W/21/3267698**

**Land west of Station Road, Nether Whitacre, Coleshill B46 2EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mrs Susan Kingston against North Warwickshire Borough Council.
  - The application Ref PAP/2019/0671, is dated 4 December 2019.
  - The development proposed is an outline application (access only) for the erection of up to no.30 affordable dwellings land west of Station Road, Nether Whitacre, Birmingham, B46 2EH.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission on four grounds. I have had regard to this statement for the residential development of the site and the evidence of interested parties in framing the main issues.
3. Since the date that the appeal was registered the Council have adopted the North Warwickshire Local Plan 2021 (NWLP). For the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 this is the development plan against which the proposal must be assessed. The main parties have had the opportunity to provide comments on any relevant implications for the appeal and have not therefore been prejudiced.
4. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.
5. The application was submitted in outline with all matters reserved save for the details of the site access and I have determined the appeal on that basis.

### Main Issues

6. The main issues are:
  - whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and the relevant development plan policy

- whether or not the location would be suitable for housing having regard to flood risk
- whether or not the location would be suitable for housing having regard to accessibility to services and facilities
- whether or not the proposal would conserve or enhance biodiversity
- the effect of the development on highway safety
- the effect of the development on the character and appearance of the locality
- if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Green Belt*

7. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, a number of exceptions are made. Of those exceptions the appellant directs me to (now) Paragraphs 149 e) and 149 f) relating to limiting infilling in villages and limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) respectively.
8. Policy LP3 of the NWLP reflects the Framework's restriction to development in the Green Belt. It provides details of how Green Belt policy will be implemented at the local level. In relation to infilling, the Policy states that 'limited infilling may also be acceptable where a site is clearly part of the built form of a settlement, i.e. where there is substantial built development around three or more sides of a site.'
9. The site consists of an open grazing field bordered by mature hedging and intermittent trees. It lies adjacent to, but outside of, the southern edge of the NWLP's defined settlement area for Whitacre Heath. The land to the west is mainly open and includes a residential garden and grazing land. Some distance to the south is an isolated dwelling with intervening garden and poultry areas. A freestanding village hall lies to the east.
10. Although immediately adjacent to the well-defined edge to development along the southern boundary of the village, the undeveloped site is bordered by predominantly open land with only intermittent built development on the remaining 3 sides. The sites to the south, east and west could not be described as having 'substantial' amounts of built development. As a site that would extend into open countryside, it would neither infill between areas of built development nor round off the existing pattern of development. Accordingly, the site would conflict with the definition of 'infilling' in Policy LP3.
11. The proposal would deliver up to 30 units of affordable housing. Whilst support for the delivery of affordable housing, including on sites adjacent to settlement

- boundaries, is provided within Policy LP2 of the NWLP, in Green Belt locations this is subject to limited affordable housing for local community needs.
12. There is no dispute between the main parties that there is an affordable housing requirement across the borough. According to the appellant, a recent Affordable Housing Needs Update suggests that a greater proportion of affordable housing in the overall housing delivery figure is required.
  13. However, in the supporting text to Policy LP9 relating to affordable housing delivery, 'local' is initially considered at the ward level before broadening out to adjacent ward areas. The appellant suggests that the proposal will positively address the housing needs of the Parish and the village. However, there is little evidence of the actual needs arising from either the village, Parish or ward areas.
  14. I acknowledge that the Council's housing waiting list from early 2020 indicated 24 individuals or families awaiting accommodation that had expressed the area of Nether Whitacre as a desired location. However, that is not necessarily a measure of need derived from the locality. According to the Council, only 2 of those prospective individuals or families live in the vicinity. Whilst other legitimate need might arise from those with a connection to the local area or who work nearby, there is little substantive evidence to demonstrate a current local demand for the 30 units proposed.
  15. I also note the findings of a survey supporting the development of a Neighbourhood Plan. However, the information provided is limited. It does not provide an objective assessment of local need or a solid evidence base to support it. Furthermore, there is little before me to indicate that those views have since been incorporated into Policies within the NWLP or elsewhere.
  16. In relation to scale, Policy LP2 indicates a threshold of up to 10 units on undesignated windfall sites in the context of Category 4 settlements. This permissive policy for the expansion of small rural settlements must be taken with regard to the size of the existing settlement and the services within it.
  17. According to the Council, the proposal would increase the size of the village by 20% of the existing housing numbers. Even accounting for some flexibility in the approach to the delivery of affordable housing, in any village or town, this would be a considerable expansion. In the absence of any objectively assessed local need, a proposal for up to 30 units would neither appear to be limited in the context of a rural windfall site or to the scale of the local village.
  18. I acknowledge that some Category 4 settlements have seen recent site allocations for more than 10 units such that the aim of developing incrementally has been challenged. I also note that development outside settlement boundaries has contributed to overall housing supply. However, in the absence of details of the circumstances of those examples, I am unable to draw comparisons or otherwise to the case before me. They are not therefore strong arguments in favour of the proposed development.
  19. As a development described as being 'up to' 30 units, the overall number could be reduced in practise. However, any condition to substantially restrict unit numbers could nullify the benefit of a planning permission on the basis of viability, for example. It would not therefore be a reasonable proposition in the context of Paragraphs 55 and 56 of the Framework.

