



Appeal Decision

Site visit made on 07 July 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2025

Appeal Ref: APP/T3725/W/25/3359716

Norton Croft, Wolverton Road, Norton Lindsey, Warwickshire CV35 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Pike (Pathfinder Estates (Midlands) Ltd) against the decision of Warwick District Council.
 - The application Ref is W/24/0452.
 - The development proposed is re-development of the site comprising: Demolition of Norton Croft and other buildings on site. Erection of 3no. single dwellings. Extensions and alterations to Cotswold House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement of case contains a cricket ball strike assessment and a drainage strategy, which were not part of the original application. This does not represent an amendment to the scheme. The Council has had the opportunity to comment on these documents. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to the submitted documents in determining this appeal.
3. The appellant has submitted drawings (Drawing Nos. 286 09B and 286 11B) which shows an alternative design for plots 2 and 3. This represents a minor alteration to the original scheme. The Council has had the opportunity to comment on these documents. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to these documents in determining this appeal.

Main Issues

4. The main issues are

- Whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to risk of damage or injury from cricket balls;
- Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to refuse collection arrangements;
- The effect of the proposal on the character and appearance of the area;

-Whether the proposal would make satisfactory arrangements in relation to drainage; and

-If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site is located within the Green Belt. Planning permission is sought for the erection of 3 dwellings following the demolition of Norton Croft and other buildings, including barns and sheds, and the erection of an extension to Cotswold House.
6. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework includes reference to “grey belt” land, which is defined as land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Framework paragraph 143. To conclude whether the site comprises grey belt land I have had regard to the submitted evidence and my site visit observations and have also drawn upon the Planning Practice Guidance (PPG)¹ which provides advice on how to determine whether land constitutes grey belt in decision making.
8. The barns are used for storage and stabling of ponies by an equine rescue charity and the site has a mixed residential and equestrian use. Given this I am satisfied that the site comprises PDL as defined in the Framework glossary.
9. The site is located within the settlement boundary of Norton Lindsey and contains built form including dwellings, sheds and barns and is experienced as part of the village. Therefore, the site does not strongly contribute to Green Belt purpose a) which seeks to check the unrestricted sprawl of large built-up areas. Due to its location within the settlement boundary of Norton Lindsey, the site does not form a substantial part of a gap between towns. Similarly, its enclosure would not result in loss of visual separation of towns. The site therefore does not strongly contribute to Green Belt purpose b) which seeks to prevent neighbouring towns merging into one another.
10. Based on the evidence before me and my observations on site, the site does not form part of the setting of a historic town and has no visual, physical, or experiential relationship to historic aspects of a historic town. The site therefore does not strongly contribute to Green Belt purpose d) which seeks to preserve the setting and special character of historic towns.
11. In light of the above, the site does not strongly contribute to Green Belt purposes a), b) or d) set out in paragraph 143 of the Framework. For the purposes of the

¹ Paragraph: 005 Reference ID: 64-005-20250225

Framework, the appeal site therefore comprises grey belt land. Paragraph 155 states that the development of homes in the Green Belt should not be regarded as inappropriate where all the following apply:

- 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 this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
12. The Warwick District Local Plan (2017) (LP) policies map shows an extensive area of undeveloped Green Belt land to the north and west of the site. The site is small by comparison and contained on its other sides by dwellings and garden areas. This remaining countryside would therefore be safeguarded from encroachment, avoiding conflict with the other Green Belt purposes as listed in paragraph 143 of the Framework. The proposal would therefore not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the plan area.
13. The Council accepts that it is currently unable to demonstrate sufficient supply of housing. The proposed net gain in housing would therefore meet an unmet need. The site is located within the settlement boundary of Norton Lindsey which includes a number of facilities necessary for day to day living. It would therefore not conflict with the aims of Framework paragraphs 110 and 115, which seek to focus development on sustainable locations. As the proposal does not comprise major development², Paragraph 155d. of the Framework is not applicable to the proposal.
14. Policy DS18 states that in the Green Belt, national policies will apply. The Framework sets out that certain forms of development are not considered to be inappropriate in the Green Belt, including where they accord with the exceptions listed. The proposal would accord with one such exception set out at Paragraph 155 for the development of grey belt land in the Green Belt. The proposal therefore does not comprise inappropriate development in the Green Belt. It follows, therefore, that no conflict arises with those aims of LP policy DS18.
15. A finding of the acceptability of the proposed development on the openness of the Green Belt and the purposes of including land within it is implicit in a finding of it not being inappropriate development. I am not therefore required to consider this matter further. As I do not find that the proposed development would be inappropriate, there is no requirement to question whether very special circumstances are generated in this instance.

Living conditions- risk of damage from cricket balls

16. The site is located adjacent to Norton Lindsey Village Hall at which the Norton Lindsey and Wolverton Cricket Club are tenants. In response to concerns raised by the Council regarding the risk of cricket balls damaging property, vehicles and

² For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

residents, the appellant has submitted a cricked ball strike assessment (CBSA) which assesses the risk of cricket balls surpassing the boundaries of the pitch.

