



Appeal Decision

Site visit made on 5 June 2025

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/T3725/W/25/3362421

Land to the south of Birmingham Road, Hatton Park, Warwick, Warwickshire, CV35 7DZ

- 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 Hutchinson (Belmont Healthcare) against the decision of Warwick District Council.
 - The application Ref is W/22/1410, dated 26 August 2022, was refused by notice dated 16 September 2024.
 - The development proposed is the erection of 3 storey 75 bed care home (Class C2) with associated landscaping and parking, and public footpath access to Hatton Locks and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of accuracy, the above description of the development's location has been worded more precisely and accords with that used by the appellant in their appeal documentation.

Main Issues

3. The main issues are whether the proposal would:
 - preserve or enhance the character or appearance of the Warwick District Canal Conservation Area;
 - preserve the setting of a Grade II listed building, known as Lock House;
 - offer accessibility to services and facilities by means of sustainable transport;
 - require healthcare infrastructure provision;
 - result in any 'less than substantial harm' in respect of the heritage assets and if it does, whether such harm would be outweighed by public benefits;
 - be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan and if the proposal is inappropriate development, whether any 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 it.

Reasons

Heritage Assets

4. The appeal site comprises land between Hatton Terrace to the west and the Grade II listed Lock House to the east. Hatton Terrace consists of late 19th/early 20th century housing, fronting onto Birmingham Road. Lock House is set back from the road and fronts onto the canal. The site is located within the Warwick District Canal Conservation Area and within Character Length 2: Hatton sub area of the Conservation Area Appraisal (CAA)¹ 2018.

Conservation Area

5. The Conservation Area comprises the Grand Union Canal and the CAA details canal construction between Warwick and Birmingham in the latter 18th and early 19th century during the industrial revolution. The canal was associated with William James, a major investor and influential pioneer of waterways. The subsequent establishment of railways led to increasing competition resulting in the amalgamation of the Warwick canals to form the Grand Union Canal in 1929. During the 1930s, substantial investment took place to improve the canal to accommodate increasing traffic and stave off competition from the railways.
6. For CAA Length 2: Hatton, the canal stretches about 8km between Shrewley and Warwick, and adopts strong rural characteristics with limited built form and views across open countryside to the south. It includes a nearby railway line, Hatton Terrace and Lock House. Adjacent to the site, the canal contains 21 locks forming the Hatton Flight and the Grade II listed Lock House originally for a lock keeper. The locks were quite narrow but broad locks were built alongside them, under the 1930s investment programme, with the narrow locks decked over and used for side weirs. The canal also originally supplied water for laundry and heating purposes to Warwick County Asylum and King Edward VII Sanatorium, the latter redeveloped for housing, part of a growth village allocation under the Warwick District Local Plan 2011-2029 (WDLP).
7. Within this part of the Conservation Area, there are the extensive undeveloped and landscaped areas adjacent to the canal. There is a petrol filling station situated further east but urban development, such as the new housing in Hatton Park, is mostly outside of the Conservation Area to the north on the other side of Birmingham Road. The dwellings at Hatton Terrace have extensive rear landscaped amenity space /garden areas whilst Lock House is sited within extensive landscaped grounds. The appeal site also has a largely undeveloped feel given its boundary hedgerows and trees and as such, the Conservation Area retains a strong rural quality. Key views of the Conservation Area arise from the sequential experience of moving up and down the canal within views changing and unfolding as one navigates a largely rural area.
8. The appellant's Heritage Statement² details the canal and its infrastructure are major features of the Conservation Area but additionally, there is Hatton Terrace

¹ Warwick District Canal Conservation Area Appraisal and Management Plan 2018.

² Heritage Statement of Case, Land to the south of Birmingham Road, Hatton Park, Warwick Reference: P22-2221, 14/3/2025, Pegasus Group.

and Lock House. Hatton Terrace originally housed workers at the nearby asylum/sanatorium, and they are of attractive traditional design, with striking gabled two storey bays projecting above roof eaves, mainly recessed entrances and steeply pitched roofs. On Birmingham Road, the semi detached dwellings have paired mirror gables, with some having adjoining smaller secondary gables. The gables stand out, with rendering contrasting with brickwork below and the street has a pleasing rhythmical design quality. Design is enhanced by architectural detailing, banding providing demarcation between the render and brickwork, brick quoins and heads for windows and chimneys. There is hierarchical order of fenestration, with first floor windows smaller than those below and windows serving main living areas larger than secondary living spaces, including non-habitable rooms such as WCs/bathrooms. The dwellings, with their modest residential size, defined by their scale and extent, good architecture, stand out as positive features within the Conservation Area.