20. The introduction of a significant number of new buildings and supporting infrastructure in the Green Belt would give rise to a significant spatial loss of openness. Although enhanced hedge boundaries to the external edges of the site would limit the extent of losses to visual openness from surrounding areas, there would be moderate losses observed from the adjacent parts of Station Road and Cottage Lane.
21. For the above reasons, I find that the development would not accord with the relevant exceptions listed within Paragraph 149 of the Framework relating to the construction of new buildings in the Green Belt. It would constitute inappropriate development within the Green Belt that would erode its openness. As such it would be contrary to Policy LP3 of the NWLP and the Framework as they seek to keep land within the Green Belt permanently open.

#### *Flood Risk*

22. Significant concerns have been raised by local residents with respect to the flood risk status of the site. There is no dispute between the main parties that the site lies within a Flood Zone 3 location or that it is susceptible to ground and surface water flood risk. The Council has consulted both the Environment Agency and Lead Local Flood Authority who have raised no objections subject to conditional requirements in order to meet the policies set out in the Framework.
23. As a non-allocated site within an identified flood risk area and a proposal outside the scope of 'minor' development for the purposes of flood risk assessment, the Framework requires a 2-stage process to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The process consists of the sequential test and exceptions test which seek to minimise the risk of flooding both to the development proposed and the surrounding area.
24. The appellant's Flood Risk Assessment (FRA) refers to the fact that the Strategic Flood Risk Assessment and Preliminary Flood Risk Assessments are key sources of flood risk specific information. However, there is little subsequent evidence to indicate any site-specific findings from those assessments or that a sequential assessment of alternative sites has occurred.
25. I acknowledge that extensive discussions have taken place between the relevant parties in relation to design requirements, freeboard and drainage. However, as aspects of the development associated with proving the exceptions test, these are of little value at the 'in-principle' stage since the sequential test is not proven. In the absence of the detailed findings of a sequential test – a matter for determination by the local planning authority, I find there is conflict with the requirements of Policy LP33 of the NWLP and Paragraph 162 of the Framework as they seek to minimise the risk of flooding by avoiding development in high-risk areas.

#### *Services and facilities*

26. To achieve sustainable ways of living and working, the Council's Spatial Strategy requires that development takes place with regard to the size of an existing settlement and its range of services and facilities. It seeks rural development to be concentrated to Market Towns and Local Service Centres. In smaller villages additional development will be limited to no more than 10 units

at any one time depending on viability, services and infrastructure deliverability.

27. As I have found, the proposal of up to 30 units would lead to a relatively large expansion on the edge of a small village. Although the village area includes a number of community facilities, there are few services to support day-to-day living needs within the settlement. Furthermore, there are limited such provisions within easy or convenient travel distance by sustainable means of transport in the wider area. The use of infrequent public transport in the locality would be largely impractical. Although additional residents could support an existing or improved local bus service, I find that convenient access to shops, services and employment opportunities would be substantially dependent on the use of private motor vehicles.
28. The Framework acknowledges that opportunities to maximise sustainable transport modes will vary between urban and rural locations. It is also recognised that additional housing in rural locations can contribute to the vitality of smaller settlements and the services within them. Nevertheless, this does not dispose of the requirement to manage patterns of growth in the interests of reducing the need to travel and limiting reliance on fossil fuels to access goods, services and employment opportunities.
29. For those reasons, I find the proposed location for a significant increase in housing would conflict with Policy LP2 of the NWLP as it seeks to deliver development in sustainable locations, reduce travel demand and to achieve convenient access to services and facilities.

