



Appeal Decision

Site visit made on 27 May 2026

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2026

Appeal Ref: APP/T3725/W/25/3368738

Land South of The Tan House, Old Warwick Road, Kingswood, Warwickshire B94 6JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by OT15 Ltd against the decision of Warwick District Council.
 - The application Ref is W/25/0229.
 - The development proposed is the erection of up to 3No. dwellings.
 - This decision supersedes that issued on 22 December 2025. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of 3 dwellings at Land South of The Tan House, Old Warwick Road, Kingswood, Warwickshire B94 6JZ in accordance with the terms of the application, Ref W/25/0229.

Preliminary Matters

2. Planning Practice Guidance advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. This is a two-stage process and planning permission is only created once both stages have been completed. The first stage, Permission in Principle (PiP), establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
3. For PiP the scope of considerations are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted.
4. The Council has referred to the Warwick District Local Plan (LP) Policy H11. Although this has not been submitted, the digital version has been viewed as part of this decision.

Background and Main Issues

5. This appeal is a redetermination following the quashing of the previous appeal decision by the High Court². The decision was quashed on the basis “that the Inspector failed to address the question posed by the second limb of NPPF³ §155(a) i.e. whether the Development “*would not fundamentally undermine the*

¹ set out within PPG: Permission in principle Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

² Sealed Consent Order AC-2026-LON-000367, signed by the Judge on 5 March 2026

³ The National Planning Policy Framework

purposes (taken together) of the remaining Green Belt across the area of the plan”.”

6. I am required to re-determine the appeal as if it has been made to me in the first instance⁴, but give regard to all material considerations including, the previous appeal decision, and any comments from the main and interested parties post the High Court decision.
7. The appeal site by sharing the same access would be located in proximity to The Tan House, a grade II listed building (reference 1364998). As the proposal could affect the setting of a listed building, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
8. The main issues are therefore, with specific regard to location, the proposed land use, and the amount of development:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and the effect it has upon the openness of the Green Belt; and
 - if the development is inappropriate 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 circumstance necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt, and the effect on its openness.

6. The appeal site is a broadly square plot of land set back from Warwick Road and accessible via The Tan House. It appears as a field or paddock with surrounded by mature hedges and trees along much of its boundaries. To one side, there are fields and the other 3 sides abut multiple residential properties. Although in the main the built form on the adjacent properties is setback from the site boundaries it is visible, and in conjunction with the hedges and trees, gives the appeal site a reasonably enclosed character. Ostensibly the appeal site's location is within the transitional space that can be found at the edge of a settlement's envelop of development. It is outside of the LP defined settlement boundary of Kingswood LP just within the West Midlands Green Belt which at this point follows the settlement boundary partly along the boundaries of the appeal site.
7. LP Policy DS18 confirms that for development in the Green Belt the Council would apply the policies of the Framework. In relation to the control of inappropriate development in the Green Belt, Framework Paragraphs 154 and 155 are most relevant.

Paragraph 154 of the Framework

8. Paragraph 154 states that development is inappropriate in the Green Belt unless it falls within 8 exceptions, a) to h). The appellant considers the proposal would comply with Paragraph 154 e) which allows for limited infilling in villages.

⁴ Section 79(1) of the Town and Country Planning Act 1990 (as amended)

