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Date: 19<sup>th</sup> August 2025

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on **Tuesday 2<sup>nd</sup> September 2025 at 6.00p.m.**

Public Consultation on planning applications with commence at 6.00pm (see Agenda Item No. 6 for clarification).

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillors B. Hancox (Chair),  
L. Cvetkovic (Vice-Chair), E. Amaechi,  
S. Dhillon, P. Hickling, M. Kondakor,  
S. Markham, W. Markham, J. Sheppard,  
R. Smith and K. Wilson.

## **AGENDA**

### **PART I - PUBLIC BUSINESS**

1. **EVACUATION PROCEDURE**

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. **APOLOGIES** - To receive apologies for absence from the meeting.

3. **MINUTES** - To confirm the minutes of the meeting held on 22<sup>nd</sup> July 2025, attached (**Page 5**).

4. **DECLARATIONS OF INTEREST**

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

**Declaring interests at meetings**

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Schedule of Declarations of Interests for Meetings](#)). Any interest noted in the schedule on the website will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and

nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

**Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered.

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 7**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The Chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or Officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the Chair. The Chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the Chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**22<sup>nd</sup> July 2025**

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 22<sup>nd</sup> July 2025.

**Present**

Councillor B. Hancox (Chair)

Councillors: L. Cvetkovic (Vice-Chair), S. Dhillon, P. Hickling, M. Kondakor, S. Markham, W. Markham, J. Sheppard, R. Smith, J. Gutteridge (substitute for K. Wilson) and T. Venson (substitute for E. Amaechi).

Apologies: Councillor K. Wilson and E. Amaechi.

PLA5 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 17<sup>th</sup> June 2025 be approved, and signed by the Chair.

PLA6 **Declarations of Interest**

**RESOLVED** that the declarations of interests are as set out in the Schedule that can be found on the Council's website - [\(Councillor Schedule of Declarations of Interests for Meetings\)](#)

PLA7 **Declarations of Contact**

No declarations of contact were made.

**IN PUBLIC SESSION**

PLA8 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).**

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA8 OF THE PLANNING  
APPLICATIONS COMMITTEE ON 22<sup>ND</sup> JULY 2025

1. 040989 - 36 Wyandotte Lane, Nuneaton, Warwickshire CV11 6XS

Applicant – Mr P Lun Leung

<b>Public Speakers:</b>	Councillor T. Cooper	(Ward Councillor)
	Councillor M. Etienne	(Ward Councillor)
	Mr P. Lun Leung	(Applicant)

**DECISION** that planning permission be granted, subject to the conditions printed in the agenda.

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**Planning Applications Committee**  
**2<sup>nd</sup> September 2025****Applications for Planning Permission**  
**Agenda Item Index****Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	041023	BU	Swallow Meadows Farm, The Birches, Bulkington, Bedworth, CV12 9PW	8
2.	041055	SL	18 The Leys, Bedworth, Warwickshire, CV12 8AJ	28

Wards:					
AR	Arbury	EA	Eastboro	SL	Slough
AT	Attleborough	EX	Exhall	SM	St Marys
BE	Bede	GC	Galley Common	SN	St Nicolas
BU	Bulkington	HE	Heath	SE	Stockingford East
CH	Camp Hill	MI	Milby	SW	Stockingford West
CC	Chilvers Coton	PO	Poplar	WE	Weddington
				WH	Whitestone

**REFERENCE No.** 041023

**Site Address:** Swallow Meadows Farm, The Birches, Bedworth, Warwickshire CV12 9PW

**Description of Development:** Proposed outline application for 3 self-build dwellings on land at Meadows Farm (All matters reserved)

**Applicant:** Mr Stephen Nicholson

**Ward:** BU

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**RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to a S106 agreement and the conditions printed.

**INTRODUCTION:**

Outline planning permission is sought for the erection of three self-build dwellings on a parcel of land at Swallow Meadows Farm. All matters are reserved. The application site is a field, approximately 0.1ha in size, located within the northwestern section of the farm and is currently used for the rearing of horses. The field is bounded by large, established conifer trees to the west, residential properties to the north and east, and a further field associated with the farm to the west. The site is located at the end of The Birches, which is a cul-de-sac. The site is within the West Midlands Green Belt. Whilst all matters are reserved and therefore the design, appearance and layout of the dwellings are not known, the illustrative site layout indicates that the three dwellings will each accommodate three bedrooms. They will be situated in a linear row with the built form of each of the dwellings in line with each other. The proposal includes the provision of parking spaces to the front or side of the new dwellings which access being taken directly off the Birches. The private amenity space for each of the dwellings will be located to the rear of the properties with a retained buffer around the existing conifer trees to provide soft landscaping.

**RELEVANT PLANNING HISTORY:**

- 039552- Prior notification for the change of use from agricultural building to two dwellings. It was determined that prior approval was not required (May 2023).
- 037126- Prior notification for the change of use from agricultural building to two dwellings. It was determined that prior approval was required in relation to transport and highways impacts (September 2020).
- 035512- Prior notification for the change of use from agricultural building to two dwellings. It was determined that prior approval was not required (May 2018).
- 004629- Erection of agricultural dwelling and outbuildings. This was refused in December 1998.
- 003990- Retention of one ostrich nesting shelter and provision of two additional ones. This was approved in August 1997.
- 002543- Erection of agricultural dwelling and outbuildings. This was refused in June 1994.



- 006071- Erection of stable block, calf rearing units, ostrich rearing shed and tractor housing. This was approved in December 1993.

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS3- Development principles
  - DS4- Overall development needs
  - DS7- Green Belt
  - DS8- Monitoring of housing delivery
  - HS2- Strategic accessibility and sustainable transport
  - NE3- Biodiversity and geodiversity
  - NE4- Managing flood risk and water quality
  - BE3 – Sustainable design and construction
- Supplementary Planning Guidance / Supplementary Planning Documents.
  - Sustainable Design and Construction SPD 2020.
  - Transport Demand Management Matters SPD 2022.
  - Air Quality SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Joint Green Belt Study (2015).

## **CONSULTEES NOTIFIED:**

WCC Highways Authority, WCC Ecology, Warwickshire Water Officer, NBBC Parks and Gardens, NBBC Waste Management, NBBC Planning Policy, NBBC Environmental Health, Warwickshire Fire Safety, WCC Archaeology, Severn Trent and Cadent Gas.

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Ecology

No objection from:  
NBBC Environmental Health, WCC Highways Authority and WCC Archaeology.

Comment from:  
NBBC Planning Policy

No response from:  
Warwickshire Water Officer, NBBC Parks and Gardens, NBBC Waste Management, Warwickshire Fire Safety, Severn Trent and Cadent Gas.

## **NEIGHBOURS NOTIFIED:**

19-37 The Birches (Odd).

Neighbouring properties were sent letters notifying them of the proposed development on 5<sup>th</sup> June 2025

## **NEIGHBOUR RESPONSES:**

There have been 10 objections from 10 addresses. The comments are summarised below;

1. Flooding issues (particularly surface water flooding and issues with the existing drain covers).
2. There is already permission for two dwellings and there are static caravans on the site.
3. The sewer in Nuneaton Road is inadequate to cater for an increased flow into it.
4. Worsening state of the road.
5. Increase in traffic and pollution.
6. There is only one access point.
7. Green Belt land.
8. Covenant that it cannot be built on.
9. Location of the houses facing onto the Birches.
10. Increased noise levels.
11. Visual impacts.
12. There is a ransom strip to the front of the site.
13. Land is for agricultural use.
14. Previous permissions have been rejected on the site so this permission should not be allowed.
15. Land ownership.

A petition has been received objecting to the application with 14 signatures from 9 addresses. The petition outlines the reasons for the objection which relates to increase in traffic and pollution, drainage and sewage, Green Bel land, covenants and concerns about only one entrance and exit.

## **APPRAISAL:**

The key issues to assess in the determination of this application are;

1. The principle of the development
2. Green Belt
3. Visual Amenity
4. Residential Amenity
5. Impact on highway safety and parking
6. Ecology and biodiversity
7. Flooding and drainage
8. Waste Management
9. Planning Obligations
10. Other Matters
11. Conclusion

### **1. The Principle of Development**

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS4 identifies the overall development needs for the Borough throughout the plan period. The current Borough Plan plans for at least 14,060 homes. The latest

housing supply and completion data from the 'Five Year Housing Land Supply Position Statement' at base date 31/03/2024 (and applying the Local Housing Need requirement in accordance with the updated NPPF), calculates that 737 dwellings per annum are required in the Borough. The site has not been accounted for within these figures and therefore the proposal would be a small windfall development.