9. Lock House is a simply constructed modest cottage which is built with brick and plain tile, with a hipped roof, dentilled eaves, cornice and single stack. It was built for a lock keeper, and the listed building description (entry number 1261976) indicates the cottage dates to around 1800 and being a rare example of a canal company cottage, with clear legibility with the canal.
10. For all these reasons, this part of the Conservation Area has a strong rural and canalside context, with positively designed traditional development with connections to the canal and its history. The canal, rural context and key buildings, Hatton Terrace and Lock House, with their high quality design, represent historic and architectural qualities which strongly contribute to the significance of the Conservation Area, as a whole.
11. In the early 19th century, the appeal site was used for arable farming, with woodland being established near Lock House afterwards. There were small buildings and a small hardstanding area on the site during the 20th century but today, the site has hedgerow and trees, along its boundaries, with low lying vegetation/grassland. It has no functional relationship with the canal, but its verdant state contributes to the ruralness of the Conservation Area.

Listed building

12. Lock House is two storey, 2 bays across, attractively constructed and designed in a modest domestic manner. The ground floor has a single 2-light glazing bar casement with segmental arch and a cambered arched doorway. The upper storey is similarly designed but with a smaller casement with a cambered arch. Its surviving fabric, traditional detailing, functional relationship and canalside legibility are historic and architectural qualities of importance and value, which contribute to the significance of this heritage asset.
13. The house faces the canal and this, along with its proximity, contributes to the understanding of its significance. The appeal site has no functional relationship with the house and is screened from it by trees and hedgerow. However, setting is not solely determined by visual aspects and the house was built at a time when its surroundings were largely undeveloped and strongly rural. The landscaping still conveys a rural surrounding that aids the understanding of the significance of the house, as a rural lock keeper's cottage. Therefore, the appeal site contributes to

the understanding of the listed building in providing a rural context and is a positive aspect of its setting.

Effects of proposals

14. The 75 bed care home building would be up to three storeys in scale, with associated hard surfacing, including for access and car parking. The building would be separated from the closest Hatton Terrace dwelling by retained trees and vegetation where it would be two storey in scale. Car parking and access areas would be located between the building and retained woodland adjacent to Lock House. There would be fencing around the site, including alongside the canal, and a footway through the site from Birmingham Road to the canal.
15. The appellant's Design and Access Statement (DAS)³ details that the care home building would be articulated with differing roof heights and forms, physical step backs, protruding gables and balconies. Windows would be black uPVC framed, with brick cills and soldier coursing above. Second floor windows would straddle the eaves line with semi oval caps, apart from those within the projecting gables. The building would be constructed with red brick, white render and timber cladding across the elevations, with the brick and render respecting Hatton Terrace. Architectural detailing would include column like features on the outer ends of the protruding three storey gables, coursing between differing external material treatments and chimneys. The landscaping would retain most of the site's trees and hedgerow, including those adjacent to Lock House and the canalside boundary, and would be enhanced.
16. However, the articulation of the care home building, use of a varied palette of external materials and architectural detailing would fail to reduce the dominating impact of the proposal. The building's three storey elevations would be of considerable height and width, even with parts of the second floor straddling the roof eaves. It would extend across much of the depth of the site towards the canal. The crown flat roofed elements would accentuate the impression of massing, particularly by highlighting the extensive depth of the building. The use of three storey gable bays with column features would be out of kilter with the smaller scale features and detailing of dwellings in Hatton Terrace and Lock House. The vertical nature of the column features would emphasise the building's dominant scale, massing and extent.
17. Additionally, the elevations would have overly varied roof forms, differing eaves lines and built forms. In the elevations facing Birmingham Road, Lock House, and the canal, the elevations would have a mixture of storey scales, roof heights and types, and features. Facing the Lock House curtilage, there would be an unbalanced built projection with hipped roof/flat roof and ground floor addition with balcony above. This would result in a visually incoherently designed appearance to the development which would contrast detrimentally with the more balanced design of the Hatton Terrace and Lock House dwellings.
18. Planning policy does not require replication of neighbouring designs. However, both Hatton Terrace and Lock House are key buildings within this part of the Conservation Area and establish, architectural (as well as historical) qualities that are of value and importance to significance. The care home building would fail to

³ Design and Access Statement, Proposed 75 bed care home, Birmingham Road, near Hatton Park, ADG Architects, submitted with appeal.

respect the distinctiveness of these historic developments by reason of its dominating scale, massing and extent.