9. Although there is no description as to what constitutes limited infill within the Framework the explanatory text of LP Policy H11 sets out the Council's description as very small developments within settlement boundaries where sites are appropriately located along street frontages.
10. Although the appeal site is outside of the settlement boundary, it is recognised that case law⁵ has established the extent of a settlement cannot always be so easily defined and how it appears on the ground should be considered. Nevertheless, in this instance, although there are residential properties on multiple sides of the appeal site, the field like appearance of the appeal site and that it abuts the gardens of those residential properties, means in my mind, it would not visually or spatially constitute a site within the settlement boundary but adjacent to it.
11. Further to this the setback nature of the appeal site and loose development surrounding it means that the proposed quantum of development is likely to feel like an extension of the existing built form rather than infilling an obvious gap within it.
12. It is noted Map 2 on page 10 of the appellant's Planning Statement shows an envisaged building line. However, this seems to follow approximate boundaries between sites rather than physical built form. As such it is not found the development of the site would constitute the closing of a gap between buildings in the more general sense of infilling, nor the LP's description of infill development.
13. The appeal⁶ referred to by the appellant is noted and it is acknowledged that being set back from the road does not automatically mean a site cannot be considered infill. However, although the site in that appeal was set back from road, it was not setback as far as the appeal site before me, and it was enclosed by reasonably dense development. This simply serves to prove that the context of a site is important when considering what would constitute infill.
14. Therefore, it is not found that the proposal would constitute the limited infilling allowed by Framework Paragraph 154 e).
15. In their final comments relating to paragraph 3.16 of the Council's Statement of Case the appellant has stated their belief the proposal would comply with Framework Paragraph 154 g). Whilst this relates to previously developed land (PDL), the appellant has not referred to the matter elsewhere within their evidence. With nothing before me to demonstrate that the appeal site constitutes PDL, I do not find this part of Paragraph 154 applicable to this proposal.

Paragraph 155 of the Framework

16. Paragraph 155 has 4 parts a) through to d). If a scheme for the development of homes, commercial and other development in the Green Belt meet all 4 parts, it would mean the development should not be regarded as inappropriate.
17. The Council cannot provide a 5-year supply of deliverable housing sites, so by rote of Framework footnote 56, the proposal would comply with Paragraph 155 b). As the proposal does not constitute major development Paragraph 155 d) is not therefore applicable.

⁵ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) and R (Tate) v Northumberland CC [2018] EWCA Civ 1519

⁶ APP/J3720/W/16/3167715

18. Paragraph 155 c) requires the development to be in a sustainable location with particular reference to Framework Paragraphs 110 and 115, which deal with transport and safe access.
19. Kingswood is designated a Growth Village in the LP, and additional residential development sites have been designated in and around the village as part of that. The appeal site is not dissimilarly located to these designated sites in terms of their proximity to the services of Kingswood, including existing transport links, and it is connected to them via the established pavements along Old Warwick Road. Therefore, in my mind the location of the appeal site would be considered reasonably accessible without complete reliance on the private car so would align with the aims of Framework Paragraph 110 and the overarching desirability of development to be in sustainable locations. For the same reasons, the location of the appeal site and the proposed residential use would therefore also comply with Framework Paragraph 115 a).
20. However, Framework Paragraph 115 also seeks to ensure b) safe and suitable access to the site can be achieved; c) transport and parking design reflect national guidance; and d) that significant impact on highway safety can be mitigated through a vision-led approach. The Council has raised concerns on these matters in terms of the location of the access, and a lack of visibility or road speed analysis.
21. The appeal site would use the same road access as The Tan House. This access is in an established location with land associated to The Tan House on either side. It is on the inner edge of a curve in the road and currently used for domestic traffic with nothing before me to conclude that it detrimentally effects highway safety.
22. Therefore taking account of the current location of the access, lack of current safety concerns and that the increase in traffic associated with up to 3 additional dwellings would be limited, I am satisfied that in terms of the parameters of a PIP the proposed access location is unlikely to have a significant impact on highway safety. And as the technical and design aspects of the access would be dealt with through the TDC process, the Council will still retain control over the adequacies of that proposed. At this stage, therefore, the proposal could comply with Framework Paragraph 115 b), c) and d), which in turn would ensure compliance with LP policy TR1 as far as it seeks to ensure safe access to a development.
23. The proposal could therefore comply with Framework Paragraph 155 c).
24. Framework Paragraph 155 a) requires the appeal site to constitute grey belt land, which the main parties agree to be the case and there is nothing before me to conclude otherwise. However, it also requires that the proposal does not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. For clarity, the requirements of this paragraph are not confined to the effect of the development on the appeal site or its immediate surrounding, but rather the development of the site would not undermine the purposes of the remaining Green Belt Land.
25. The 5 purposes of the Green Belt are set out in Framework Paragraph 143 and are:
a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration.