The latest five-year housing land position for Nuneaton and Bedworth Borough Council is contained within addendum to the Five-Year Housing Land Supply Position Statement (January 2025). This sets out that in accordance with the latest Local Housing Need figure, based on the published trajectory, the Council have a current housing supply position of 4.9 years. Under the transitional arrangements in the updated NPPF, the Borough Plan Review will establish a five-year position for the authority upon adoption, with the Inspectors Post Hearing Note stating at Paragraph 10; *'Notwithstanding our concerns about delivery timescales for the listed sites, we consider that there will be a five year supply of housing sites on the adoption of the Plan.'* The Council anticipate that the Borough Plan Review will be adopted by Autumn 2025, at which point the authority will be able to demonstrate a five-year supply. Therefore, whilst the authority cannot demonstrate a five-year supply position, this needs to be considered in context, given that the position is constantly evolving as applications within the Borough continue to come forward and progress, and the Borough Plan Review is continuing through the examination process towards adoption.

Nonetheless, the fact remains that the Council cannot currently demonstrate a five-year supply and therefore the presumption in favour of sustainable development applies, and is to be given significant weight. Policy DS8 of the 2019 Borough Plan states the Council will monitor the delivery housing and publish progress against the trajectory. In accordance with the policy requirements of Policy DS8, the Council acknowledge there is shortfall in the overall quantum of development proposed to be delivered within the plan period in accordance with the latest publishing housing trajectory (January 2024) compared to the plan requirement set out in Policy DS3. Therefore, Policy DS8 is currently engaged and needs to be taken into consideration when assessing this application. It is accepted that this proposal would provide a small contribution towards the shortfall in housing delivery.

## **2. Green Belt**

The site is situated within the Green Belt. This means that any new development on this site is considered inappropriate and harmful to the Green Belt unless it can be demonstrated that the proposed development meets the criteria set out in the NPPF. Borough Plan policy DS7 says that to ensure the Green Belt across the Borough continues to serve its fundamental aim and purpose, it will be protected by restricting development to only that which is considered by national planning policy as not inappropriate development.

### Grey Belt or Not Grey Belt

The first consideration for decision making is to assess whether the site constitutes 'Grey Belt' land within the Green Belt. The Grey Belt definition is contained within the Glossary to the NPPF. It says that, Grey Belt is defined as "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143."

The land is an agricultural field associated with Swallow Meadows Farm and is currently being used to rear animals. The glossary of the NPPF is clear that previously developed land excludes land that is or was last occupied by agricultural use. As such, the site is not considered to be previously developed land.

The next point to consider is whether the site strongly contributes, or not, to three of the five purposes of green belt mentioned within the definition. These three are:

1. To check the unrestricted sprawl of larger built-up areas (purpose a).
2. To prevent neighbouring towns merging into one another (purpose b).
3. To preserve the setting and special character of historic towns (purpose d).

Advice on how to assess the matter of whether a site “strongly contributes to the purposes” is set out in the PPG. In regard to purpose (a), the PPG is clear that this purpose relates to the sprawl of large built-up areas and thus villages are not to be considered large built-up areas. Sites that strongly contribute to purpose (a) are likely to be free from existing development and lack physical features in reasonable proximity, that could restrict and contain development. They are likely to be near larger built-up areas. In this instance, the nearest towns are Nuneaton to the northeast and Coventry to the southeast. Birmingham is a considerable distance to the west of the site. The site is considered to serve a weak contribution to checking the unrestricted sprawl of larger built-up areas. The site is situated in a gap along a cul-de-sac of existing built development. Therefore, it is not considered to strongly provide protection from urban sprawl between Coventry and Nuneaton and, Birmingham. It does not provide protection for the sprawl between Bedworth and Bulkington either.

The point of purpose (b) is to maintain a clear physical separation between neighbouring towns in order to preserve the distinct identity and character of the individual towns. The PPG states this purpose relates to the merging of towns, not villages. Sites that strongly contribute to purpose (b) are likely to form a substantial part of a gap between towns and its development would likely result in the loss of the visual separation of towns. The site does not form part of a gap between Coventry and Nuneaton, and Birmingham such that its development would result in the loss of the visual separation. The site is therefore considered to serve a weak contribution in maintaining a clear physical separation between neighbouring towns and in particular between Bedworth and Bulkington.

Finally, with regards to purpose (d), sites that strongly contribute to purpose (d) are likely to form part of the setting of the historic town and make a considerable contribution to the special character of a historic town. This could be as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. The site does not form part of the setting of an historic town, and it does not have any connection to one. Therefore, the site is considered to serve a weak contribution to preserving the setting and special character of historic towns.

Additionally, Grey belt land does exclude land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. The assets referred to relate to habitat sites and/or designated as Sites of Special Scientific Interest, Local Green Space, National Landscape, a National Park, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. In this case, none of these would be applicable to the site. Where the application of policies listed at footnote 7 would not give a strong reason for refusing or restricting development, the development is not excluded from being Grey Belt.

In taking all the above into account, it is considered that the site meets the definition of Grey Belt land as set out in Glossary of the NPPF.

#### Inappropriate or not inappropriate development

After concluding that the site is Grey Belt land, the next consideration is to assess whether a development which utilises Grey Belt land, is inappropriate development or not. There is no conclusion in the NPPF which states that development on Grey Belt land, is automatically not inappropriate development. Paragraph 155 of the NPPF provides the conditions against which this judgement is to be made. All four of conditions have to be satisfied if the proposal is to be not inappropriate development. The four conditions are:

- a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. there is a demonstrable unmet need for the type of development proposed;
- c. the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
- d. where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.

In reaching a judgement on condition (a), the PPG says that Local Planning Authorities should consider the extent to which the development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Hence this assessment now also takes in account the other two purposes as set out in paragraph 143 of the NPPF. These are purpose (c) - (to assist in safeguarding the countryside from encroachment) and purpose (e) - (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

The Coventry and Warwickshire Joint Green Belt Study was produced in 2015. This has undertaken a comprehensive assessment of Green Belt land within the administrative areas of Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council. It looked at a number of parcels of land within the Green Belt. The application site is within the parcel known as BU5. It is therefore pertinent to consider the assessment of the BU5 in this Green Belt Study to assess whether the development of the site would undermine the remaining Green Belt across the plan area.

The Green Belt Assessment concludes that Parcel BU5 has undergone significant ribbon development along Nuneaton Road towards Nuneaton. Development within the parcel represents an extension to the village of Bulkington and as such, the development within BU5 which consists of residential streets, has wholly compromised the sense of openness within the parcel. The parcel does sit in an important strategic gap between Nuneaton and Bulkington. However, because of the development that has taken place, BU5 plays no role in maintaining the separation between the two. In taking the remaining Green Belt across the plan area, the West Midlands Green Belt has prevented sprawl of Birmingham, Wolverhampton and Coventry. It is not considered that the development of the site would fundamentally undermine this.

Parcel BU5 is not within an existing settlement boundary. The parcel sits between Whitestone to the north and Bulkington to the south. Measured along the B4112, the distance between them is around 1,600m. However, in considering the remaining Green Belt across the plan area and preventing neighbouring towns from merging into one another, it is not considered the site would fundamentally undermine this.

The remaining countryside in BU5 has been assessed as being significantly urbanised which has compromised the openness. The Ashby de la Zouch canal does form the

northern border of the parcel which assists in preventing further encroachment of the countryside to the north towards Nuneaton. However, there are no significant boundaries to the east or west that assist in safeguarding the countryside from encroachment. The buildings associated with the ribbon developments urbanise the countryside and compromise the openness of the Green Belt within their immediate vicinity. It is not considered that the development of the site would therefore fundamentally undermine the ability for the remaining Green Belt to prevent encroachment.

The Green Belt Assessment does consider the cores of Coventry, Nuneaton, Bedworth and Hinckley as historic towns in the assessment. Parcel BU5 does not overlap with a Conservation Area within an historic town. In addition, there is no intervisibility between the historic core of a historic town and the parcel. It is not considered that the development of the site would therefore fundamentally undermine the ability for the remaining Green Belt to prevent preserve the setting of historic towns.

Purpose (e) of the Green Belt serves to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. This objective centres on promoting sustainable development. It is considered that all Green Belt achieves this purpose to the same extent, and that the Green Belt value of parcels when assessed against purpose (e) is unlikely to be distinguishable.

In drawing the above together, the site would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. As such, condition (a) of paragraph 155 is satisfied. However, paragraph 155 is clear that all the conditions need to apply in order for development to not to be regarded as inappropriate. Addressing criteria (b) of paragraph 155, as explained previously, the Council have a current housing supply position of 4.9 years. Consequently, there is a demonstrable housing need and condition (b) is satisfied.