17. In support of the proposal, it is stated that the site is mostly shielded by a well-established hedgerow and mature trees. Nonetheless, the CBSA sets out that planting cannot be relied on to provide protection against ball trajectories as it may not be sufficiently dense to stop the ball, homogenous across the length, may change during the seasons, be cut back or removed. Given this, and notwithstanding the appellant's suggestion that there have been no recorded incidents of cricket ball strikes at the appeal site or surrounding area, the CBSA recommends mitigation of 7 metres in height along the cricket pitch boundary shared with the appeal site in order to provide a suitable level of protection from cricket balls. The report sets out that this could include ball stop netting or rigid panel fencing and could be a permanent or temporary fencing structure.
18. Sport England (SE) objected to the planning application on grounds that there was insufficient evidence to demonstrate that there would be no adverse impacts from the cricket club on future occupiers. Whilst the appellant suggests that SE no longer object to the proposal subject to appropriate mitigation, and whilst noting the appellant's agreement to the imposition of conditions requiring the provision and maintenance of ball stop netting, no detail of any mitigation is provided, and I cannot be assured that there is the capacity to accommodate the recommended mitigation within the appeal site. Furthermore, without details of the proposed mitigation, I cannot be assured that it would have an acceptable visual effect on the surrounding area.
19. Given this the provision and maintenance of the mitigation would not be certain, and I cannot be assured that the proposal has the capacity to satisfactorily address the risk of cricket balls surpassing the boundaries of the cricket pitch. Whilst the appellant's submission makes reference to laminated window mitigation, there is no evidence before me that this would be successful in mitigating against damage to property, and in any case, this would fail to overcome damage to vehicles or injuries within the external spaces of the appeal site.
20. The proposal would increase the number of residential properties on the site, and it has not been evidenced that appropriate mitigation measures would be provided to protect future occupiers from risk or injury and damage to property and vehicles from cricket balls. Therefore, I cannot be certain that future occupiers would be provided with satisfactory living conditions. Conflict therefore arises with those aims of LP policy BE3 which states that development will not be permitted that does not provide acceptable standards of amenity for future occupiers.

Refuse

21. A kerbside bin collection point is proposed at the site access, requiring the occupiers of plots 2 and 3 to transport waste between 65 metres and 80 metres in advance of collection. The Council has raised concerns with this arrangement, stating that it would fail to provide an appropriate standard of living conditions for future users of the site, referring to conflict with British Standard 5906:2005 (BS).
22. The BS does not form part of the development plan, and I afford it only very limited weight as a result. The route between plots 2 and 3 and the collection area is flat, relatively straight, and would comprise a surfaced road free from kerbs and steps. Future occupiers would likely be aware of the refuse collection arrangements at the

point of purchasing a property. Overall, I do not consider the use of the bin collection point would be unacceptably onerous for future occupiers of plots 2 and 3, despite the distances involved.

23. Appropriate provision for the collection of waste would be made. Therefore, the proposal accords with LP policy BE1 which requires that proposals make sufficient provision for waste management.

Character and appearance

24. The site is located on Wolverton Road, where large dwellings of varying forms and architectural styles are set back from the road within substantial plots. This, in addition to mature planting within front gardens, results in a varied, verdant and spacious character and appearance to the area. The existing dwellings to the site frontage are set back from the road behind a mature hedge and contribute positively to the established character and appearance of the area.
25. The proposal would comprise one additional dwelling to the front of the site adjacent to Cotswold House and 2 dwellings to the rear. Amended plans submitted with the appeal show a traditional pitched roof form for plots 2 and 3 which would harmonise with the form of plot 1, Cotswold House and dwellings in the surrounding area. The form and scale of the dwellings to the front of the site would not appear out of keeping with the varied scale and form of dwellings in the surrounding area.
26. The proposed layout shows a detached garage to the front of plot 1 and Cotswold House which would be partly screened by existing and proposed planting. The garage would appear modest in size and visually subservient to the host dwellings. Whilst the garage would be visible in street scene views from the west, the positive contribution the site makes to the established character and appearance of the area would not be compromised.
27. The proposal would have an acceptable effect on the character and appearance of the area and would accord with LP policy BE1 which requires that development positively contributes to the character and quality of its environment through good layout and design.

Drainage

28. The drainage strategy sets out how foul and surface water will be dealt with, demonstrates appropriate and sustainable drainage including an allowance for climate change. The Council has confirmed that this additional information has overcome this reason for refusal. Given this, the proposal would make satisfactory arrangements in relation to drainage and therefore would accord with LP policy FW2 which sets out the Council's objectives for the management of flood risk.

Planning Balance

29. The Council accept that it is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the Framework is engaged. This indicates that the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable

locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

30. The proposal would provide a net gain of one dwelling on a site with good access to services and facilities. The dwellings would be energy and water efficient. There would be some economic benefits during the construction and occupancy phases, as well as biodiversity and landscape enhancements. In light of the shortfall in housing delivery, I attach significant weight to the benefits of housing delivery.
31. On the other hand, it has not been demonstrated that the proposal would provide satisfactory living conditions for future occupiers. Chapter 12 of the Framework sets out that decisions should ensure that developments create spaces with a high standard of amenity for future users. Thus, whilst the Framework seeks to significantly boost the supply of housing, the failure to provide satisfactory living conditions for future occupiers would significantly and demonstrably outweigh the benefits of the delivery of one additional dwelling, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

Other matters

32. It is stated that the appellant's current accommodation within the first floor of Cotswold House, which is mainly accessed via an external staircase, is no longer suitable due to health and mobility issues given their age. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
33. However, no compelling reason has been given as to why the other existing dwellings on the site could not provide suitable accommodation for the appellant. Given this, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aim of ensuring that development provides acceptable living conditions for future occupiers. Whilst I acknowledge the personal circumstances of the appellant, this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my conclusions on the second main issue.

Conclusion

34. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR