Planning Inspectorate

Appeal Decision

Inquiry held on 2, 3, 4, 5, 9 December 2025

Site visit made on 10 December 2025

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/02/2026

Appeal Ref: APP/R3705/W/25/3371526
Land South of Warton Recreation Ground, Orton Road, Warton, Warwickshire, B79 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Richborough, Michael Ensor Caton & Andrew Norman Caton against North Warwickshire Borough Council.
- The application Ref is PAP/2025/0155.
- The development proposed is an outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road.

Decision

1. The appeal is allowed, and outline planning permission is granted for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road at Land South of Warton Recreation Ground, Warton, B79 0JW in accordance with the terms of the application, Ref PAP/2025/0155, subject to the conditions in the annexe at the end of this decision.

Preliminary Matters

2. The planning application was submitted as outline with all matters reserved except for the access. A 'Parameter Plan Land Use' was submitted for consideration at this stage, which shows the areas for development and open space. A suggested condition confirms that the proposal would be limited to a maximum of 110 dwellings.

3. A section 106 agreement was submitted on 16 December 2025 for provisions including affordable housing, off site recreation, open space, education, sustainable transport and highway safety.

4. The Warton Residents Association participated in the Inquiry as a Rule 6 Party.

5. On the 16 December 2025 the Government published a consultation[1] on suggested changes to the National Planning Policy Framework (the Framework). I have given this consideration but do not find it significant.

[1] Consultation closes on 10 March 2026

Main Issues

6. Whilst the application was not determined by the Council, they nonetheless provided putative reasons for refusal in their Statement of Case.

7. The main issues were confirmed by all parties in the Case Management Conference on 9 October 2025 as:

- the effect of the proposed development on the character and appearance of the area with particular reference to the surrounding landscape, the design and layout of the proposal, and its spatial integration with the existing development;
- whether future residents of the proposed development would have appropriate access to facilities and services;
- the effect of the proposal on the supply of agricultural land; and
- the effect of the proposal on the settlement hierarchy of the Borough.

Reasons

The character and appearance of the area

8. Policy LP1 of the North Warwickshire Local Plan (2021) (Local Plan) requires development integrates appropriately with the natural and historic environment. It also requires a high quality sustainable design that positively improves the individual settlement's character, appearance and environmental quality of an area.

9. Policy LP14 states development should look to conserve, enhance and where appropriate restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. The policy continues that new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies.

10. Policy LP30 requires all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of the setting.

11. Policy PNP3 of the Polesworth Parish Council Neighbourhood Plan (the NP), adopted June 2025, states development will not be supported where it is of poor design that has an adverse impact on the character of an area. The policy continues with criteria, including if it is designed in such a way as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had regard to landscape setting and settlement pattern.

12. Policy PNP4 of the NP states new development should conserve, enhance and where appropriate restore local landscape character. Objective 5 of the NP is to ensure that new development integrates as seamlessly as possible within its surroundings and minimises impact on existing communities.

13. The parties agreed that this is not a protected landscape nor a valued landscape as defined in the Framework paragraph 187. Rather the paragraph requires decisions contribute and enhance the natural environment by, (at criterion b), recognising the intrinsic character and beauty of the countryside.

14. The site is within the National Character Area Mease/Sence Lowlands but close to the neighbouring Arden.

15. The Warwickshire County Council Landscape Guidelines, published 1993, locate the site within the Mease Lowlands Landscape Character Area. The North Warwickshire Borough Council Landscape Character Assessment, published 2010, identifies the area within No Man's Heath to Warton- Lowlands Character Area.

16. The site and surroundings are representative of the above character areas by their openness, boundary vegetation and gently undulating landform. The village has an open setting in the landscape, so that its buildings are readily visible in the landform, particularly to the east and west, as the village is on land at broadly the same level as the surroundings and vegetation does not obscure.

17. The site lies on the edge of the village beside recently built houses, known as Cornfields. These facing houses are readily visible and contribute to the experience of the site. The village recreation ground shares the rest of that boundary whilst other sides are defined by roads.

18. Views across the site are limited due to the surrounding hedgerows and general topography, with only a slight undulation across the field. There is a partially visible hill top to the north which is the only discernible distant landscape feature. This is also experienced with a dispersed frontage of buildings along Church Road.

19. A Landscape and Visual Appraisal (LVA) was included in the application details. This plotted the Zone of Theoretical Visibility around the site, which is relatively narrow, and moreover larger to the east, (the other side of the village, away from the appeal site).

20. The potential viewpoints of the development were identified in the LVA[2] and accepted by the Council at the application stage. Mr Collinson, on behalf of the Council, suggested at the Inquiry that viewpoint 11 was better experienced nearer the road. In any event I have considered the views in terms of viewing corridors rather than one particular point.