Moving onto condition (c) which is in relation to the development being in a sustainable location, it states that particular reference should be given to paragraphs 110 and 115 of the NPPF. The guidance does say 'particular reference' meaning that other relevant paragraphs can be taken into account when determining the sustainability. Paragraph 110 seeks that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 ensures that sustainable transport modes are prioritised, that there is safe and suitable access to the site, that the design of parking reflects current national guidance and that any significant impacts from the transport is mitigated to an acceptable degree through a vision-led approach. The PPG states that for the purpose of decision making, where Grey Belt land is not in a location that is or can be made sustainable, development on this land is inappropriate. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations.

The site is not located within a village. Neither is it located within a defined settlement boundary as set out in Borough Plan Policy TC3. However, it is within proximity to Whitestone and Bulkington both of which have day to day services including doctor's surgeries, pharmacies, primary schools, community halls and local stores. Borough Plan Policy TC3 does state that any new residential development should be within 1,200m walking distance of a district or local centre. In this case, it is 2000m to Whitestone and 1,700m to Bulkington. In both cases, this is above the threshold in TC3. However, there is a bus stop 160m from the site which provides a regular bus service

to Nuneaton, Coventry and University Hospital (Servies 56 and 74) and do stop at Whitestone and Bulkington. As such, it is considered that the development does focus on a location which can be sustainable through offering a genuine choice of transport modes (in accordance with NPPF paragraph 110). This ensures that sustainable transport modes in the form of bus use are prioritised (as set out in NPPF paragraph 115).

Finally, with regards to condition (d), whilst the development is concerned with housing, because it is not a 'major development' in the Green Belt, the 'Golden Rules' do not have to be met. These relate principally to affordable housing, improvements to local infrastructure and the provision of new or improved green space which are accessible to the public which would not be required for a development of this size and nature.

In drawing all of the above together, it is considered that all of the conditions set out in paragraph 155 are met. As all the conditions have been met, the development to be regarded as appropriate development in the Green Belt.

### Green Belt Harm

Having concluded that the proposal is appropriate development in the Green Belt, it means there is limited definitional harm. However, it is still necessary to assess what the actual level of harm might be. This would look at whether the openness of the Green Belt is preserved or not. There is no definition of openness in the NPPF, but in a planning context it is generally taken to be "the absence of development". The PPG however advises that four elements should be assessed which are spatial impacts, visual impacts, the degree of activity arising from a proposal and whether that proposal is for permanent change or not.

There will be a degree of spatial and visual impact by reason of the proposed new dwellings being built. The site is an open field between two dwellings (numbers 31 and 35). This gap, which is perceived as openness from The Birches, will be reduced as a result of the built development. However, due to the enclosed nature of the field, bordered by substantial evergreen trees to the southwest and a row of houses to the northwest and southeast, the development will not cause substantial harm to the openness of the Green Belt. In light of the ribbon development in this area along with the fact much of the openness is present from the surrounding fields, it is considered there will be less than substantial harm to the Green Belt.

The new dwellings will be permanent and not temporary; however, this is not considered to lead to substantial harm to the openness of the Green Belt. Regarding degree of activity, whilst there will be the addition of three new dwellings including an increase in associated movements, this is not considered to be a material harm when considering that the Birches is already a residential road and the development of three dwelling would not be introducing a use that is out of character with the area.

It has been found that there is limited definitional Green Belt harm by reason of it being Grey Belt and there is limited actual Green Belt harm by reasoning of the limited harm to the openness. It is now necessary to assess whether there are any other harms to be added to this side of the planning balance.

### **3. Visual Amenity**

Development Plan Policy BE3 states that development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. This includes layout, built form and plot size and arrangement. Paragraphs 13.8 to 13.12 of the Sustainable Design and Construction SPD gives

guidance on extensions and states that they should respect the form and size of the original building, should be in harmony with the property and should not appear intrusive. Paragraph 10.9 of the Council's Sustainable Design and Construction SPD states that dwellings which infill or are a continuation of an existing street should follow the existing pattern of development line defined by the immediate adjoining properties. Where proposals deviate from the existing line of development applicants should demonstrate how the design enhances the overall street scene.

Paragraph 135 of the NPPF concentrates on guiding the overall quality of the area through good design, landscaping and layout that is 'sympathetic to local character and history, including the surrounding built environment and landscape setting'. Part d of paragraph 135 goes on to say that developments should 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials.'

As set out at the start of this Report, the application is in outline form with all matters being reserved. The design of the dwellings including the specific dimensions, the appearance of the buildings and landscaping are not being determined. The submitted Site Layout Plan is therefore to be treated as illustrative and it should be recognised that the scheme could be carried out in a number of different ways to the layout shown, although this would be the subject of a reserved matters application which would allow the Local Planning Authority the opportunity to ensure the character and appearance is in accordance with the surroundings. This can be conditioned as such in the event of approval. As such, the key consideration at this stage is whether three dwellinghouses in this location would reflect and respect the character of the area taking into account the existing built line.

The street scene of The Birches and Silver Trees Drive is residential in nature, comprised of 1960/1970s brown brick dwellings all of a similar appearance to each other. There are also a number of bungalows. There is a strong line of built development. The built line is fairly straight, arranged around a cul-de-sac. The site represents a break in the built line between numbers 31 and 35. At this section of the cul-de-sac, the west side of the road is characterised by two storey detached properties. On the eastern side, it is characterised by detached bungalows. Given the properties are to be located on the west side of the road, the development of three, two-storey detached properties would not be at odds with the existing street. The illustrative Site Layout Plan shows the development would not be forward of the number 35. As such, from the street scene, the development would follow the existing pattern of development. To the rear, the rear of the development would also be in line with the rear gardens of the properties to the north.

Overall, it is considered that at Reserved Matters stage, the dwellings could be secured to be designed in cohesion with the street scene including the style, size and materials.

#### **4. Residential Amenity**

Paragraph 198 of the NPPF requires planning decisions to ensure that developments are appropriate for the location taking into accounts effects on living standards, noise impacts, light pollution and amenity. The Sustainable Design and Construction SPD sets out standards for overlooking including separation distances and overshadowing. The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance.



As this is an outline application, it is not possible to fully assess the impacts of this development on the residential amenity of existing dwellings, or of the dwellings themselves until detailed plans have been submitted at Reserved Matters stage.

Nonetheless, based on the indicative plans submitted, it is possible to make observations on whether the development is likely to feasibly be able to meet the standards outlined in the Sustainable Design and Construction SPD. In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. In the case of plot 1, there is 20.3m across the Birches to number 25. From plot 2 there is 21.1m to number 23 and from plot 3 there is 20.8m to number 21. In all cases, this would be sufficient. With regard to number 31 the distance would be 18m and to number 35 this would be 6.4m. However, at Reserved Matters, the positioning of the windows in Plot 3 could be secured so that they do not impact on the amenity of neighbouring properties. Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary. There are no neighbouring properties to the rear. With regards to number 35, at Reserved Matters stage the internal configuration and position of the windows could be secured to protect amenity space. There will also be a soft landscaped buffer zone which can be secured at Reserved Matters.

A detailed assessment on the amenities of the future occupiers of the site with regard to living conditions and the Nationally Described Space Standards would also be carried out at that time. It appears that there is sufficient space within the plots to provide adequate outdoor amenity space for each dwelling. The dwellings should also meet and ideally exceed the nationally described space standards, and this will vary depending upon the number of bedrooms proposed. The applicant would need to demonstrate that the proposal accords with relevant adopted policies where it relates to residential amenity.

#### *Noise Issues*

Public consultation comments have comments on the noise impacts on three additional residential dwellings. Given the Birches, Silver Tree Drive and Nuneaton Road have residential uses, the addition of three properties would not result in an adverse impact in noise, above that which is acceptable in this location. Noise is regarded as what an ordinary person is reasonably expected to tolerate. It does not consider unforeseen circumstances like anti-social noise as this would be unreasonable. The PPG provides policy guidance on noise. It sets out that decision making needs to take account of the acoustic environment and in doing so consider whether a significant adverse effect is likely to occur, whether an adverse effect is likely to occur and whether a good standard of amenity can be achieved (Paragraph: 003 Reference ID: 30-003-20190722). The observed levels are as follows:

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected. (004 Reference ID: 30-004-20190722).

In light of this, given the scale of the scheme, it is considered that there would be minimal significant adverse impacts to neighbouring properties and minimal observed effect levels.

Comments have also been received regarding noise and air pollution from construction. It is within everyone's interests to ensure disruption from the erection of the dwellings is kept to a minimum. The noise disruption from the building works will be temporary and whilst this may cause some distress to neighbouring properties, it is not unreasonable for the building works to take place for a temporary period of time. It is recommended that a Construction Method Statement be submitted prior to the commencement of development. This pre-commencement condition was agreed with, with the agent on 1<sup>st</sup> August 2025. Once the dwelling has been erected, it is satisfied that any noise disturbance and presence of HGVs will disappear meaning there should be no long-term disruption.