#### *Highway safety*

30. The site lies adjacent to Station Road, a 2-lane carriageway bordered by pavements on either side. The road speed limit is 30mph. The proposal includes details of a 5m wide access road flanked by footways forming a junction with Station Road opposite the village hall site. The plans indicate that visibility splays of 2.4x60m can be achieved to the nearside edge of the carriageway in both directions.
31. According to the Council's highway advisor, the road is used as a commuting route between main roads. Despite some existing on-street parking in front of terraces lying a short distance to the north of the site, the Council indicates that speeding traffic has been recorded. This is reflected in a number of third-party responses from residents living near to the site and is not disputed by the appellant. It is the appellant's stance that it is within the gift of the relevant authority to enforce the speed limit.
32. As a commuter route, the daily monitoring of traffic speeds would not be a realistic proposition. It would not therefore necessarily curtail the likelihood of traffic travelling above the speed limit in the locality. In the absence of information to demonstrate that the proposed visibility splay would be sufficient to allow safe access and egress from the site having regard to the local road speeds, I find that, on the balance of the evidence, the appellant has failed to demonstrate that the access would provide a safe means of access and egress at the site.
33. For those reasons, the proposal would conflict with Policy LP29 of the NWLP as it requires development to provide safe and suitable access for all users.

### *Biodiversity*

34. The substantial area of the site consists of improved grassland which is used for the grazing of horses. Additionally, the site benefits from mature in-hedge native trees and hedgerows to much of its outer margins. The appellant's ecological advisor suggests retention and protection of the boundary features due to their moderate to high wildlife value.
35. Some of the roadside hedge would require removal to enable the proposed formation of the access road and pavements. Additional parts of the hedge would need to be removed to achieve suitable visibility splays along the site's frontage. From the evidence before me, it is unclear how much hedge would require removal, however, compensatory hedge planting to replace removed or reduced depths of hedge could be secured through planning condition to retain or improve its ecological value.
36. The Council's ecological advisors identify the site as having connectivity value with nearby sites of acknowledged biodiversity interest. The appellant's appraisal identifies that the majority of the site's value could be retained with enhancements incorporated into the detailed design of the development. These could include measures such as more diverse hedgerow species, the installation of nesting boxes and replacement tree planting, for example. Areas of enhanced grassland could also be provided.
37. However, an oak tree identified as having high potential for bat roosting is indicated for removal on the detailed plans of the access. Whilst compensatory planting could be provided within the site, Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposed development. The appellant's ecological assessment<sup>1</sup> identifies that the site has potential for bat foraging and commuting and lies in an important location for bat foraging and roosting.
38. Circular 06/2005 states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' In the absence of the additional survey effort recommended in the ecological appraisal, I cannot be certain that the proposed works would not have an adverse impact on bats in an area where their presence is highly likely.
39. Therefore, whilst I acknowledge other biodiversity enhancements and connectivity would be possible, I am unable to ascertain the effect of the proposals on protected species. The proposal therefore conflicts with Policy LP16 of the NWLP as it seeks to protect features of importance for nature conservation.

### *Character and appearance*

40. The site lies in area LC9 'Hoggrill's to Furnace End – Arden Hamlets' landscape character area identified by the North Warwickshire Landscape Character Assessment 2010. The area is characterised by dispersed small settlements within a low undulating landscape of predominantly irregular fields and pockets

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<sup>1</sup> Phase 1 Preliminary Ecological Appraisal Ref Station0919\_PEA

of woodland. The rural road and field networks are often bordered by hedges incorporating trees.

41. Development in the locality is derived from numerous phases of small-scale infill and incremental extension of the built envelope of the village. This results in a variety of building sizes and designs. The majority of the local development fronts on to the historic road network such that it actively contributes to the mixed character of the local townscape and individual street scenes.
42. I acknowledge the detailed design of the scheme is not before me and I have little doubt that the buildings could be designed to reflect the local mix of house types. Nevertheless, the wholesale development of a single large site would neither be typical of the incremental growth of the village or linear pattern of roadside development.
43. The identified necessity to retain the ecological value of the boundary hedges and trees would preserve the well-defined site boundaries. Whilst this would preserve the characteristic landscape elements, it would ensure that the proposal appears as an inward-looking form of development. In contrast to the existing arrangement of development, this would provide little active contribution to the respective road frontages of the site. It would appear as an enclosed annexed area with poor integration with the more organically developed form of the village.
44. Furthermore, any requirement to significantly artificially raise the ground floor levels of the buildings, as identified in the FRA, would likely give rise to an incongruous arrangement of the development in the context of the surrounding buildings. Whilst not determinative in the context of an outline application, this would almost certainly frustrate attempts to assimilate the development alongside the settlement area.
45. Nevertheless, for the above reasons, I find the proposal would integrate poorly with the character of the village. It would conflict with Policies LP1 and LP30 of the NWLP as they seek proposals to integrate and harmonise with their immediate setting and wider surroundings and positively improve the settlement's character.