21. The parties agree that the site has medium sensitivity to change and I similarly concur.

22. The Design and Access Statement envisages a density of 33 dwellings per hectare within the development area and the Council at the Inquiry confirmed that this would be a reliable ballpark figure. The heights are suggested at 2 and 2 1/2 stories which again would be the subject of a condition. Two hectares of open space are shown in the Parameter Plan.

23. The Parameter Plan shows the development would broadly follow the triangular shape of the site: it would extend alongside and behind Church Road, and similarly Orton Road as two sides of a triangle. The proposed development area would be set back from the road frontages[3] between 17m-26m along Church Road and 9m-32m along Orton Road.

24. These setbacks would limit the prominence of the new houses. Additionally the existing boundary hedge is almost continuous along the roads, which would filter the visibility; there is scope to reinforce this hedge and remedy the few gaps.

[2] LTZ and viewpoints on Drawing Number 1708-L-RP-LVA-PL-102
[3] As shown in INQ7 Landscape Buffer Plan

25. The open space left around the periphery would also lend itself to new landscaping. At the apex to these sides, the furthest (western) extent of the appeal site would extend up to 88m width of open space, which would allow an opportunity for some notable landscaping, and the Parameter Plan graphically shows an indicative swath of new planting.

26. The other side of the triangle would adjoin the adjacent Cornfields development, which has a curving outer edge around an open area on its Orton Road boundary. The proposal would adjoin this open space, and the building line would mirror that development. Thus the appeal proposal would bookend an enlarged area of open space and thereby look appropriate. Also at this Orton Road corner a proposed surface water drainage pond would provide a particular context and focus for new planting.

27. Whilst the Council expressed concern that the development would appear as an adjunct to the village, it would interact with the open space and follow the alignment of buildings in the adjacent Cornfields development as well as bordering the recreation ground. It would also follow the village roads on the other boundaries which emulates the way the village has grown.

28. The Council also suggested that the proposed location and shape of the development would be contrary to the linear and nucleated forms of the village. It is clear from the submitted historic mapping that the village has grown and expanded outwardly from its original linear origins and the middle of the village is beyond a nucleated form as it extends in depth. This proposal continues that pattern of building along the village roads. Indeed any such linearity or nucleated forms are hard to perceive within the village as there are no connecting views, and a spread of development is experienced: whilst historically a linear then nucleated pattern of development is evident in mapping, I find that is not the experience on the ground today.

29. The viewpoints within the village where the appeal site is experienced are residential in context themselves. In addition the viewpoints from the surrounding landscape, as highlighted in the LVA, are largely to the east and north where the site is experienced in the background of the existing buildings.

30. Viewpoints 12 and 13 are the exceptions to the main visibility being to the north and east sides. The former is along a footpath on rising ground, but the aspects of the site are filtered by existing trees even in winter, and the appeal site is a small component of the views. Viewpoint 13 is closer, towards the western edge of the appeal site. The Parameter Plan shows that the area of development would be considerably set back, and as above, with up to 88m of open space available for landscaping, supporting the effect of the existing hedge. Consequently the presence of houses would be very muted.

31. At the Inquiry Mr Bullock, on behalf of the Appellant, suggested the concept for a satisfactory reserved matters scheme would involve the reinforcement of the boundary hedges interspersed with trees and pockets of new tree planting. The planting concept would not have to be one of a continuous site wide screen because existing houses are visible within the landscape. In addition tree cover in the surroundings tends to be limited to the field boundaries rather than blocks.

32. The Council stated at the Inquiry that the design of the buildings themselves would not be an issue and rather their concern related to the principle of the development

on this green field and its relationship with the village. I similarly find that the design of the buildings could be satisfactorily considered within any reserved matters scheme.

33. All parties agreed that the proposal would be 'local in extent and impact'[4]. I concur that the proposal would be localised in effects and not perceptible within the wider landscape; I find that the proposal would not harm the National Character Area or Mease Lowlands.

34. The perceived increase in built area would be muted by the way the development would face the open space shared with the Cornfields development and its near distance to the centre of the village.

35. Nonetheless the proposal would lead to the development of a green field. It does contribute to the rural setting of the village being part of its countryside fringe, which would be lost, thereby causing some harm to the No Man's Heath to Warton-Lowlands Character Area.

36. I therefore find that the proposal would result in limited harm, which would ease over time when the landscaping establishes and then matures to very limited harm. I therefore find that the proposal, due to the limited harm arising, would conflict with policies LP1 and LP14 and NP PNP3 and PNP4. LP30 is largely more of a consideration for reserved matters details, but not wholly, and I find conflict due to the impact on the setting of the village.