It is important to note, any noise nuisance complaints are still able to be reported separate to planning. NBBC Environmental Health, the technical consultee with expertise on noise, have no objections to the development.

## **5. Impact on Highway Safety and Parking**

Paragraph 115, part b of the NPPF says it should be ensured that 'safe and suitable access to the site can be achieved for all users'. Paragraph 116 says 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.

Borough Plan policy HS2 requires that planning applications demonstrate suitable demand management measures, which includes adequate parking provision, and whether the proposal will meet acceptable levels of impact on existing highways networks. The Transport Demand Management Matters SPD sets out the parking provision for new development. For a dwellinghouse outside a town centre, this is two car spaces and one secure cycle space per dwelling. This includes 1 unallocated space per 5 dwellings for 3+ bed houses.

A full assessment on the parking and access would be undertaken at Reserved Matters stage when detailed plans are submitted. However, based on the indicative plans, it is possible to make observations on whether the development would feasibly be able to meet the general parking standards. These appear feasible in this instance, other than the unallocated parking requirements, which are unlikely to be insisted upon given only three dwellings are proposed.

The Highways Authority were consulted with and offer no objection. The Highways Authority have requested the following at Reserved Matters stage:

- A footway from the farm access, fronting the site at 2 metres in width should be provided linking to the existing public highway footway fronting number 35.
- Vehicular accesses to the site need to be laid out at 90 degrees to the footway.
- Pedestrian visibility splays as well as vehicular visibility splays need to be provided, not only to each proposed vehicular access, but the splays from the farm access as well need to be maintained.
- The dimensions of parking areas need to conform to the Warwickshire Design Guide.

The Highways Authority have said that the footway needs to be offered for adoption to ensure it is maintained correctly. Adoption is the process whereby a highway in private ownership becomes a public highway which is then managed and maintained by the County Council as part of the highway authority. Adoption is made under Section 38

of the Highways Act 1980. This is down to the developer to agree to this and get the highway adopted. If it is not adopted, the path would remain private, and the residents themselves would be responsible for maintaining the road.

Comments have been received that the small strip of the land closest to the Birches is not owned by the applicant. This has led to the belief that there is a ransom strip. This is a piece of land, often narrow, that a developer needs access to in order to develop an adjacent plot of land. It is typically owned by a third party and can be used to hold the development by controlling access. Whilst land ownership is not a material planning matter, the applicant has provided Land Registry plans which details the land as being owned by the applicant. As such, there is no third party to be relied upon.

It has been commented that the agricultural buildings at Swallow Meadow Farm have been granted permission under the prior approval route for the change of use to two dwellings. There is a concern that this will lead to greater traffic and that there is only one access to the site. At present there is an access track which runs from the Birches to the farm. This is taken from the west of number 31. The access from the three new dwellings would not be via this access route as the access would be taken directly from the Birches given the driveways would lead straight onto the Birches. The two converted dwellings to the rear would be taken from the access track. This has already been considered under the previous permission (Reference: 039552). In taking into account the movement associated with this development, the Highways Authority have said that the impact of the potential vehicle movements associated with the development should not have a severe impact on the public highway network. As such, in considering the cumulative impact of a further three dwellings there is not a highways grounds for refusal.

In accordance with the Council's Air Quality SPD, residential developments are required to provide one charging point per dwelling with dedicated parking (16amp), and ensure appropriate cabling is provided to enable increase for future provision. A planning condition will be imposed to secure this provision.

## **6. Ecology and Biodiversity**

Biodiversity Net Gain (BNG) of 10% is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), unless a development is exempt. In this case, self-build applications are exempt provided that the development consists of no more than 9 dwellings, is on a site that is no larger than 0.5ha and consists exclusively of dwellings that are self-build as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. In this case the development meets these criteria and is exempt from providing the mandatory 10% BNG.

Nonetheless, Borough Plan policy NE3 seeks for development proposals to ensure that ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created.

WCC Ecology were consulted with. They have no objection. However, it is recommended that the construction of the self-build properties is secured via a Section 106 agreement. This is explored in greater detail under the Planning Obligations Section later in this Report.

There are trees on the site which are proposed to be retained. A tree protection plan

will be required to ensure that on-site and adjacent trees are not damaged during construction. This is to be secured via a pre-commencement condition which has been agreed with, with the agent via email on 30<sup>th</sup> June 2025.

There is an overgrown pond approximately 140 metres north of the site. The short grassland is a sub-optimal habitat for foraging and commuting great crested newts. Therefore, it is not considered that surveys and specific mitigation for great crested newts is required in this instance.

In accordance with policy NE3, the development should include enhancements for wildlife, such as bat and bird boxes incorporated into new buildings and 15cm gaps in any new fences to allow hedgehogs and other small terrestrial wildlife to move through the gardens. This would be in accordance with Paragraph 187 (d) of the NPPF. This would be a positive addition and a pre-commencement condition for a scheme for biodiversity enhancements to secure such methods have been agreed with, with the agent.

## **7. Flooding and Drainage**

Paragraph 181 of the NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it. It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk.

Borough Plan Policy NE4 echoes this. It states that new development should be prioritised to areas of lowest flood risk as defined by the Strategic Flood Risk Assessment: Level 2 and Environment Agency Flood Map for Planning and must not increase flood risk elsewhere. New development proposals must account for climate change in their plans to ensure that the site will be safe over its lifetime.

Due to the nature of the application (a small, minor application) the Lead Local Flood Authority would not be consulted with.

The site is within Flood Zone 1. According to the Environment Agency's Flood Mapping date, the site has a very low risk of river flooding. It also has a very low risk of surface water flooding at a 1 in 30, 1 in 100 and 1 in 1000 annual likelihood of flooding. Taking into account the effects of climate change, there continues to be a very low risk of river and surface water flooding.

No detailed drainage strategy has been submitted to support the application, however a suitable strategy could be secured through the use of a condition to ensure that the site would appropriately manage the surface water run-off associated with the development to ensure that any existing fluvial flooding problem is not increased elsewhere. This also includes the installation of rainwater harvesting systems to all the new dwellings to contribute to the managing the drainage strategy.

In the absence of any evidence or justification relating to the proposed disposal of surface water and foul water, it is not considered that appropriate steps have been taken to establish whether the development of the site and ground conditions could accommodate a sustainable drainage system. A planning condition would therefore be required in order to provide further details on this at Reserved Matters stage. Given the location of the site and the application form details, it is assumed that a connection to the main sewer would be sought.

Overall, subject to the imposition of conditions, there are no concerns with regard to flood risk or drainage matters. Severn Trent have been consulted with however, there has been no response. Developers are encouraged to contact Severn Trent, regarding sewer capacity, at an early stage of planning, to ensure adequate time is available to assess the risk and develop any network improvements should they be required.

## **8. Waste Management**

Paragraphs 11.22 - 11.28 of the Council's Sustainable Design and Construction SPD relate to waste. The guidance states that bin stores should be located no more than 25m from the highway (where the bin collection lorry can park) for normal 2 wheeled household bins. It also states that developments must not provide for wheeled bins to be stored at the front of the property unless a design solution is proposed which significantly limits the impact of the storage of bins on the street scene.

Bin storage should not harm the visual amenity of the area, must be managed so that it does not create risk to water, air, soil, plants or animals, should not cause nuisance through odours, and not affect the countryside and or places of special interest. Waste bin storage areas should be well ventilated and situated away from direct sunlight.

NBBC Waste & Refuse team have been consulted however no response has been received.

Based on the indicative details submitted, it is anticipated that bins can likely be stored in the private amenity areas of the proposed dwellings and could be brought to an indicated bin collection point (to be detailed at Reserved Matters). On this basis, the application would not result in an excessive drag and carry distance for waste and recycling. It is considered that at Reserved Matters stage, the design and layouts must have consideration for storage of wheelie bins in accordance with the SPD.

## **9. Planning Obligations**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 58 of the NPPF notes that these obligations should only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Paragraph 98 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Given the scale of the development, there are no requested financial planning contributions. However, a Section 106 Agreement is required to secure the development as self-build. A Self-Build Statement has been submitted with the application for the homes to be developed and occupied in accordance with Section 1 of the Self-Build and Custom Housebuilding Act (2015). The approval of reserved matters for outline planning permissions is not subject to the biodiversity gain condition (as it is not a grant of planning permission). Therefore, in order to ensure that any

future reserved matters application(s) and the subsequent build out of the development is carried out in full accordance with the Self-Build and Custom Housebuilding Act (2015), a Section 106 Agreement is required.

There have been several recent appeals including APP/X1355/W/24/3355113 (Durham, February 2025), APP/Y0435/W/24/3350983 (Milton Keynes, March 2025), APP/P4412/W/24/3356246 (Rotheram, April 2025) and APP/Y0435/W/24/3356448 (Milton Keynes, May 2025) which have confirmed a condition would not suffice and without a suitably robust mechanism such as a legal agreement, the development would not be properly secured as a self-build and could consequently revert to an open market dwelling. The reliance on a planning condition is not considered to meet the tests for enforceability set out in paragraph 57 of the NPPF.

A self-build exemption from a Community Infrastructure Levy (CIL) (*NB this LPA does not have a CIL Charging Schedule, however there is PPG on CIL*) is dependent on the dwelling being the sole or main residence for the named individual(s) for a minimum period of three years from completion (PPG Paragraph: 082 Reference ID: 25-082-20190901). Therefore, a three-year period would be a reasonable minimum expected term for an agreement in this case.

To summarise, the development would be exempt from statutory BNG subject to a satisfactory mechanism to secure this. The provision of Section 106 Agreement has been agreed with, with the agent hence the recommendation is approval subject to a Section 106 Agreement.

## **10. Other Matters**

WCC Archaeology have commented that the proposed scheme is unlikely to have a significant archaeological impact. As such, there is no requirement for archaeological conditions to be placed on the decision.

The PPG at Paragraph 008 Ref. ID 21b-008-2014030 notes a material planning consideration is one which is relevant to making the planning decision in question (i.e. whether to grant or refuse planning permission). The scope of what constitutes a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so the protection of purely private interests such as the impacts on neighbouring property values are not a material consideration. Matters which would be addressed separately to planning are generally viewed as not relevant to making a planning decision.

Moreover, the Council's constitution (3E.7iv) states the following are not valid planning considerations:

1. Developers/ applicants' motives or morals
2. Loss of views over other people's land
3. Impact on property value
4. Impact on private rights and/ or covenants
5. Boundary disputes or objections arising from disputes unrelated to the planning application.

A comment has been raised that there is a restrictive covenant in place which restricts the development of the land for residential purposes. Restrictive covenants are not a material planning consideration. Any covenants are listed on the deeds, and it is up to the landowner/developer to ensure that the proposed changes to the property are

within the limits of the covenant. The applicant is advised to seek independent, legal advice on this.

There have been comments received on the presence of three mobile homes at Swallow Meadows Farm. This is a separate matter and is a matter for the Enforcement Officer which is currently being dealt with. The High Court in the *London Borough of Hackney v Secretary of State for Housing, Communities And Local Government & Anor [2018] EWHC 2174 (Admin)* confirmed that existing alleged breaches of planning control relevant to a planning application are not material planning considerations when undertaking the planning judgement of the decision maker. The planning application should be considered on its own merits in reference to the local development plan and any other material considerations in accordance with the planning judgement of section 38(6) of the 1990 Act. As such, the siting of the mobile homes should not have a bearing on the decision.

Consideration has been given to the extant prior approval for the conversion of the barn into two dwellings at Swallow Meadows Farm and whether this would lead to an unacceptable intensification of the site. The principle for the barns has already been accepted via the prior approval route and therefore, is not under consideration. In considering the cumulative impacts on the Green Belt, highways matters, visual amenity and residential amenity, it is not considered that the development of this site, would lead to adverse impacts in these regards.

## **11. Conclusion**

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The potential impacts of the proposed development in relation to the principle of the development, Green Belt, visual amenity, residential amenity, highway safety, ecology, flood and drainage, waste management and the planning obligations have all been considered.

Taking into account the above assessment, on balance it is considered the development would not result in undue conflict with the adopted development plan, or policies within the NPPF overall.

There are some considerations which weigh against the proposal. The site is outside of the Bulkington settlement boundary and is more than 1,200m to a local centre with day-to-day facilities, thus conflicting with DS2 and TC3 of the Borough Plan. Moderate weight is given to this harm in the planning balance. This must be weighed against the benefits of the development. The balance comprises the benefit of providing three self-build dwellings in light of the fact the Council cannot currently demonstrate a five-year housing land supply. The contribution the dwellings can provide as a windfall site is of significant weight. It is also of significant weight that the site meets the definition of Green Belt and thus, would not constitute inappropriate development in the Green Belt. It is concluded that there is less than substantial harm to the openness of the Green Belt from a visual and spatial element, degree of permanence and activity point of view.

Moderate weight is attached to the fact that the site is within an existing residential cul-de-sac and therefore residential development would be compatible with the surrounding land uses. The proposal would result in the development of the gap within the cul-de-sac.

It is satisfied that through the reserved matters stage that appearance, access, landscaping, layout and scale will ensure a suitable and sustainable development. It is of moderate weight that there has been no objection from the Highway Authority and that there would be no demonstrable adverse impacts on the surrounding highway and the parking provision is acceptable for the proposed use. It is considered that there is no adverse impact on neighbouring properties, more than would be reasonably acceptable in this location. Matters on privacy, ecology, flooding and, the local infrastructure have been taken into account and it is not considered that there would be a demonstrable harm from the development.

Overall, the test in the balance is to assess whether the benefit side of the balance “clearly” outweighs the harm side of that balance. The material planning considerations as set out above do not ‘clearly’ outweigh the harms caused. It is therefore considered the proposed development overall would achieve sustainable development which should consequently be approved subject to conditions and S106 Agreement. Whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal.

### **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission and a S106 agreement to secure the properties as the self-build, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

### **SCHEDULE OF CONDITIONS:**

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval. The further approval of the Local Planning Authority shall be required with respect to the under mentioned matters hereby reserved before any development is commenced:
  - (a) appearance
  - (b) landscaping
  - (c) layout
  - (d) scale
  - (e) accessThe development shall be carried out in full in accordance with the approved details.
2. In the case of the reserved matters specified in Condition 1, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.



4. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule (to show location only):

Plan Description	Plan Number	Date Received
Location Plan	PP-14040635v1	22/05/2025
Existing Block- Location Plans	115	22/05/2025

5. Notwithstanding the plans submitted, any future reserved matters application shall be for the provision of a maximum of three dwellings.
6. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
7. Details of the following additional matters shall, where relevant, concurrently with the submission of each reserved matters application, be submitted to and approved in writing by the Local Planning Authority before development of any part of the site to which the submitted details relate is commenced. The development shall be implemented in accordance with the details so approved prior to that part of the development being occupied or brought into use.
- A schedule of the mix of dwellings across the site demonstrating how this takes into account and accords with the most up-to-date Strategic Housing Market Assessment (SHMA) and Housing and Economic Development Needs Assessment (HEDNA).
  - A schedule of the amount and types of accessible, adaptable and wheelchair user dwellings across the site to meet Building Regulations requirement M4(2) and M4(3).
  - A schedule of the number of bedrooms, number of persons expected to occupy each dwelling, the storey height, total GIA floorspace area and total built-in storage areas for each dwelling type to demonstrate compliance with the most up-to-date publication of the Nationally Described Space Standards.
  - A detailed plan showing the sizes (inc. height, width and length) of the dwellinghouses.
  - Full details specifying the external materials, including the colour, to be used in each dwellinghouse.
  - A detailed plan of the treatment to the boundaries of the site, and all screens, walls or fences within the proposed development.
  - A detailed plan showing the siting of refuse disposal points and recyclable material storage and collection points.
  - Details and specification on the provision of a 2m wide footway from the farm access to 35 The Birches, vehicular access, pedestrian visibility splays and vehicular visibility splays and, parking space dimensions.
8. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
- Working hours
  - Noise control measures during construction
  - Details of the contact for any local concerns with the construction activities on the site

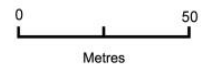
- The delivery of materials
  - The storage of plant and machinery used in the construction
  - Measures to control the emission of dust
9. The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of type, specifications for bat and bird boxes, native, fruit bearing or nectar-bearing tree and shrub species planting and the location of access gaps for hedgehogs in any new fences.
  10. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed.
  11. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
  12. The details required by condition 1(e) shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:  
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.
  13. Prior to occupation, rainwater harvesting systems are to be installed in the curtilage of all new dwellings (e.g. water butts).
  14. Electric Vehicle (EV) charging points shall be provided at a rate of one charging point per dwelling with dedicated parking. No dwelling shall be occupied until the respective EV charging point for that dwelling has been provided and made available for use with appropriate cabling.
  15. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx per kWhr.



