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## Appeal Decision

Site visit made on 11 August 2025

**by Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 September 2025**

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**Appeal Ref: APP/R3705/W/25/3366920**

**Land south of Newton Farm, Main Road, Newton Regis B79 0NE**

- 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 T Smith (Sibson Mill Properties) against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2019/0619.
  - The development proposed is the erection of one dwelling with associated landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for one dwelling with associated landscaping at land south of Newton Farm, Main Road, Newton Regis B79 0NE, in accordance with the terms of the application, Ref PAP/2019/0619, subject to the conditions on the attached schedule.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Newton Regis Conservation Area.

### Reasons

#### *Character and appearance*

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
4. The National Planning Policy Framework 2024 ('Framework') states at paragraphs 212 and 213 that great weight shall be given to the conservation of designated heritage assets, such as conservation areas, and that harm to their significance, including from development within their setting, requires clear and convincing justification.
5. The Framework continues at paragraph 216 that the effect of an application on the significance of a non-designated heritage asset should be taken into account, and that in weighing applications that directly or indirectly affect them, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset. North Warwickshire Local Plan 2021 ('NWLP') Policy LP15 takes a broadly similar approach to the Framework with respect to designated, and non-designated, heritage assets.

6. The Newton Regis Conservation Area ('NRCA') extends to the southern side of Main Road, such that the appeal site falls predominantly outside it, but that its frontage forms the boundary. I observed that the NRCA includes historic farms and St Mary's Church, and that it comprises a mix of architecturally interesting and attractive buildings, many in the local vernacular style, which are arranged in a fairly linear street form. These attributes, along with the presence of open spaces, trees, hedges and historic boundary walls, contribute to the NRCA's rural character, and to its significance as a designated heritage asset.
7. Opposite the appeal site, the traditional farmhouse, low level brick wall and former outbuildings at Newton Farm, along with undeveloped land to the west, are within the NRCA. Those structures, together with the similar brick wall on the boundary of the appeal site, contribute positively to the character and appearance of the NRCA, and are non-designated heritage assets.
8. The scheme would entail development on part of a larger field at the western edge of the village. The proposed plot would be spacious, but not unusually so in the context of the diverse plot sizes in the village. Its depth would be the same as the adjacent plots at Lime Grove, which are outside the NRCA, and the dwelling's set back from Main Road would broadly align with the siting of those semi-detached pairs. The scheme would therefore reflect the prevailing pattern of linear development.
9. The proposed dwelling's form, style, fenestration and materials would broadly reflect the elegant simplicity of Newton Farm. A garage would be sited between the dwelling and the highway, but its modest single storey size would make it a subservient feature, and it would be appropriately finished in red brick and plain clay tiles to closely match Newton Farm. As depicted on drawing no. 7645/150J, the locally distinctive brick wall along this part of the site's frontage would be retained behind the proposed visibility splay. Given the scheme's appropriate siting, form and appearance, the setting and significance of the nearby non-designated heritage assets would not be harmed.
10. The proposal would result in a small extension of the village's built form into part of a larger field. However, approaching along Main Road from the west, the dwelling with its narrow gable, and the small garage, would be fairly modest, appropriately designed features, in a spacious setting. Moreover, those structures, together with proposed landscaping, would help to obscure the bland rear face of the flat-roofed garage block at Lime Grove, thus providing a more attractive entrance to the village. I have no evidence that field patterns in the locality are particularly significant, and the scheme would not involve the removal of any boundary hedgerows.
11. Other than a substation, the space next to the carriageway in this location is fairly open in both directions. In that context, and as the proposal would include a relatively slight widening of an existing access point which serves the field and Lime Grove, neither the amended access, nor the required visibility splays as set out on plan No DWG-02 Rev A, would be prominent, or overly engineered features in the streetscene.
12. The site's planning history includes previously dismissed appeals relating to larger parcels of land and, most notably, a single dwelling on this part of the field in 2019<sup>1</sup>.

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<sup>1</sup> APP/R3705/W/18/3218660

However, in comparison to this scheme, that appeal proposal related to a much larger and more complex dwelling, with far bulkier flanks, a substantial linked triple garage with accommodation at first floor, and design features which that Inspector found to be uncharacteristic of the area.