The effect of the proposal on the supply of agricultural land

37. There was debate at the Inquiry over the policy basis for the consideration of the Best and Most Versatile Agricultural (BMV) land. The Council suggested that Policies L1 and L16 are pertinent. However these do not have any such explicit references, rather make general objectives on sustainability. These are therefore open to interpretation, but in any event, paragraphs 187 and 188 of the Framework make references to soils.

38. The site is shown in the national agricultural land classification as predominantly Grade 2 with a lesser element of Grade 3. All parties agree that the 5.7 hectares appeal site encompasses a single 5.6 hectares agricultural field[5]. It is part of a holding with the main farmhouse being 6 miles away.

39. The BMV classification is a broad brush approach dating from the 1970s and the Appellant undertook a more detailed analysis which included the digging of soil pits. This found that the soil is sandy, which whilst may offer early planting, is not favourable in dry summers as the soil does not retain water. Consequently the potential of the field is limited and has tended to be used for autumn sowing of animal feeds.

40. The evidence before the Inquiry shows that the field provides limited economic value. Intensive agriculture is impaired by the triangular shape of the site which discourages the efficient use of machinery. It is also distant from the farm house.

[4] Statement of Common Ground paragraph 5.22
[5] Council closing paragraph 53

41. Much of the other land surrounding the village is Grade 2 and the District has considerable BMV land. Given these considerations and the use of the field for a widely planted crop, I find that the field is not important for food security.

42. I therefore find that the proposal would result in the loss of BMV land but that would be of limited harm. I find that the proposal would conflict with paragraph 187 of the Framework and policies L1, L2 and L16.

Accessibility of the intended residents to services and facilities

43. Paragraph 110 of the Framework requires that significant development should be focussed on locations which are or can be made sustainable though limiting the need to travel and where genuine choice of transport modes are available.

44. The site access and pedestrian pavements would join Church Road, from where a footpath connects with the centre of the village. It is uncontested that this has a minimum width of 1.6m which would surpass the width of wheelchairs or buggies. The Council questioned the surveillance along the route, but whilst it is not wholly fronted by houses, it is open and visible as well as passing the entrance to the recreation ground. Consequently I do not find it would be perceived as a threatening environment and I found it is a pleasant walk.

45. The existing 30mph speed limit would be extended along the site's frontage which together with traffic calming and additional lighting would help support a favourable walking environment.

46. The footpath links to the village pub, the Warton [social] club, church, shop, recreation ground, primary school, nursery and village hall. The shop accommodates a post office, provides essential groceries, foodstuffs and newspapers. Additionally there would be capacity for the new pupils from the intended houses at the primary school albeit with improvements.

47. These facilities are all within 800m of the appeal site. I find that the residents would have the potential to walk to these facilities. The Chartered Institution of Highways & Transportation guidance[6] suggests walking distances are 400m in town centres, 1000m for commuting/schools and 800m elsewhere. Indeed the Appellant emphasises that 78% of all trips under one mile were completed on foot in 2024[7].

48. The Council expressed concern at the Inquiry that the proposal would not join the adjacent Red Marl Way and the Cornfields development. However this would not be a direct connection with the village centre being circuitous and longer than the legible Church Road route.

49. The Parameter Plan shows a footpath connection from the appeal site to the adjacent recreation ground. This would encourage use of the play equipment and fields as well as providing a secondary route (albeit on grass surfaces) to the centre of the village and facilities.

50. There is a secondary school at Polesworth, and the school bus stop is readily accessible, by the village pub.

51. There is no GP surgery in the village although the Neighbourhood Plan aspires to get the previous surgery at Polesworth re-opened. The nearest existing facility is at

[6] Appellant closing paragraph 8.9
[7] Appellant closing paragraph 8.9

Dundon. However a GP Surgery is not an everyday necessity as the average person visits only 6.27 times/year[8]. I note there are no significant employment opportunities in the village.

52. There are currently 8 buses per day through Warton connecting the village to Polesworth and Tamworth which the Council's Settlement Sustainability Assessment (SSA) 2025[9] considers as 'frequent'. Moreover this would be increased to 10 per day by the proposal.

53. The nearest bus stop is 625m[10] from the centre of the appeal site, which the Council find unsatisfactory, suggesting 400m is ideal bearing in mind the likelihood of having to walk after exiting the bus[11]. I do not find that the additional 225m would be a fundamental barrier although would be a constraint for purchasing any significant foodstuffs.

54. The section 106 agreement makes provision for an additional bus connection to Ventura Retail Park, which as I saw on my site visit, has national providers of a wide range of retail goods, food/drink and leisure.

55. There are very limited train services from the station at Polesworth, 2.2km away, but it does link with national destinations at Tamworth.

56. The proposal would provide funding to allow the construction of a dedicated cycle/walking route[12] from the appeal site to Polesworth approximately 2-2.5km away. Whilst the Council questioned the topography, it would be short and direct[13] and indeed has been promoted by Warwickshire County Council, which vindicates its appropriateness. This would promote non-vehicular access to retail and leisure facilities in Polesworth.