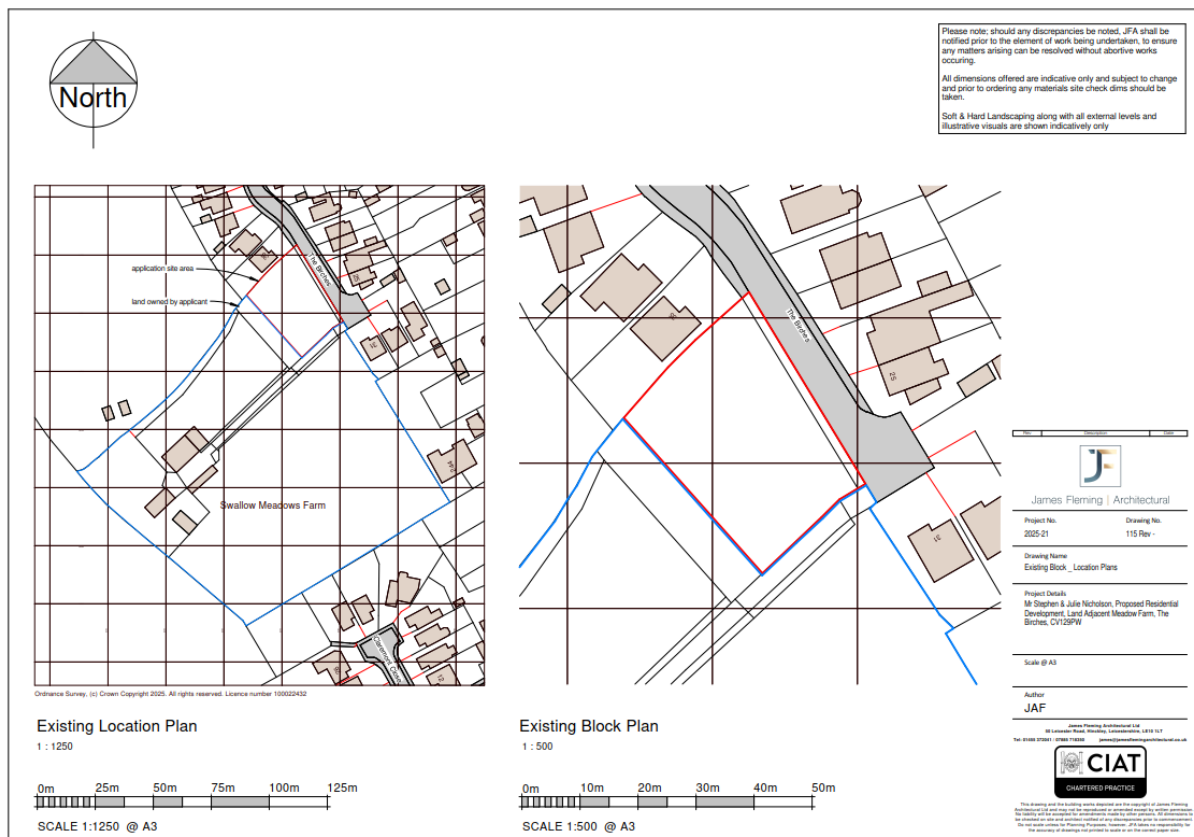
Planning Portal Reference: PP-14040635v1



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## Location Plan



## Existing Block- Location Plans

**REFERENCE No.** 041055

**Site Address:** 18 The Leys Bedworth Warwickshire CV12 8AJ

**Description of Development:** Proposed single storey extension to the front of detached house

**Applicant:** Susan Bosworth

**Ward:** HE

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### **RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the conditions printed.

### **INTRODUCTION:**

The application site is a two-storey, detached dwellinghouse located down a cul-de-sac known as the Leys. The property is painted in white render. The property features a gable roof with brown interlocking tiles. There is a small protrusion to the front of the property which has a sloped roof and currently accommodates the hallway and downstairs WC. There is a single storey garage to the right-hand side of the property which has been converted into a bedroom.

Planning permission is sought to erect a single storey extension to the front of the property. This will measure 1.9m in width and will protrude from the existing front elevation by 1.75m. It will have a gable roof with an eaves height of 2.2m and a ridge height of 3.15m. The existing downstairs WC and hallway whilst appearing as an extension to the front of the dwellinghouse, is part of the original dwellinghouse. As such, due to the extension extending beyond the principal elevation, it does not benefit from permitted development rights and planning permission is required under Section 55 of the Town and Country Planning Act 1990.

### **RELEVANT PLANNING HISTORY:**

- 0113390- Landscaping details for approved housing development (Approval of reserved matters). This was approved April 2007.
- 010137- Erection of 24 dwellings and garages with roads, sewers and associated external works (Approval of reserved matters). This was approved in June 2006.
- 005515- Outline residential development (Barratt Homes). This was refused in 2003 and allowed at appeal in 2004.

### **RELEVANT PLANNING POLICIES**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - HS2 – Strategic accessibility and sustainable transport
- Supplementary Planning Guidance / Supplementary Planning Documents
  - Sustainable Design and Construction SPD 2020.

- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Warwickshire County Council Highways Authority

### **CONSULTATION RESPONSES:**

No objection from: WCC Highways Authority

### **NEIGHBOURS NOTIFIED:**

13, 15, 16, 17, 19 & 22 The Leys.

Neighbouring properties were initially sent letters notifying them of the proposed development on 16<sup>th</sup> June 2025. Following amendments to the red line boundary letters were re-sent to the neighbouring properties on 1<sup>st</sup> July 2025 and 4<sup>th</sup> July 2025.

### **NEIGHBOUR RESPONSES:**

There have been 10 objections from 5 addresses and 1 objection with no address provided. The comments are summarised below;

1. Inaccurate plans and incorrect land ownership.
2. Impact on character and appearance of the street.
3. Loss of visual amenity.
4. Sense of enclosure.
5. Creating glare.
6. Highway safety and impact on parking.
7. Obstruction of public space.
8. Impact on wheelie bin storage on the service strip.
9. Precedents and cumulative impact of more development in the area.
10. Impacts during the works.
11. Development against Borough Plan Policy.

### **APPRAISAL:**

The key issues to assess in the determination of this application are;

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety and parking
5. Other matters
6. Conclusion

#### **1. The Principle of Development**

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development, and it breaks down sustainable development into three key areas which are economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that an application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable

development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS3 of the Borough Plan 2019 states that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Plan. It goes on to state that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The site is located within Bedworth. Policy DS2 states that Bedworth has the secondary role for employment, housing, town centre, leisure and service provision. Development will be directed to settlements, at a scale that reflects the role and function.

Given the application site is within a predominantly residential area, the erection of an extension is not out of character with the area. Overall, the principle of this development in this location is considered acceptable and in accordance with Borough Plan Policies (subject to all other planning considerations being adequately addressed). The development would be compatible with the residential use and would not conflict with surrounding residential uses.

## **2. Impact on Residential Amenity**

Paragraph 198 of the NPPF requires planning decisions to ensure that developments are appropriate for the location taking into account effects on living standards, noise impacts, light pollution and amenity.

The Sustainable Design and Construction SPD sets out standards for overlooking including separation distances and overshadowing. The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance.

The nearest neighbouring property which has the potential to be impacted by the proposal is 19 The Leys due to the positioning of the window to the front of the extension. Consideration will also be given to 13, 15, 16 17 and 22 the Leys.

### 19 The Leys

No.19 is the unattached, immediate neighbouring to the north. This is also a two-storey detached dwellinghouse. Currently, the window to the downstairs WC faces eastwards, directly towards the road and benefits from an obscure glazed window. As a result of the extension, the window will move positions and will face northwards, towards no.19. It will continue to be associated with a downstairs WC and therefore, it is not regarded as a habitable room. Furthermore, the window will continue to be obscure glazed. This can be conditioned to ensure that it will remain glazed in the interests of privacy. Due to the fact the new window will be at 90 degrees to the front elevation of no.19, it will not directly face onto or into a habitable window of no.19. As such, it is not considered that there will be a negative impact on privacy.

In the interests of preventing negative overshadowing, the Sustainable Design SPD states that an extension shall not infringe a line drawn at 60 degrees from the centre point of an adjacent habitable room of the same floor level. In this case, this is the bay window on the ground floor elevation of no.19. The extension does not breach this. As such, there will be no adverse impact on overlooking and overshadowing to this neighbour.

### 15 The Leys

No.15 is the neighbouring property to the east which is situated directly opposite, on the opposite side of the cul-de-sac. At present, the downstairs WC window faces onto the side elevation of no.15. Through the extension, this window is being moved and there will be no window facing directly onto no.15 from the extension anymore. Instead, there will just be the entrance door. This prevents the creation of a blank wall directly facing the window of a habitable room of the same height. There is a separation distance of 15m between the two properties and across the highway. Consequently, there will be no adverse impact on overlooking and overshadowing to this neighbour.

### 13 The Leys

No.13 is an unattached neighbour to the southeast. It is not considered that this property will be adversely impacted by the extension given the positioning of the extension and its relationship with no.13. No.13 is set at approximately a 45-degree angle to the application side with the rear of the property facing onto the application site. However, this is off centre and therefore not directly in line. The rear of the property is located approximately 20m away, across amenity space and the highway which is in accordance with the separation standards set out in the Sustainable Design SPD. There will be no adverse impact on overlooking and overshadowing to this neighbour.

### 16 The Leys

No.16 is the unattached neighbour directly to the south of the application site. This neighbour currently faces onto the side elevation of no.18 and currently faces onto a blank wall of the existing downstairs WC. Following the extension, there will be no changes to this outlook as there are to be no windows/doors put in the south facing elevation of the extension. Whilst it is accepted there will be a greater amount of blank surface from the south elevation, the context will be similar. There is a separation distance of approximately 17m across private driveways. It is considered that due to the location of the extension, there will be no adverse impact on overlooking and overshadowing to this neighbour.

### 17 The Leys

No.17 is an unattached neighbour located to the southwest of the site. As above, this neighbour currently faces onto the side elevation of no.18. Due to the angle of the properties, the existing downstairs WC is not directly visible. Following the extension, it is not considered there will be demonstrable changes to this outlook as there are to be no windows/doors put in the south facing elevation of the extension. As such, the context will be similar. It is considered that due to the location of the extension, there will be no adverse impact on overlooking and overshadowing to this neighbour.

### 22 The Leys

No.22 is an unattached neighbouring property located to the northeast. The property is set around 40 degrees to the southwest, on the opposite side of the cul-de-sac. The ground floor bay window currently looks out onto the downstairs WC however, this is off set at an angle. In considering the position of the extension, it is not considered that it will cause an adverse impact on overlooking or overshadowing. There will be a separation distance of 21.3m across the highway. This is in accordance with the separation standards set out in the Sustainable Design SPD such that there will not be an adverse impact on this neighbouring property.

Public comments have been received that the extension will lead to a negative sense of enclosure. In order to prevent an oppressive sense of enclosure, the Sustainable Design SPD sets out the standards for separation distances and the protrusion of

extensions along amenity spaces. In carrying out an assessment it has been determined that the separation distances are adequate. The extension does not protrude along the boundary of neighbouring amenity space. As such, it is considered that the development will not lead to a negative sense of enclosure.

### **3. Impact on Visual Amenity**

Paragraph 131 of the NPPF seeks for the creation of high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creating better places in which to live and make development acceptable to communities.

Development Plan Policy BE3 states that development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. This includes layout, built form and plot size and arrangement. Paragraphs 13.8 to 13.12 of the Sustainable Design and Construction SPD gives guidance on extensions and states that they should respect the form and size of the original building, should be in harmony with the property and should not appear intrusive.

The extension will be to the front of the property and as such, it will be seen from the street scene therefore it is important to ensure that it is of a good design. As explained above, there is an existing downstairs WC/hallway to the front of the property which protrudes by 1.1m. This is to be brought forwards by an additional 1.75m. In considering the scale of development, this is not considered excessive.

Along the Leys whilst there is a clear, distinct architectural thread throughout the estate that is primarily due to a consistent brick type and window detailing. Along the Leys there is a mix of front porches. This includes some dwellings with sloped roof and some with gable roofs. Some of the front porches are full enclosed whilst others have open sides with pillars. Some of the properties have protruding bay windows to the front whilst others do not. As such, whilst there is a thread running through the estate, there are differences between the properties such that the extension to the front on no.18 will not cause a negative harm to the street scene. Comments have been received that the extension will break up the existing building line. Due to the fact that it is a cul-de-sac and properties are sat at angles to each other, it is not considered that there is a strong building line which would be broken up by the development.

There are two properties within the Leys which are rendered white (the application site and 24 The Leys). The extension will also be rendered in white Monocouche and will include roof tiles to match the existing so that the extension will tie in with the existing seamlessly.

Section 13.10 of the Sustainable Design SPD seeks for extensions to not appear intrusive, prominent or incongruous from the street scene. Despite the extension being visible, it has been carefully designed and integrated. It is to be a single storey, and the ridge height will not extend any further than the existing sloped roof to the front of the property. As such, from an amenity point of view, the proposal is considered to accord with the development plan policies.

### **4. Impact on highway safety and parking**

Paragraph 115, part b of the NPPF says it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 says development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road



network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Borough Plan policy HS2 requires that planning applications demonstrate suitable demand management measures, which includes adequate parking provision, and whether the proposal will meet acceptable levels of impact on existing highways networks. The Transport Demand Management Matters SPD sets out the parking provision for development. For a dwellinghouse outside of a town centre with 3 or more bedrooms, the requirement is for 2 spaces per dwelling. Warwickshire County Council's 'Warwickshire Design Guide' provides guidance on the dimensions required for a car parking space. Private residential car parking spaces should measure a minimum of 2.5m in width by 5.5m in length. Where spaces are adjacent to a wall or fence this should be increased to 3m in width.

In this case, the block plan indicates that at least 2 cars could be parked to the front of the property. The existing garage has been converted into a bedroom which does reduce the number of parking spaces. However, there is adequate space for the car parking spaces to meet the minimum space requirements of 2.5m by 5.5m. It is acknowledged that there is a wider parking issue on the Leys. However, it is unreasonable to expect the development of a small extension to solve wider, unrelated issues. Planning permission is granted based on the merits of the proposed development in relation to planning policies. In this case the Local Planning Authority need to be satisfied that the extension will not reduce the parking ability below the required parking standards at 18 The Leys. In this case, it does not. The Highways Authority has been consulted with an offer no objection stating that additional work is not deemed to pose a concern for public highway safety.

Comments have been received that the extension will reduce the amount of space available for parking and therefore, cars associated with 18 The Leys may block access and cause people to have to walk in the road. From a planning perspective, there are at least 2 parking spaces to the front of the property which is in accordance with the Transport Demand Management Matters SPD. The grass strip to the front of the property is maintained by the Highways Authority. The granting of planning permission does not allow for the illegal parking on this strip. Parking issues are addressed through the Highway Code. A planning application can be refused if it negatively impacts on traffic flow and parking availability. However, due to the size of the extension it is not considered that it would and there are no severe highways impacts to warrant a refusal.

## **5. Other Matters**

A comment has been received that the house has been painted white and creates an unacceptable glare, particularly when the sun shines on the property. Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the painting of the exterior of any building as long as the painting is not for the purpose of advertisement, announcement or direction. Such permitted development rights have not been removed from the property either through a planning condition or Article 4 direction. Therefore, the Local Planning Authority cannot control the painting of the property.

Initial comments raised concern that the land ownership was not correct. Land ownership is not considered a material planning consideration. While applicants need to indicate their ownership status (of lack of) within a planning application, and may need to notify landowners, the fact of ownership itself is not a factor in whether permission is granted or not. The highway extant has been confirmed and the red line boundary has been amended. As such, the matter of ownership is not a concern.

Concern has also been raised that the extension will set a precedent in the area. There are no precedents in planning as each application is assessed on its own merits against the Development Plan policies, the National Planning Policy Framework, and the relevant legislation. This is therefore not a material consideration in the planning balance.

We have also received comments regarding the disruption during construction. The noise disruption from the building works will be temporary and whilst this may cause a nuisance to neighbouring properties, it is not unreasonable for the building work to take place for a temporary period of time at a property. The works will be controlled by the Control of Pollution Act 1974 which generally restricts construction works to specific hours. Any unreasonable noise pollution would be a matter for Environmental Health. It is satisfied that any noise disturbance will disappear once the extension has been built meaning there is no long-term disruption from the development.

Finally, comments have been raised that the development will impact on the siting of wheelie bins on collection days. The extension will not impact on the wheelie bin storage at no.18. There will be no impact on neighbouring properties being able to drag their wheelie bins to their collection points. Any wider issues within the estate concerning the siting of wheelie bins, is not for this development to solve.

## **6. Conclusion**

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The proposal is in accordance with Development Plan policies, Supplementary Planning Guidance and guidance within the NPPF. The principle of development is supported. It is considered that there is no adverse impact on neighbouring properties, more than would be reasonably acceptable in this location. The extension will not harm the character and appearance of the street scene. Whilst the extension is to the front of the property, it is concluded there would be no adverse impacts on the surrounding highway and the parking provision will be adequate. Matters raised in the public comments have been taken into account and it is not considered that there would be a demonstrable harm from the development.

On balance, whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is one of approval, subject to conditions.