13. Thus, whilst he found that that proposal would cause an unacceptable incursion into the countryside, and less than substantial harm to the significance of the NRCA, the combination of this scheme's much more modest scale, its limited and disaggregated bulk, and its appropriate design, is such that it would not harm the approach to the village, or the setting of the NRCA.
14. For these reasons, the scheme would not harm the character and appearance of the area. It would not therefore conflict with NWLP Policies LP1, LP14 and LP30. Amongst other things, and in general terms, these require development to be of high quality design, having regard to matters such as layout, form, style, detailing, and the local pattern of development, and to integrate appropriately with the natural and historic environment, including an individual settlement's character.
15. Having paid special attention to the statutory test, the character and appearance of the NRCA would be preserved. As the significance of designated and non-designated heritage assets would not be harmed, the scheme would not conflict with NWLP Policy LP15; and it would not conflict with the stance at paragraphs 212, 213 and 216 of the Framework.

#### *Other matters*

16. NWLP Policy LP2 sets out that development may be acceptable directly adjacent to settlement boundaries. Newton Regis is identified as a Category 4 settlement in the NWLP, and the eastern edge of the site abuts its boundary. Consequently, I agree with the Council that the broad principle of a single windfall dwelling accords with that policy.
17. Drawing No DWG-02 Rev A shows visibility splays at the proposed access. Subject to a condition requiring the provision and retention of those splays, and having regard to the consultation response dated 16 December 2024 from Warwickshire County Council (Highways), I am satisfied that the modest volume of traffic generated by a single dwelling in this location would not pose a significant risk to the safety or convenience of highway users.
18. Given the size of the site, and the proposed dwelling's spacious setting, with a significant distance to its nearest neighbours, the scheme would not harmfully impact existing occupiers' living conditions.
19. The appellant casts doubt on the Council's ability to demonstrate a five year housing land supply, as required by paragraph 78 of the Framework. The evidence before me on this matter is limited and inconclusive, but given my findings on the main issue in the appeal, and as I have found that the scheme would accord with the development plan, this matter is non-determinative in the appeal.
20. Finally, whilst concerns have been raised about planning precedent, and I have had regard to the history of this site and the adjacent land, I have dealt with the scheme before me on its planning merits.

## Conditions and Conclusion

21. Turning to the matter of conditions, I have considered those suggested against the tests in the Framework, making minor amendments in the interests of clarity and precision. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
22. Section 100ZA(5) of the Town and Country Planning Act 1990, sets out that if an Inspector is minded to grant planning permission subject to pre-commencement conditions, they may only do so with the written agreement of the appellant.
23. In this case, the Council has suggested a pre-commencement condition requiring the submission and approval of a scheme of landscaping. Given the prominence of the site, and that appropriate landscaping is necessary to assimilate the development into its surroundings, such a scheme is required. This is necessarily a pre-commencement condition given that the design and layout of proposed landscaping could impact other elements of the development from the outset, and I therefore first sought the appellant's agreement to it.
24. In the interests of good design, and to protect the character and appearance of the site and the area, a condition is necessary requiring the submission and approval of external surfacing and hard standing materials. However, given the typical sequencing of development, I am not persuaded that such details are required from the outset, and I have therefore re-phrased the suggested condition to require their submission prior to the construction of development above ground level.
25. Finally, my conditions 5 to 8 are imposed in the interests of the safety and convenience of highway users.
26. Subject to the above conditions, I have found that the scheme would be acceptable, and that the character and appearance of the area, including the NRCA, would not be harmed. The scheme would not conflict with the development plan and, having regard to all other matters raised, including representations by interested parties and Newton Regis, Seckington and No Man's Heath Parish Council, the appeal is allowed.

*Chris Couper*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7645/250D, 7645/150H, 7645/150J, and DWG-02 Rev A (date stamped received by the Council 13/11/2024).
- 3) No development shall commence until a scheme of landscaping has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of landscape works and any earthworks. The scheme as approved shall be carried out in the first planting and seeding seasons following the occupation of the dwelling, or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces and hard standing areas of the development hereby permitted, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling, and shall thereafter be retained.
- 5) The dwelling hereby approved shall not be occupied until the public highway verge crossing, and the access, driveway and turning area, have been laid out in accordance with drawing No 7645/150J, and constructed in accordance with the standard specification of the Highway Authority, and have been surfaced with a bound material for a distance of 7.5 metres as measured from the nearside edge of the public highway carriageway.
- 6) The dwelling hereby approved shall not be occupied until 2.4 metre x 43 metre visibility splays have been provided in accordance with drawing No DWG-02 Rev A. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The visibility splays shall be retained as such thereafter
- 7) Any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the nearside edge of the public highway carriageway.
- 8) The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a minimum distance of 7.5 metres, as measured from the nearside edge of the public highway carriageway.