57. The appeal decision[14] for Curlew Close at the other edge of the village, for 28 dwellings in 2023, was much debated at the Inquiry. In dismissing the appeal partly on grounds of the location of the development, the Inspector notes: 'while the village does offer a few services and facilities, they are insufficient to cater for the daily living requirements of residents'. Then latterly: 'I find that easy access to shops, services and job opportunities would heavily rely on the use of private motor vehicles'.

58. As a written representation decision, it is not apparent whether that Inspector had comprehensive information and was not able to test the details. There is reference in the reasoning of the decision of the bus timetable not being provided, in contrast to this Inquiry. Moreover this appeal proposal seeks to expand bus provision. It also provides funding for the cycle/walking route from the appeal site to Polesworth. Both of these measures would also benefit existing residents. Moreover the Inquiry was also presented with evidence about other large recent developments in Warton which were supported by the Council, which I expand upon below.

59. Also relevant is the SSA as this provides evidence 'to support the plan making policies in the settlement hierarchy in the Borough'. It scores settlements based on

[8] Appellant paragraph 8.20
[9] Appellant closing paragraph 8.16 page 53
[10] Paragraphs 1.12 and 5.6 Statement of Comon Ground
[11] Closing paragraph 49
[12] Route P12 Warwickshire Highways Plan
[13] Map page 12 Mr Parker Proof of Evidence
[14] APP/R3705/W/22/3312660. Paragraph 8 quoted.

facilities. Notably it shows Warton has substantially improved its rating in 2025 compared to 2023[15].

60. The SSA notes[16]: 'public transport is important to provide access to services which are not available locally particularly given that there are a number of services which will be concentrated in the market towns and other urban centres'.

61. Consequently I find that the Curlew Close case does not lead me to a particular decision. Reference was also made to another, earlier appeal decision, on land nearby, to the rear of the Fox and Dogs Public House[17] for 25 dwellings, and I find similarly to the Curlew Close case as above.

62. I find that the intended occupants would have a choice for the non-vehicular accessing of facilities, but this would not be the most ideal location.

63. Overall I find that the proposal would have a negligible conflict with paragraph 110 of the Framework.

The effect on settlement hierarchy

64. Policy LP2 defines the Borough's settlement hierarchy and steers most development to the main towns, with a cascade approach in other settlements and with very little development directed towards the countryside. This is to ensure that development is provided in accessible locations in accordance with its range of services and facilities, and to protect the countryside.

65. Warton is identified by Policy LP2 as a Category 4 settlement where development adjacent to its settlement boundary may be acceptable. Policy LP2 goes on to state: 'all development will be considered on its merits; having regard to other policies in the plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability.' However recent developments have breached this 10 units ballpark.

66. When questioned why comparatively large sized residential development sites H27 and H16 in the village were supported by the Council, the Inquiry was informed they were intended to support local services and address the need for more housing.

67. Indeed the SSA provides evidence 'to support the plan making policies in the settlement hierarchy in the Borough'. It scores settlements based on facilities. Notably it shows Warton has significantly improved its sustainability rating in 2025 compared with 2023 and earlier.

68. I therefore find that the proposal would conflict with the wording of Policy L2 but the weight that accords is limited by the recent development in the village and also must be weighed up in the light of housing land supply which I consider latterly.

[15] Table 1 page 7
[16] Paragraph 4.9 page 6
[17] APP/R3705/W/19/3241218

Other Matters

69. Concern was raised about the social effects of the extent of development on the village's well-being. However the Council calculate that 264 individuals would be added to the population of 2185[18], which I find would not be overwhelming.

70. Several local residents expressed concern about the potential effect of the new residents on the community spirit and whether they would integrate. The village's sense of community was readily apparent during the Inquiry. However its continuation should not be threatened as the new residents would be expected to use the village shop, school, church, pub and hall, thereby helping to integrate with the existing villagers. The annual village carnival too would also provide such impetus. In addition it was stated at the Inquiry that the village's community speed watch team have included new residents. Many of the incoming residents would be making a conscious decision to move to the village and therefore would wish to be part of it. There was also comments on the rise of anti-social behaviour, but the village has a low crime rate according to police statistics.

71. Concern was also expressed about the facilities in the village and whether they could cater for the new residents. There used to be three pubs in Warton and now there is only one. As I found above the village has some everyday facilities and there is no evidence that they are at capacity. Indeed further new residents would be likely to support the existing services which would help their future prospects. The school could accommodate the new residents and whilst I saw it has car parking pressures, it would be within walking distance.