## **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

## **SCHEDULE OF CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

2. The development shall not be carried out other in accordance with the approved plans contained in the following schedule:

Plan Description	Plan Reference	Date Received
Site Location Plan	1690/SL	26/06/2025
Block Plan	1690/BP	26/06/2025
Proposed Extension (Elevations and Floor Plans),	1690	16/06/2025

3. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Council.
4. The toilet window on the ground floor in the north facing elevation of the extension shall be permanently glazed with obscure glass, as shown on the approved plans. This shall be of a level equivalent to Pilkington Level 3 or higher and shall be maintained in that condition at all times. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

# Stanfords VectorMap

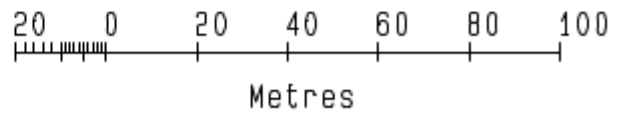
18 The Leys, Bedworth, CV12 8AJ

REF:SP 108950

Plan No 1690/SL



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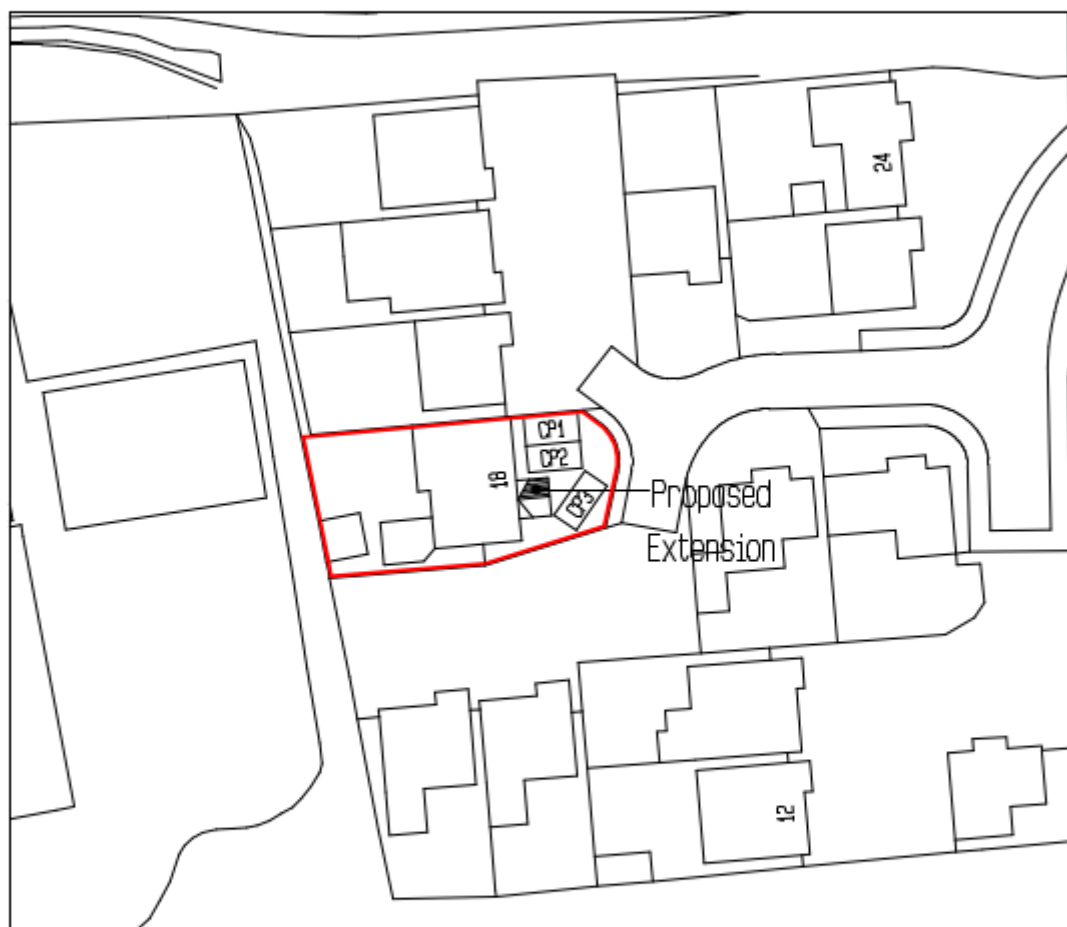
Site Location Plan

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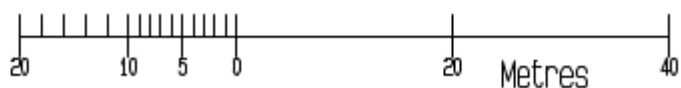
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REF:SP 108950

Plan No 1690/BP

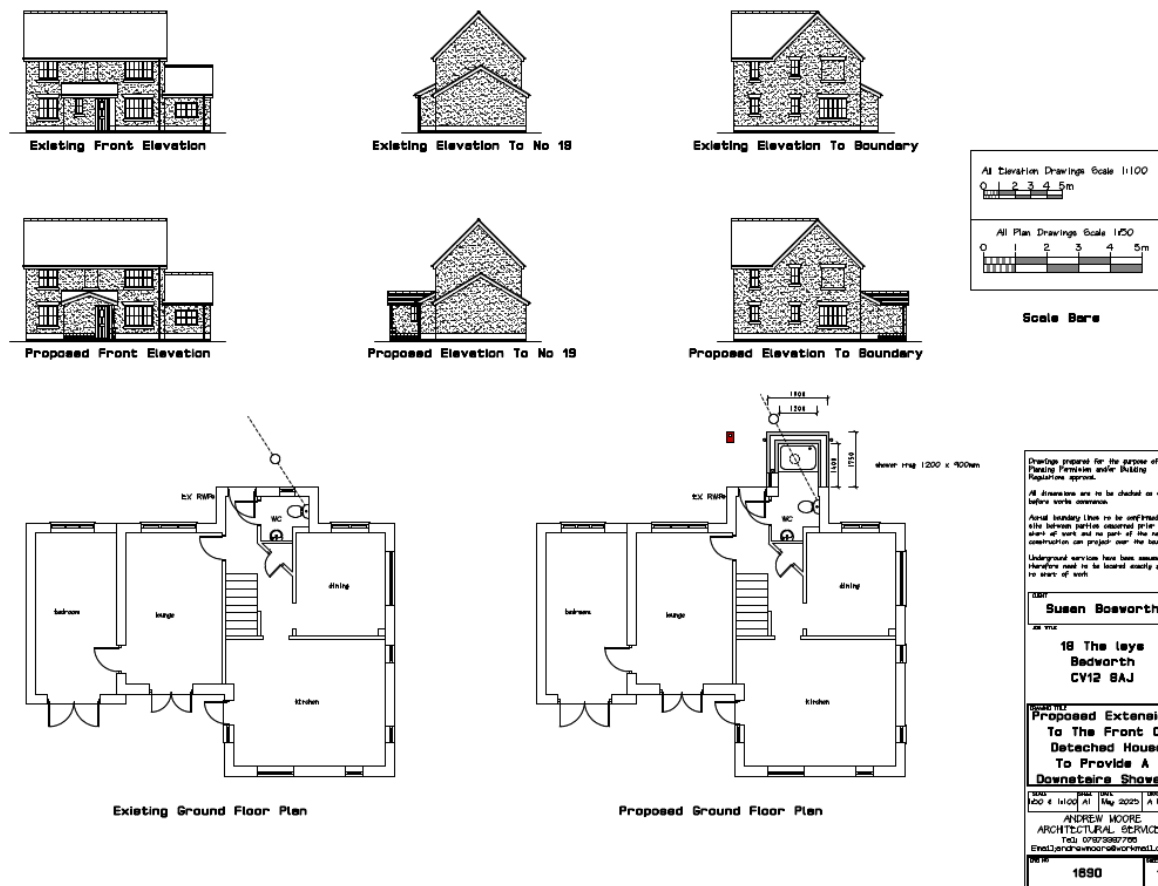


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Block Plan



## Elevations and Floor Plans

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

**Design Code** - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

**Development** – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

**Development management control** – The process of administering and making decisions on different kinds of planning application.

**Development plan** – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

**Duty to co-operate** – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

**Economic development** – Improvement of an area's economy through investment, development, job creation, and other measures.

**Enforcement** – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

**Enforcement notice** – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

**Environmental impact assessment** – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

**Flood plain** – An area prone to flooding.

**Front loading** – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

**Greenbelt** – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

**Greenfield site** – Land where there has been no previous development (not to be confused with Greenbelt).

**Green infrastructure** – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

**Green space** – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

**Green travel plan** – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.



Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Major Planning application-

- the winning and working of minerals or the use of land for mineral-working deposits
- waste development
- Residential development of 10 or more residential dwellings
- Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e. for outline applications)
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.
- development carried out on a site having an area of 1 hectare or more

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is

kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that "meets the needs of the present without compromising the ability of future generations to meet their own needs".

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the 'principal act'.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

# Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

**Class E (Commercial, business and service uses),**

**Class F.1 (Learning and non-residential institutions)**

**Class F.2 (Local community uses)**