19. Trees and hedgerow would be retained but views of the development would not be acceptably filtered given the height, scale and extent of the building. It would be up to 3 storeys with roof over, extending across much of the site's depth and would be in proximity to both the Birmingham Road and the canal boundaries. There is variation in boundary vegetation height, especially alongside the canal towpath, enabling views of the development from public areas of the canal, including boats and much of it is deciduous, which would result in greater visibility during the winter. There is no guarantee that the vegetation would remain because disease, accidental and weather damage can result in loss, and any replacement planting would take time to establish. The vehicular access would also open the site and development to view from the public footway along Birmingham Road.
20. For all these reasons, the care home building would not be well considered development because its scale, massing and extent would dominate, adversely affecting the rural quality of the Conservation Area and the domestic scale of Hatton Terrace and Lock House. Similarly, it would dominate the setting of the listed building, Lock House. The proposal would fail to preserve the character or appearance of the Conservation Area, with 'less than substantial harm' being at the higher end of the spectrum. For the listed building, it would fail to preserve setting resulting in 'less than substantial harm' but given only setting is affected, such harm would be at the medium point within the spectrum.
21. Accordingly, the proposal would conflict with Policy BE1 of the WDLP, which amongst other matters requires development to contribute to character and quality of its environment through good design. The development would not be result in good architecture or be sympathetic to local character and history as required by paragraph 135 a) and c) of the Framework

Accessibility to services and facilities

22. The appeal site is located adjacent to the development policy boundary of Hatton Park under the WDLP. Within Hatton Park, there is a range of facilities and services, including a local shop, and bus stops at nearby Charingworth Drive. A footway connects with a pedestrian crossing of Birmingham Road which leads into Hatton Park. Within the site, there would be a public footpath connecting Birmingham Road with the canal towpath.
23. The care home residents would have services and facilities, including primary healthcare, provided for them. For visitors and staff, there would be facilities and services within about a 10 minute walk at Hatton Park. Additionally, there would be a cycleway on Birmingham Road, and the canal towpath permits cycleway access to nearby settlements. For all these reasons, the development would be in an area with good accessibility options to services and facilities by sustainable transport. The proposal would comply with Policy H5 of the WDLP, which amongst other matters, states planning permission will be granted for specialist housing for older people on sites in proximity to shops, amenities and public transport, with access to primary healthcare services.

Healthcare infrastructure

24. The South Warwickshire University NHS Foundation Trust ⁴ indicates insufficient capacity to absorb the increased demand for healthcare resulting from the residents of the proposed development. NHS advice⁵ indicates that funding does not cover additional facilities required due to housing developments and requires NHS organisations to secure developer contributions for extra capacity. It is only when new residents became part of the population baseline that funding takes them into account.
25. Due to this funding situation, the contribution would be for one year's healthcare infrastructure and would be based on the frequency with which people need various hospital services and the cost of providing those services. The healthcare infrastructure will include accident and emergency, outpatients and procedures (including those requiring beds), radiological diagnostic attendances and hospital community care. The contributions would be put towards additional appointments and equipment to increase capacity.
26. The Trust indicates that the contributions are cautiously measured and conservative in estimating the quantum of healthcare services needed. However, the contribution does not consider the level of care that will be privately provided at the care home and would not be tailored to the needs of the care house residents. Furthermore, the contribution would be pooled with other funds before the infrastructure is brought into use and therefore, it is unclear whether the contribution and infrastructure would be directly related to the development.
27. For all these reasons, the contribution would not be necessary to make the development acceptable in planning terms, not be directly related to the development, and not be fairly related in kind and scale. It would not meet the statutory tests of the community infrastructure levy (CIL regulations 2012) as amended and those of paragraph 58 of the Framework would not be met. On this basis, a conflict with Policies HS1 and DM1 of the WDLP has not been proven, which collectively and amongst other matters, require the consideration of new and improved health services, and where appropriate infrastructure contributions.

Public benefits

28. WDLP Policy H0 sets out an overarching policy requiring housing whilst WDLP Policy HS1 states that support will be given to proposals that provide homes and developments meeting the needs of older people. WDLP DS2 is a strategic policy setting out, amongst other criteria, that there should be a mix of housing to meet identified needs including homes suitable for elderly and vulnerable people.
29. Within the district, the appellant's Dementia Care Home Statement (DCHS)⁶ details a substantial shortfall of extra care beds of between 506 and 781 bed spaces for 2020. With an aging population, this shortfall will increase to between 1,341 and 1,616 bed spaces by 2040. Within north Warwickshire, there is no extra care home facilities and for 2020, a shortfall of some 179 spaces is projected. The recent Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) estimates a lower requirement of 243 beds by 2032. It takes a different approach in predicting future bed space requirements by assuming a

⁴ Planning Statement, Acute and Healthcare Matters, NHS South Warwickshire University, NHS Foundation Trust, 30 May 2025.