72. Several local residents felt that Church Road, where the access would be located, is busy and speeds are high. However the 30mph limit is being extended to the site's frontage, and the access would have good visibility. The Transport Assessment showed that the road has capacity for the development, and the Highway Authority had no objection. Concern was also raised about parking on the road at the times when the recreation ground is being used for matches. However this is typically at weekends, often on a Sunday, which should not be a peak time.

73. Concern is raised about flooding to Church Road. However the site is within Flood Zone 1, and the Lead Local Flood Authority had no objection to the proposal. Surface water attenuation to offset the proposed hard surfaces would be provided. In addition concern was raised about sewage disposal. Severn Trent did not comment on the application and there is no clear evidence to show that there is a capacity issue.

74. Comments were also raised about lack of details on renewable energy, land contamination and noise pollution, which could be addressed by suitable conditions.

Planning Obligations

75. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly

[18] Mr Collinson Proof of Evidence Table 4 page 36

related to the development; and c) fairly and reasonably related in scale and kind to the development.

76. Objective 1 of the Local Plan refers to the need to protect community facilities and services. Neighbourhood Plan policy PNP8 seeks improvements to transport infrastructure where development increases need.

77. A CIL Compliance Statement has been submitted covering both Councils' responsibilities. As the proposal is in outline and only the maximum number of houses is known, formulae are used for the financial contributions.

78. Provision is made for 40% of the development as affordable housing in accordance with Local Plan Policy LP9.

79. Up to £24,497 would go towards a new 3G pitch, a maximum of £51,195 would go towards changing room facilities, £16,796 towards a gym, £27,181 for sports pitches, £10,467 for a studio and £58,378 for swimming facilities. A maximum of £2,408 for library improvements at Polesworth is agreed as well as £105,099.53 for youth provision at Polesworth. These would ensure that existing leisure and recreational facilities can meet the additional demand arising from the new residents as supported by the SPD Planning Obligations for Sport, Recreation and Open Space, January 2023.

80. Provision is made for the management of open space on the site as well as a play area. £6,303.83 is for public rights of way works. The latter is supported by Policy IO of the County Council's Local Transport Plan.

81. Provision is made for £238,608 for improvements of bus services. £1,176,000 would go to the walking /cycling link to Polesworth. These measures would support the low carbon accessing of services and facilities.

82. A £5,500 road safety contribution would help promote safety which together with £6,000 for the Traffic Regulation Order for the 30mph speed restriction, would help promote safety. Both are supported by the Local Transport Plan.

83. A maximum of £2,038,959 would go to early years, primary, secondary and special needs education, to ensure that there is capacity for the new residents arising.

84. Funding is also identified for the monitoring costs of both Councils which would cover the additional staffing costs arising from the provisions in the agreement.

Housing Land Supply and affordable housing provision

85. The Housing Land Supply requirement is set in the Local Plan and the need for a 20% buffer is agreed by the parties.

86. A stepped requirement is appropriate here as the Inspector examining the Local Plan came to such a conclusion. Policy LP5 on monitoring also makes reference to a stepped approach. I find this is an appropriate methodology bearing in mind the age of the Local Plan, which is accepted in the Planning Practice Guidance[19] (PPG).

87. The Council have used a Covid period adjustment which was only applied to the requirement side of the Housing Delivery test calculations, so that 439 dwellings

[19] PG 68-026

rather than 544 would be required. No clear evidence was provided to the Inquiry to justify this position, and the actual completion needs to be recorded rather than an imaginary figure.

88. The Council consider that it has a 2.20 years land supply, whereas the Appellant considers it to be 0.82 years.

89. This difference partly arises from the envisaged deliverability, of 11 development sites, amounting to 1,393 dwellings[20].

90. The Framework requires evidence of clear deliverability which is also confirmed in the PPG[21]. The Council do not provide any evidence from the developers and land owners to demonstrate the implementation of these sites and construction of houses within the five year period. Accordingly the Appellants refer to the Woolpit appeal decision[22] whereby a similar position was discounted. Moreover in the called in decision[23] by the Secretary of State for Housing, Communities and Local Government (the Braintree case), even pro formas were not regarded as clear evidence.

91. The Inquiry heard evidence on the deliverability of individual sites, and several themes are prevalent. Some sites have infrastructure constraints, most notably highway issues, and/or are dated permissions. It would take time to make arrangements for acquisition, contracts for the construction process, groundworks, the services to be in place, the development laid out, roads provided and then a house to be built.

92. Furthermore the Council include sites which do not have planning permission as well as sites that have outline permission but no approved reserved matters details. Such sites do not have any detailed scheme, and it is pure conjecture whether any details would be acceptable. The sites' deliverability is therefore far from certain, and even more so within a 5 year period.

93. The PPG requires evidence 'to show firm progress towards the submission of an application, for example a written statement between the local planning authority and the site developer' and 'clear relevant information about viability, ownership constraint or infrastructure provision'. In the absence of any such evidence the deliverability and contribution of these sites to supply is not clearly demonstrated.

