
Appeal Decision

Site visit made on 11 December 2025

by **M Tandy C.WEM MCIWEM MIO L**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal Ref: APP/R3705/W/25/3371147

Land north west of Newton Regis Village Hall, Austrey Lane, Newton Regis, Warwickshire B79 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Walton Homes Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0314.
 - The development proposed is an outline application for the erection of up to 39no. dwellings (all matters reserved except for access).
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Decision

1. The appeal is allowed and planning permission is granted for the outline application for the erection of up to 39no. dwellings (all matters reserved except for access) at Land north west of Newton Regis Village Hall, Newton Regis B79 0NP in accordance with the terms of the application, Ref PAP/2023/0314, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. Plans have been submitted as part of the appeal which illustrate how the proposed development could be accommodated on the site. I have taken these plans into account for indicative purposes only.

Main Issues

3. The main issues are:
 - whether the site is suitable for residential development, having regard to its location and the amount of development; and
 - the effect of the proposed development on the character and landscape setting of the surrounding area.

Reasons

Site suitability

4. The appeal site is located adjacent to the boundary of Newton Regis, a small nucleated rural village identified as a Category 4 settlement in Policy LP2 of the North Warwickshire Local Plan 2021 (the Local Plan).
5. The Local Plan seeks to appropriately locate new development and explains Category 4 settlements would “usually” cater for windfall developments of up to 10 residential units. Whilst this terminology is not definitive, it provides a useful

description for interpreting the policy and carries weight in considering the appeal.

6. The proposed development could introduce up to 39 dwellings and represents a considerable spatial expansion to Newton Regis and its population. Furthermore, Newton Regis only benefits from services typical of a small village, including a public house, church, village hall and primary school. Future occupiers could utilise a limited bus service or walking and cycling routes in the summer months, to help reduce the otherwise reliance on private transport for accessing public and retail services or employment in neighbouring settlements.
7. For the above reasons, I consider the proposed development would be disproportionate in scale with Newton Regis and not wholly commensurate with the day-to-day service provision available. As such, it would not accord with Policy LP2 of the Local Plan, which seeks to proportionately distribute development in accordance with the settlement hierarchy and protect rural communities.

Character and landscape

8. The appeal site shares its south-western boundary with the existing residential development of Townsend Close and is located in the No Mans Heather to Warton Lowlands Landscape Character Area. To the north and east of the appeal site is predominantly open countryside with vistas across gently undulating agricultural land.
9. The proposed development would extend the settlement into the countryside by respecting existing development boundary lines of Townsend Close, the neighbouring village hall, and recreational ground; thus, creating a feeling of social cohesion and visual connectivity to the village. The illustrative layout and block plans demonstrate that a built form and development pattern coherent with that of Townsend Close is achievable, while avoiding any unacceptable impact on the village setting.
10. Whilst the development would detract from the openness of the immediate area, in certain views the proposed dwellings would harmonise against a backdrop of existing residential development. Furthermore, I note harm to the wider landscape character area is not anticipated and given the separation distance, the proposed development would not be harmful to the significance of the Newton Regis Conservation Area.
11. The disproportionate scale of the proposed development could lead to some change in character of the village, adding to the cumulative effect of recent schemes that have intensified development of the settlement. I consider the close positioning of the appeal site to village services minimises the negative impact of the proposed development on the nucleated nature of Newton Regis and its sense of place.
12. For the reasons set out above, I conclude that the proposed development is not isolated from Newton Regis, would not unduly harm the character and landscape setting of the surrounding area and accords with the landscape character assessment. As such, the proposed development would generally comply with Policies LP1, LP14, LP15 and LP30 with regards to character and landscape setting matters that can be considered at the outline stage. Collectively these

policies seek development to relate well to its surroundings and respect the local distinctiveness and historic environment of an area.