### **Other Considerations**

46. The delivery of a potential range of affordable housing types and tenures to meet needs identified within the wider borough area and the contribution to housing stock in response to the Government's objective of significantly boost the supply of homes would be a significant benefit of the development. The homes could be secured for those purposes through a planning obligation under s106 of the Town and Country Planning Act 1990, as provided for by the appellant.
47. In support of the proposal, the appellant suggests that the site is under-utilised, that it is available and deliverable, and would make best use of the land. It could be delivered in a short timeframe to meet a step-change requirement in the delivery of housing across the borough. The Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. However, in the



context of the Council's current healthy housing land supply, this is a matter of only moderate weight.

48. The scheme could meet other policy requirements in relation to the provision of, or contribution to, public open space, and other necessary supporting infrastructure. However, as requirements of the development plan, these are not benefits in favour of the proposal.
49. I note the concerns of the appellant in regard to the level of communication and engagement by the Council and their advisors throughout the course of their consideration of the planning application. However, this is not a relevant matter to the consideration of this appeal.

### **Planning balance and conclusion**

50. The erection of up to 30 affordable dwellings on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.
51. The proposal would cause harm to the spatial and visual openness of the Green Belt. It would be located in an area identified as being at high risk of flooding. The location is distant from services to meet day-to-day living needs and would be largely dependent on the use of private motor vehicles.
52. Additionally, the appellant has failed to demonstrate that a safe means of access could be provided having regard to the local highway conditions, or that the access could be provided without harm to protected species interests. Furthermore, the large-scale site development would contrast with the predominant characteristic layout of incremental roadside development in the locality.
53. The considerations presented by the appellant in relation to affordable housing delivery do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
54. I am aware that the site lies within an impact zone of the nearby Whitacre Heath Site of Special Scientific Interest (SSSI). SSSIs are protected under the Wildlife and Countryside Act 1981 from damaging operations, including development proposals. As I have found against the development, it is not necessary for me to consult with the statutory nature conservation body or consider this matter further in the particular circumstances of the case.
55. For the reasons set out above, I conclude that the proposal would be contrary to the adopted development plan taken as a whole and there are no other material considerations to indicate a decision otherwise than in accordance with it. The appeal should therefore not succeed.

*R Hitchcock*

INSPECTOR



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# Appeal Decision

Site Visit made on 26 October 2021

**by R Hitchcock BSc(Hons) DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 November 2021**

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**Appeal Ref: APP/R3705/W/21/3275343**

**Fishing Pool, Main Road, Baxterley CV9 2LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Vernon against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2020/0437, dated 13 August 2020, was refused by notice dated 30 November 2020.
  - The development proposed is a change of use of building to form holiday let accommodation land adjacent the fishing pool Main Road, Baxterley CV9 2LW and single storey extension (Resubmission).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. This appeal follows a substantially identical proposal which was considered through an appeal<sup>1</sup> determined in 2020. That appeal was dismissed. Although relevant, that decision is not binding and does not limit the scope of judgement in individual case circumstances. Whilst I have had regard to its findings, I have considered the evidence provided by the main parties in conjunction with the current appeal on its own merits.
3. Since the date of the Council's decision, it has adopted the North Warwickshire Local Plan 2021 (NWLP). The policies contained therein supersede those referred to in the Council's Decision Notice. For the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004, this is the development plan against which the proposal must be assessed. Additionally, the Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

## Main Issue

4. The main issue is whether the proposed development would be in a suitable location for sustainable tourist accommodation.

## Reasons

5. The site includes an excavated lake and a timber lodge building located within a rolling rural landscape. In the vicinity, land is largely used for farming and equine purposes. The site is accessed from Main Road by an informal track.