94. The difference is also derived from an allowance for windfalls. The PPG states that windfalls can be assumed to make an allowance. The Framework at paragraph 75 advocates that compelling evidence is needed and any allowance should be realistic. One possible indication of windfall numbers is past performance, which typically is 29 dwellings per year in the Borough, extrapolating to 145 over 5 years. However the Council already includes 168 dwellings permitted on known small windfall sites. The Inquiry was not provided with evidence to support higher figures and there is also risk of double counting.

95. I therefore find that given the lack of evidence on deliverability and the assumed windfall rate, the housing supply is demonstrated to be closest to the Appellant's calculations of 0.82 years rather than the Council's position.

[20] Statement of Common Ground
[21] PPG 6-8-007
[22] APP/W3520/W/18/3194926
[23] APP/Z1510/V/17/3180729

96. In terms of future prospects, the evidence before this Inquiry demonstrates that the potential implementation of large development sites across the Borough has been poor. Paragraph 289 of the Local Plan Examination in Public report noted that some sites are reliant upon highway works along the A5 which is also reflected in Paragraph 12.21 of the Local Plan. Paragraph 12.2 of the Plan refers to substantial investment being required. The Inquiry was advised that in April 2025 the National Highways funding for the improvements of the A5 was withdrawn. This indicates the scarcity of housing provision is likely to continue.

97. The Hallam Land Management Court of Appeal case[24] suggests the weight to be given to the benefit of new housing is likely to depend on factors including the broad magnitude of the shortfall, how long it is likely to persist, what the planning authority is doing to reduce and how much the development will meet. The shortfall is very severe, whilst 110 houses would only be a small contribution towards this void, they would provide some much needed homes when scarcely few are otherwise available.

98. The Council in closing suggests a strategic solution would be preferable. Whilst this would numerically be advantageous, there would inevitably be challenges due to infrastructure deliverability and the build rate.

99. The Borough's estimated need for affordable housing is 133 dwellings per year[25]. This proposal would provide 44 affordable homes (assuming that 110 houses would be pursued). In the 2022/23 accounting year 32 affordable homes were provided in the Borough and in 2023/24 only 17 dwellings. Since 2019 the shortfall in affordable provision is 419 dwellings[26].

100. The evidence before the Inquiry is that 74 applicants on the housing waiting list expressed a wish to live in Warton[27].

101. Given the above context the 44 proposed affordable homes would be a very considerable benefit.

102. I therefore find that the future prospects for addressing the housing land supply are uncertain. I conclude that the benefits of the proposal, including housing delivery, would be substantial.

Development Plan and Planning Balance

103. L2 is one of the most important Local Plan policies for consideration, covering settlement hierarchy, BMV land and the character and appearance of the area. I have found above conflict. I also found above the accessibility to services is part of the consideration of the settlement hierarchy as the emphasis is towards growth in larger settlements with the most facilities: the accessibility to services also needs to be considered within the Policy L2 remit.

104. The weight to be ascribed is influenced in part by whether the particular policy is up to date. The Appellant refers to the Bloor Homes judgment[28] which concluded a

[24] *Hallam Land Management Ltd v Secretary of State for Communities and Local Government* [2018] EWCA 1808
[25] Coventry and Warwickshire Housing and Employment Needs Assessment 2022.
[26] Mr Cox Proof of Evidence page 28
[27] Mr Cox Proof of Evidence page 29
[28] *Bloor Homes East Midlands v Secretary of State for Communities and Local Government and Hinckley and Bosworth BC* [2014] EWHC 754 (Admin) March 19 2014

policy is out of date when 'it has been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy'.

105. The very severe shortfall in the Housing Land Supply means that L2 is fundamentally not delivering the necessary houses in the Borough.

106. The Local Plan has identified reserved sites if delivery falters, but the Council conceded at the Inquiry that even these will not deliver houses within five years. Indeed in October 2025 the Council published a Draft Issues and Options report for Review of the Local Plan. It acknowledges, in paragraph 6.2, that the sites along the A5 were allocated in the Local Plan on the basis of access improvements. Paragraph 6.3 of the Report notes that funding for such works has been withdrawn due to costs increasing. Notably paragraph 6.4 suggests looking for development elsewhere.

107. One strategy, Option 5, of that Report is for dispersing development throughout the Borough. Relatedly page 15 suggests settlements in the hierarchy need to be reviewed.

108. The Council hopes to submit a Local Plan with a new strategic approach by December 2026. However this appears very ambitious as there is no Sustainability Appraisal, no Strategic Transport Assessment and no published outcome from the Call for Sites[29]. This suggests the policy basis for growth will not be in place for some time and housing shortfall will persist for several years.