Other Matters

13. My attention has been drawn to a previous appeal decision dated 29 September 2021 that spatially correlates to part of the appeal site. That appeal decision considered a different form of development, and I regard it to be of little relevance. I have reached my conclusions on this appeal based on the evidence before me.
14. In addition to the matters addressed above, concerns have been raised regarding a number of other matters. These include the effect of the proposed development on ecology, the living conditions of neighbouring occupiers, noise emissions and parking. These are all matters which would be addressed as part of the reserved matters applications where any effects would be assessed and are not considerations to be dealt with at this stage.
15. Whilst there would be alterations to the village hall access and the proposed development would be close to the existing primary school access, I note the Council nor the highway authority have raised concerns related to these issues and I am not persuaded to conclude otherwise. Furthermore, the public right of way is shown on the access plans to be retained with minor realignment. I therefore consider that access to the countryside and the associated benefits would not be lost, contrary to representations made. Similarly, I have no substantive evidence before me to suggest that the proposal would significantly increase the rate of crime or that sustainable drainage would not be possible.
16. The submitted information demonstrates the proposed development could provide a biodiversity net gain (BNG) through the creation of habitat, ditches and hedgerow units. Furthermore, I am content that the legislative requirements relating to BNG at this stage have been met and that through the reserved matters applications, suitable measures would be capable of being secured to ensure the proposed development does not conflict with requirements of Policy LP16 of the Local Plan. As such, I consider the identified BNG weighs in favour of the proposed development.

Planning Obligations

17. The appellant has provided a unilateral undertaking which includes obligations to pay contributions towards the provision of education, recreational and leisure services, sustainable travel, and road safety initiatives. I find no reason to disagree with the Council's position that these obligations satisfy the statutory tests of the National Planning Policy Framework (the Framework) and Policies LP1, LP21 and LP29 of the Local Plan. These obligations are considered necessary to mitigate the effect of the proposed development relevant to its scale and kind, which I consider to be neutral in the planning balance.
18. The unilateral undertaking also includes obligations for the provision of affordable housing that is no less than the prevailing target rate at the time of the reserved matter application, currently 40%. This is necessary for consistency with the requirement in LP9 of the Local Plan. I consider these obligations satisfy the statutory tests of the Framework and would provide a notable contribution to the Council's affordable housing provision, which significantly weighs in favour of the proposed development.

Planning Balance

19. The proposed development would be disproportionate in scale with Newton Regis and not wholly commensurate with the day-to-day service provision available. It would therefore not accord with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
20. From the information before me it is evident that the Council can only demonstrate a housing land supply of no more than 2.2 years. As such, paragraph 11 d) of the Framework is relevant. This explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
21. Paragraph 61 of the Framework refers to significantly boosting the supply of housing provision. The delivery of 39 new dwellings in walking distance of some public services, including affordable housing as secured by the unilateral undertaking, is a social benefit and would make a significant positive contribution to the Council's housing supply that is falling well short of the level required by national policy. Associated social and economic benefits would be realised during the period of construction and once the dwellings are occupied.
22. Whilst the proposed development could be a considerable increase of residential units that is somewhat disproportionate in context of the settlement hierarchy and could lead to associated change in character of the village, I am not persuaded that this would lead to harm that outweighs the significant accompanying benefits.
23. In the circumstances of this case, I have concluded the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conditions

24. I have considered the conditions put forward by the Council and the appellant against the Framework and advice contained in the Planning Practice Guidance. I have amended and simplified the wording for several conditions in the interests of effectiveness and precision, which I subsequently received comments from both parties.
25. I consider the use of shorter time periods for approval of reserved matters and commencement could have moderate additional benefits if the proposed development was delivered early, however this would not be decisive in the planning balance. Furthermore, due to the number and nature of the pre-commencement requirements, I consider 18 months for the aforementioned time periods could affect the deliverability of the proposed development. As such, and in the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development as well as the approved plans.
26. In the interests of sustainable travel, details of the sustainable travel packs should also be provided. In the interests of highway safety, a condition is required to ensure that off-site highway improvements are implemented, made operational and maintained throughout the development's lifetime. It is also necessary to impose a condition to ensure surface water runoff is adequately managed on site.

27. To effectively control the potential for environmental effects, a construction method statement, a contamination risk assessment and remediation strategy, a written scheme of investigation, a habitat management and monitoring plan, and a scheme for tree and hedge protection are necessary.