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<sup>1</sup> APP/R3705/W/19/3239321

6. Policy LE13 of the NWLP supports the re-use of existing rural buildings subject to meeting 3 criteria. There is no dispute that a proposed extension to facilitate the re-use of the building would not amount to a major extension; furthermore, the existing building is regarded as of sound and permanent construction.
7. However, the location of the site is distant from the nearest settlements which are small hamlets with limited services. The linking country lanes are generally national speed limit routes with no footways or street lighting. Although they did not appear heavily trafficked at the time of my visit, given the distances to the nearest services, their use for the majority of pedestrians and cyclists would not be without some risk, particularly during darkness hours.
8. Access to the main towns and local service centres by transport modes which don't rely on the use of fossil fuels would be largely inconvenient and impractical. Furthermore, there are no identified public transport facilities within easy access of the site. Accordingly, the majority of trips associated with the proposed use would be through the use of private motor vehicles.
9. I acknowledge that the on-site facility of the fishing pool may reduce travel needs for those visitors pursuing fishing holidays, however, this would not necessarily be the case for a large proportion of visitors. Those visitors wishing to visit other attractions in the area, including other fishing facilities, would be isolated from alternative viable means of sustainable transport. They would therefore be dependent on private motor vehicle to reach those destinations.
10. In support of the proposal, the appellant describes the increase in traffic as nominal and comparable to vehicle movements associated with nearby equine and residential uses. The nature of the nearby equine uses is unclear. Like the nearby houses, these may only serve local residents and therefore require only short journeys. In the absence of detailed evidence, this is not a matter of significant weight in favour of the development.
11. The extended building would be limited in scale such that a significant amount of traffic could not be anticipated in association with each visit. However, the proposed use of the site would potentially draw users from distant locations and could result in a more intensified use of the site throughout the year than at present. Over the course of the potential lifetime of the development, the absence of alternative means of access to the site or local services would lead to a significant cumulative contribution to greenhouse gas emissions. It has not therefore been demonstrated that the development would be a sustainable form of rural tourism.
12. I acknowledge that the Framework recognises that sites to meet local business or community needs in rural areas may have to be met beyond existing settlements and in locations not well served by public transport. However, as another Inspector has found, the local business need for new development in this particular locality has not been definitively demonstrated.
13. Notwithstanding that the building and lake are in situ, in the absence of demonstration that the proposal would either reduce private vehicle usage on the site or exploit other opportunities to make the location more sustainable, I find there is some conflict with Paragraph 85 of the Framework.
14. For the above reasons, the proposal would conflict with Policy LE13 of the NWLP which, amongst other things, seeks to limit the re-use of existing rural

buildings to locations readily accessible to the Main Towns and Local Service Centres via a range of modes of transport.

### **Other Matters**

15. In support of the development, the appellant refers me to the economic benefits that would arise from the development in terms of local visitor spend and site servicing. Although the contribution would be limited given the scale of the accommodation, it would nevertheless be a benefit of the development.
16. The appellant has provided evidence that the popular pastime of fishing also contributes to the economy. The position of the cabin adjacent to the pond might make it attractive to some anglers seeking fishing holidays. However, as a proposal for holiday accommodation which would not exclusively be occupied by anglers and one that is likely to displace some, if not all, of the existing use of the pond, the benefit in that respect would be limited.
17. I am also directed to the growing demand for overnight holiday accommodation in the borough. The scheme could contribute to a preference for incremental growth for holiday accommodation as identified in the Hinckley & Bosworth and North Warwickshire Destination Management Plan (DMP). The use of the cabin would include a type of accommodation which would meet one, or more, distinctive markets. However, the findings in the DMP should not be without regard to the local development plan and the broader aims to achieve sustainable rural tourism. Accordingly, these are not matters of significant weight in favour of the proposal.
18. The appellant also highlights the effects of the Covid-19 pandemic on the demand for staycations. However, as a potential anomaly in the projected requirement for incremental growth, I do not find this a persuasive argument in favour of a development which could outlast the initial effects of a pandemic.

### **Planning balance and conclusion**

19. Although I have little doubt that the use of the site for holiday accommodation would contribute to the wider economy, this benefit would be limited. It would not outweigh the conflict with the Council's spatial strategy for directing development to locations which benefit from a range of transport options to support sustainable rural tourism.
20. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*R Hitchcock*

INSPECTOR

**Agenda Item No 8**

**Planning and Development Board**

**6 December 2021**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 9**

**Enforcement Action** – Head of Development Control

**Paragraph 6** – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Emma Humphreys (719226).