109. Owing to the lack of housing provision, prospects for the shortfall to be addressed and the policy review, I therefore find that the conflict with L2 in this respect warrants very limited weight.

110. The Neighbourhood Plan, whilst recently adopted, does not contain policies and allocations to address the housing shortfall, other than to acknowledge the Local Plan's allocation of the H14 site. Rather paragraph 4.11 states that 'development will be managed through a defined settlement boundary for the village'; this restricts new housing.

111. Policy L2 is also relevant in terms of the effect on the character and appearance as well as policies LP1, LP14 and LP30 and policies PNP3 and PNP4 of the Neighbourhood Plan. I have found above conflict with these policies. However I give these conflicts little weight as overall a suitably designed development could be accommodated on the site with only limited/very limited landscape harm.

112. As I found above the proposal would involve the loss of BMV land and the effect of the proposal would be limited harm. I give the conflict with policies L1, L2 and L16 limited weight due to the amount of the BMV land in the area, the shape of the field, the soil and nature of the cropping.

113. When taken as a whole, I find that the proposal would be contrary to the Development Plan. However I give that conflict limited weight.

114. The policies in the Emerging Local Plan do not lead me to a particular decision being at such an early stage and the underlying strategy is only being considered now.

[29] Appellant closing paragraph 5.3

115. Bearing in mind the shortfall in housing land supply all parties agree that paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion (ii) requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

116. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.

117. In terms of the economic objective the proposal would provide up to 110 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is very severe, and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.

118. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the sheer scale of the shortfall in sites for housing there is a pressing need to increase supply from deliverable sites. The Written Ministerial Statement, October 2025, emphasises the need to provide new homes that working people desperately want and need. The proposal would provide a range of new homes. The affordable housing, up to 44 homes, would also contribute to the social objective, which is particularly important bearing in mind the lack of provision across the Borough. The new residents would also support the local services and facilities, thereby helping their retention.

119. In terms of the environmental objective the proposal would cause limited/very limited harm to the character and appearance of the area but would improve biodiversity. In terms of paragraph 11(d) (ii) of the Framework, footnote 9 makes a cross reference highlighting the need to have particular regard to paragraph 110. I found earlier negligible conflict with paragraph 110 as the occupants of the dwellings would have access, although not ideally, to facilities without car use, and the proposal would improve access to facilities by provision of the new footway/ cycleway as well as bus services, which would help low carbon travel by existing Warton residents.

120. As I found earlier the benefits of the proposal, including housing delivery, would be substantial.

121. In the light of the above, I conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal proposal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

Conditions

122. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only

imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.

123. A condition is needed to specify the submission of the particular outstanding reserved matters in the interests of clarity. Similarly, a condition on the plans submitted for approval is warranted.

124. Rather than the usual three years for the application of the reserved matters, 2 years is suggested to encourage the early provision of the new housing. I find that is necessary to boost Housing Land Supply and this would be a reasonable duration to undertake the various procedural arrangements.

125. The conditions on building heights and datum levels are necessary as I have found above in the interest of the character and appearance of the area. The condition limiting the development to 110 dwellings confirms the intent of the description of the development and the basis for determination. The condition on new landscaping is necessary to ensure a satisfactory appearance.

126. The condition on archaeological investigation is necessary to ensure that the potential is properly researched to inform the heritage of the area.

127. Conditions on land contamination, noise insulation and the submission of a Construction Management Plan would ensure satisfactory living conditions for new and existing residents.

128. A condition is needed to ensure the development does not impair air quality in accordance with the Council's Air Quality and Planning SPD. Similarly conditions on boilers and renewable energy would help the wider environment.

129. A condition requiring residents travel information packs would promote use of local facilities and buses to promote low carbon travel in the interest of the wider environment. A condition on the vehicular access is necessary in the interest of safety.

130. A condition on information and communications technologies is necessary to support the everyday life of the new residents and encourage home working.

131. The conditions for submission of a Habitat Management and Monitoring Plan, Construction Environmental Management Plan, lighting scheme, hedgehog fencing and badger surveys would ensure that biodiversity is enhanced. Similarly the submission of an arboricultural method statement would protect existing trees in the interest of habitats and appearance of the development.

132. The condition on surface water would ensure that the development does not exacerbate the existing situation.

Conclusion

133. I therefore conclude that the Appeal should be allowed subject to the conditions in the conditions annexe below and the section 106 agreement.