Conclusion

28. For the reasons given above, I conclude that the proposed development would conflict with the development plan as a whole, however material considerations have shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. The appeal is therefore allowed.

M Tandy

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale of the development hereby permitted (hereinafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before development begins, and the development shall thereafter be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby approved shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans:
 - i) Location plan [June 2023, Drawing no.19-098-23-01]
 - ii) Access plans [Drawing no. 210789-03]
- 5) No development shall commence until the off-site highway improvement works, as shown in the Access Plans [Drawing no. 210789-03], between the junction of Austrey Road and the development boundary have been completed and brought into operational use to the satisfaction of the local planning authority in consultation with the highway authority. The approved access within the development boundary shall be provided in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained.
- 6) No development shall take place, including any preliminary ground works, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development temporary offices, contractor’s compounds and other facilities;
 - iv) the erection and maintenance of security hoarding;
 - v) measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjoining public roads;
 - vi) recorded daily inspections of the conditions of the highway adjacent to the site access;
 - vii) measures to control and monitor the emission of dust, noise and vibration during construction (including details of the use of generators);
 - viii) a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;
 - ix) a programme of works;
 - x) delivery and construction working hours;

- xi) routes for construction traffic, proposed temporary traffic restrictions, measures of traffic management, and pedestrian and cyclist protection; and
- xii) sustainable management and protection of surface and ground waters during construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include a survey of the extent, scale and nature of contamination and identify the potential risks to:
- i) human health;
 - ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - iii) adjoining land;
 - iv) ground waters and surface waters;
 - v) ecological systems; and
 - vi) archaeological sites and ancient monuments.
- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.
- 9) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

10) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:

- i) provide sufficient information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving ground waters and/or surface waters;
- ii) provide suitable drawings and plans illustrating the proposed sustainable water drainage scheme including cross-sections of proposed above ground features;
- iii) limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical storm to 10.6 litres per second for the site, in line with the surface water drainage strategy [SL/WHAUSTREYLANE.23, Issue 3, September 2023];
- iv) provide detailed hydraulic calculations and results, with simulation for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus relevant climate change uplift, that demonstrate the performance of the proposed system including attenuation storage, exceedance flow routes and potential flood volumes;
- v) where the drainage scheme proposes a discharge to a third party asset, provide information regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it;
- vi) include a timetable for its implementation; and,
- vii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

11) No development, including preliminary ground works, shall commence on site until:

- i) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority;
- ii) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production as detailed in the WSI, has been undertaken, and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the local planning authority; and
- iii) an Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the local planning authority. This should detail a

strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of that archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

- 12) No development, including preliminary ground works, shall commence on site until a Habitat Management and Monitoring Plan (HMMP) covering a period of a minimum of 30 years, shall be submitted to the local planning authority. This HMMP shall be based on the general principles as set out in the Biological Impact Assessment [C.01.05.2024]. The development shall then only proceed in accordance with the HMMP as has been approved in writing by the local planning authority. The HMMP shall include:
- i) a description and evaluation of the features to be managed;
 - ii) any ecological trends and constraints on site that might influence management;
 - iii) the aims and objectives of management;
 - iv) the appropriate management options for achieving the aims and objectives;
 - v) prescriptions for management actions;
 - vi) the preparation of a work schedule (including an annual work plan capable of rolling forward over a five-year period);
 - vii) ongoing monitoring and remedial measures;
 - viii) the completed statutory metric applied to the site to demonstrate that the biodiversity net gain will be achieved;
 - ix) locations and numbers of all bat and bird boxes, reptile and amphibian refugia and invertebrate boxes to be provided on site; and
 - x) details of the legal and funding mechanism(s) by which long-term implementation of the HMMP will be secured by the developer with the management body(s) responsible for its implementation, delivery and maintenance. The HMMP shall also set out, how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.
- 13) No development, including preliminary ground works, shall take place until a scheme providing for tree and hedge protection in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The development shall then only proceed in accordance with the approved protection measures, and these shall be kept in place on the site until all of the development has been completed.
- 14) The reserved matters application for the development shall include details of the sustainable travel packs that are to be provided for each dwelling and the process to ensure their delivery.