⁵ NHS England capital planning guidance (February 2025)

⁶ Existing and Future Demand for Dementia Care Home Beds in Warwick, Strategic Planning Research Unit, June 2022.

greater focus on providing care within homes. The appellant's DCHS review⁷ considers the HEDNA prevalence rate used (people needing beds with nursing) and the assumptions about a higher rate of delivery, for housing with care, to be lacking evidence based justification. Critically, it is unclear how dementia care needs have been assessed which contrasts with DCHS, that utilises specific evidence from Dementia UK⁸. On this later point, it is therefore of greater weight in assessing need for the proposed care home, with its focus on dementia.

30. An Alternative Site Assessment (ASA)⁹, analyses alternative sites but concludes none are suitable and available for development. In the absence of contrary evidence, the ASA further reinforces the need justification for the proposal. The proposal for 75 care beds would make a positive contribution towards meeting need for specialist housing for older people as an identified in the Council's Strategic Housing Market Assessment 2012 under WDLP Policy H5. Planning Practice Guidance (PPG) indicates that the need for elderly persons housing is critical¹⁰. The proposal would address needs of groups with specific housing requirements under Framework paragraph 61. Taking into account the DCHS evidence, significant weight is attached to the provision of 75 care beds in contributing to need.
31. Future residents would be able to downsize and release their homes for other people, including families. The Council currently has a deficient 5 Year Housing Land Supply of 2.34 (March 2025) and the care homes would equate to the provision of 39 dwellings. In boosting housing supply in accordance with local and national policy, such a benefit would attract moderate weight.
32. The care home would reduce the demand on the use of publicly funded hospitals, GP services, publicly funded care homes, social services and health authorities. Residents would benefit from improvements in their health which would reduce service demand and time spent in hospital. Based on research¹¹, the provision of 75 bed care home could result in Council care budget savings of £225k per annum and NHS savings £500k per annum. Such a benefit would attract moderate weight
33. Framework paragraph 96 a) promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with one another. A range of facilities and services, including preventative and rehabilitative care, and communal facilities would be provided, and it would also allow people to retain independence for as long as possible within a secure community setting. Such well-being benefits would attract small weight.
34. Construction and care home jobs on a range of salaries and scales would be created. Such jobs, along with servicing requirements for the home and its residents, would result in financial spend within the local economy. Given the extent of development, this economic benefit would attract moderate weight.

⁷ Existing and Future Demand for Dementia Care Home Beds in Warwick in support of the proposal for 75 bed care home (Class C2) Reference W/22/1410 P.L. and Development Consultants Ltd, March 2025.

⁸ Dementia UK: Personal Social Services Research Unit, London School of Economics and the Institute of Psychiatry at Kings College, London 2007.

⁹ Alternative Site Assessment, Strategic Planning Research Unit, September 2022.

¹⁰ Planning Practice Guidance: Paragraph: 001 Reference ID:63-001-20190626.

¹¹ Aston University/Extra Care Charitable Trust, 2015 and Housing LIN and Southampton City Council, Identifying the health care system benefits of housing with care, 2019, paragraphs 6.5-6.8 of Appellant's Appeal Statement, Mission Town Planning Consultancy.

35. Additionally, there would be provision of a public footpath, in accordance with paragraph 109 of the Framework which encourages opportunities to promote walking and cycling. This provision would also be in accordance with WDLP Policy TR1 that states planning permission should be granted for proposals providing suitable routes for pedestrians and cyclists. There is access to the canal further north of Hatton Terrace, but a footpath link would be of value attracting small weight.
36. Neither party has demonstrated the site to be previously developed land. Framework paragraph 124 states decisions should promote the effective use of land for homes. However, this should be while safeguarding the environment and by reason of the heritage harms, the proposal would not achieve this.

Heritage balance

37. In accordance with Framework paragraph 215, where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
38. For the Conservation Area and listed building, there is a statutory presumption in favour of preservation. Section 72(1) of the Planning (Conservation Areas and Listed Buildings) Act 1990 (the Act) states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act states special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
39. Set against this, there would be significant weight attached to the number of care home beds being created. The proposal would boost housing supply attracting moderate weight and the reduced demand on social and health services and associated cost savings would attract moderate weight. Similar weight would be attached to the economic benefit of the proposal. Small weight is separately attached to the enhanced well-being of elderly people and the creation of a footpath. However, the proposal would fall well below the Framework's requirements of achieving well-designed places because the scale, massing and extent would be overly dominant within its context, a Conservation Area and the setting of a listed building. Paragraph 139 of the Framework indicates development that is not well designed should be refused. There would be adverse effects on the character and appearance of a Conservation Area and setting of listed building. For all these reasons, considerable weight is attached to the individual 'less than substantial harm' identified for each of the heritage assets.
40. Therefore, whilst the benefits of the proposal would cumulatively be great and weigh heavily in favour of the proposal, they would not outweigh the heritage harm for each of the balances for the Conservation Area and listed building. For all these reasons, the proposal would conflict with Policy HE1 of the WDLP which amongst other matters, states where there is 'less than substantial harm', this harm would be weighed against the public benefits of the proposal. The application of the policies within the Framework, that protect these assets of particular importance, provide strong reasons for refusing the development proposed.