26. The appeal site is not in or adjacent to a large built-up area (143a), nor is it near derelict or urban land which could be used to assist in urban regeneration (143e). The loose development around the appeal site is relatively modern in nature and there is nothing before me to suggest that the historic setting or special character of Kingswood would be affected by further modern development in this location (143d). The next settlements are a significant distance away from the side of Kingswood where the appeal site is located, with large expanses of fields between. As such development of the appeal site would not cause the merging between towns (143b).
27. The appeal site appears as undeveloped land and as it is located outside of the defined boundary of Kingswood on the edge of the Green Belt, it constitutes countryside in terms of the development plan. Therefore, any development of it could constitute physical encroachment into the countryside (143c).
28. However, it is a relatively self-contained location which is separated from the more open fields beyond by a well-defined boundary in the form of an established belt of mature trees and hedging around a naturally occurring pond. It was observed on site that there is visible development on multiple sides of the appeal site, and it has a reasonably enclosed character.
29. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and it is this that is its essential characteristic⁷. With this in mind, it is recognised the appeal site is reasonably large in proportion to the number of dwellings proposed, that it has a semi-enclosed character, and that final design and layout can only be considered in the TDC. As such, there is a reasonable potential that a quantum of residential development could be achieved in this location whilst safeguarding the openness of the remaining Green Belt and preventing urban sprawl.
30. Therefore, even though the proposal could constitute encroachment into the countryside, depending on the final design, when viewed from the immediate proximity (as identified by the Inspector in the previous decision⁸), it is not found to fundamentally undermine the purposes, when taken together, of the remaining Green Belt across the area of the plan. Therefore, as identified grey belt land it could comply with Framework Paragraph 155 a).
31. An interested party has drawn my attention to the South Warwickshire Green Belt Review Stage 1 which identifies the appeal site as part of a wider parcel 'KWG6'. The Review identified this as providing an overall moderate contribution to Green Belt purposes. The full document has not been submitted but from the interested party's abstract (within their original objection made during the application stage) it is understood this is primarily due to safeguarding the countryside from encroachment. This is noted but does not change the findings above.
32. In conclusion, therefore, it is found in this very specific instance and by rote of the limitations of what can be considered at the PiP stage, the location of the appeal site, proposed land use and amount of development proposed would not constitute inappropriate development in the Green Belt and could retain its over-arching openness in compliance with Framework Paragraph 155.

⁷ Paragraph 142 of the Green Belt.

⁸ Paragraph 28 of the quashed decisions.

Other Matters

33. The appeal site by sharing the same access would be located in proximity to The Tan House, a grade II listed building (reference 1364998). As the proposal could affect the setting of a listed building, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
34. The Tan House, dates back to the late 16th century with numerous alterations undertaken in the subsequent centuries to create a residential dwelling of mixed vernacular commensurate to the age of each stage of development. As a tannery it was important to the local area, and its proximity to the canal and road would reflect this historic commercial use. Therefore, its significance relates to its age, architectural design, and historic setting.
35. However, although its setting as a tannery would have been towards the edge of the village it is clear development has extended beyond it along the road and its setting has become more suburban. This is evidenced by the relatively large amount of more modern development within its vicinity.
36. The Council has identified that in terms of location, use and amount of development proposed it is unlikely the proposal would cause harm to the setting of The Tan House and design, size and siting would be controlled through the TDC. On review of the information submitted there is nothing before me to conclude otherwise.
37. Therefore, the proposal would not harm the setting of The Tan House, a Grade II listed building, thus preserving its significance and special interest in compliance with the Act, the Framework and LP Policy HE1 insofar as it seeks to protect heritage assets.
38. Matters relating to drainage, flooding, biodiversity net gain, trees, living conditions and climate change mitigation, amongst other technical matters, would be dealt with through the TDC.
39. Interested parties have referred to appeal APP/J1915/W/25/3366406 where development plan considerations were found to outweigh the scheme being found not inappropriate development in the Green Belt, amongst other things. However, that site was located in a different Council area and so a different development plan applied.

Conclusion

40. It is not possible to attach conditions to a grant of PiP, but it is noted that applications for TDC must be determined within the default duration of the permission granted which is 3 years.
41. For the reasons given above, the appeal should be allowed.

RJ Redford

INSPECTOR