Whether inappropriate development

41. Framework paragraphs 154 and 155 sets out that development in the Green Belt is inappropriate unless an exception applies. Paragraph 155 indicates the development of homes, commercial and other development in the Greenbelt shall not be regarded as inappropriate subject to criteria. Criterion a. states that the development would utilise grey belt and would not fundamentally undermine the purposes taken together of the remaining Greenbelt across the area of the plan. However, grey belt land excludes land where the application of policies relating to the area or assets would provide a strong reason for refusing or restricting development. In respect of heritage assets, there would be strong reasons for refusing or restricting the development and therefore, this exception does not apply.
42. Under Framework paragraph 154 g), an exception is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Irrespective of whether the site would represent previously developed land, the proposal would not represent limited infilling. There is a built-up row of dwellings on one side, Hatton Terrace, but on the other side, Lock House is sited well back from the frontage, with a large undeveloped area to the frontage. Beyond this dwelling's curtilage, there is further undeveloped land. As a result, the proposal cannot be considered infilling. Additionally, the proposal would not be limited given its great scale, massing and extent. For similar reasons, it would not amount to limited infilling in villages in the exception under Framework paragraph 154 e). Accordingly, the proposal would amount to inappropriate development within the Green Belt.

Openness of the Green Belt

43. Framework paragraph 142 indicates a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. The appeal site would be enclosed with trees and hedgerow. However, the site is largely undeveloped, and the proposal would result in a substantial development on a site with no existing significant built development. Given the scale, massing and extent of the building, there would be a significant effect on the visual and spatial aspects of openness of the site. Nevertheless, taking the surrounding Green Belt context into account, the loss in openness would be localised and small.

Other considerations

44. The provision of care home beds would attract significant weight. The benefits of housing, economy, reduced demand on social and medical services and associated cost savings would each attract moderate weight. The benefits on people wellbeing and the creation of a footpath would each attract small weight.
45. As part of the evidence for the emerging local plan, the site was reviewed against the five purposes of the Green Belt listed at Framework paragraph 143. The site was found to make no contribution to checking unrestricted sprawl or preventing neighbouring towns merging into one another (purposes a and b). Purposes d) and e) are not relevant because setting and special character of historic town and urban regeneration are not valid here. However, the proposal would conflict with the purpose assisting in safeguarding the countryside from encroachment (purpose c). Therefore, limited weight is given to the lack of conflict with the other remaining principles.

Green Belt Balance

46. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although localised, there would be harm to the openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. The Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
47. The benefits of the provision of care home beds, housing, economy, reduced demand on social and medical services with associated cost savings, people wellbeing and the creation of a footpath would weigh heavily in favour of the proposal. Limited weight would be given to the proposal not conflicting with Green Belt purposes a and b. However, in addition to the harm to the Green Belt, there is 'less than substantial harm' to the Conservation Area and the setting of a listed building which individually attract considerable weight.
48. For this reason, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness and other harms is not clearly outweighed by other considerations for this scheme. There would be conflict with Policy DS18 of the WDLP, which amongst other matters, requires national policy to be applied to proposals in the Green Belt.

Planning Balance

49. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would provide care home beds, with a focus on dementia, in accordance with WDLP Policies H5, HS1 and DS2. In terms of housing supply, it would meet strategy requirements of WDLP Policy H0. There would be reduced demand social and health services and associated cost savings, and the well-being benefits. There would also be benefits to the economy and the creation of a footpath would be supported by WDLP Policy TR1.
50. Conversely, there would be harm to the character and appearance of the Conservation Area, and the setting of a listed building in conflict with Policies BE1 and HE1 of the WDLP and Green Belt in conflict with Policy DS18 of the WDLP. There would also be conflict with WDLP Policy H1, which whilst permitting development in the countryside, only does so if the proposal would not affect environmental assets. For all the reasons indicated, the heritage and Green Belt considerations and policy conflicts would be overriding. Consequently, there would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

Conclusion

51. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JParsons

INSPECTOR