John Longmuir INSPECTOR

Appearances

For the Council
Killian Garvey, Counsel, Kings Chambers
Andrew Collinson BA(Hons) BTP MRTPI Head of Development Control
Dorothy Barrattt BA(Hons) DUPI MRTPI Forward Planning and Economic Development Manager
Marianne Barker LLB(Hons) Solicitor Clarke Willmott

For the Rule 6 Party
Professor Lawrie Phipps

For the Appellant
James Corbet Burcher, Counsel, No.5 Chambers
Neil Cox BA(Hons) MA MRTPI, Director Evolve Planning
James Bullock , BSc (Hons) Dip LA CMLI, Director Blade Landscape Architects
Tony Kernon, BSc (Hons) MRICS Principal Kernon Consultants
Ben Pycroft, BA (Hons) Dip TP MRTPI Director Emery Planning
James Parker, BSc (Hons) MSc CHIT, Director Hub Transport Planning

Interested Parties
Alan Oversby, Local resident
Julie Holden, Local resident
Edward Harris, County Councillor
Kate Riahrdson, Local resident
Ray Skidmor, Local resident
Mike Holden, Local resident
Andrew Leonard, Parish Councillor
Richard Jackson, Local resident
Fiona Briars, Local resident
David Parasons, Borough Councillor

Documents submitted during the Inquiry

INQ1 Appellant Opening submissions
!INQ2 Council's Opening submissions
INQ3 Rule 6 Opening submissions
INQ4 3312660 Curlew Close Site Location Plan
INQ5 Cherkley Campaign Limited v Mole Valley District Council and Longshot Cherkley Court Limited – [2014] EWCA Civ 657 – 7 May 2014
INQ6 Wadhurst Parish Council v Secretary of State for Housing, Communities and Local Government, Wealden District Council, Elite Leisure (Solmans Uk) Ltd – [2025] EWHC 1735 (Admin) – 9 July 2025
INQ7 Landscape Buffer Plan
INQ8 Note Regarding Farmed Land Location
INQ9 Warton Population Census Data table
!NQ10 Building Heights Plan
!NQ11 Suggested conditions

INQ12 Council Closing submissions
!INQ13 Rule 6 Party Closing submissions
INQ14 Appellant Closing submissions
INQ15 Section 106 Agreement

Conditions Annexe

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:
(a) internal access;
(b) appearance;
(c) landscaping;
(d) layout; and
(e) scale

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of two years beginning with the date of this permission.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

4. The development hereby approved shall not be carried out otherwise than in accordance with the following:
Site Location Plan (STN-GEN-SW-DR-MP-01 Rev K) received by the Local Planning Authority 1 April 2025;
Parameter Plan (STN-GEN-SW-DR-MP-02 Rev J) received by the Local Planning Authority 1st April 2025;
Proposed Site Access Arrangements T24529-002 rev G received by the Local Planning Authority 3 September 2025; and
Proposed Site Access Arrangements – Site context T24529-001 rev H received by the Local Planning Authority 11 August 2025.

5. The maximum number of dwellings hereby permitted shall not be greater than one hundred and ten (110).

6. The heights of the dwellings hereby approved shall be in general accordance with the Building Heights and Density Plan (DRWG No: RG-M-Ai07 Rev F).

7. No development shall commence until a Phase 2 (Intrusive) risk assessment for contaminated land has been undertaken and submitted to the LPA for approval. If the assessment identifies potential contamination details of the proposed remediation measures shall be submitted to the LPA. All works shall be carried out by a competent

person and agreed in writing by the Local Planning Authority prior to commencement of construction.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

9. Where remediation works have been carried out in pursuance with the preceding conditions 1 and 2, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

10. No development shall commence including any site clearance, until a such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This should be in accordance with any recommendations contained within the Breeding Bird Scoping Letter (dated 21 March 2025) and Badger Technical Note (dated 14 July 2025) provided by Blade Ltd. The approved plan shall be adhered to throughout the development. The approved plan shall provide for:
- the routing and parking of vehicles;
- hours of work - Monday - Friday: 08:00 - 18:00; Saturday: 08:00 - 13:00; No working Sunday or Bank Holidays without prior approval;
- loading and unloading of plant/materials;
- details of any temporary measures required to manage traffic during construction; details for the turning, loading and unloading of plant and materials;
- the control of noise and vibration;
- the parking of vehicles;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities to prevent mud and debris being passed onto the highway;
- details of all temporary contractor's buildings, plant and storage of materials associated with the development process;
- a scheme for recycling/disposing of waste resulting from construction works. - Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period;
- measures to control the emission of dust and dirt during construction - details of how the site will be laid out during construction; and
- noise control during construction in accordance with BS 5228- 1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.
The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

11. No development shall commence until a scheme for the landscaping of the site, including the retention of any existing trees, hedgerows and shrubs and planting of additional trees, hedgerows and shrubs, is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the

development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

12. No development shall commence until the existing and proposed datum levels of all buildings have been provided and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

13. No development shall commence until a detailed scheme of noise mitigation measures for the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall accord with the recommendations of the Noise Assessment by Rappor Consultants Ltd (Date: March 2025. Job. No. 250180). The scheme shall include details of the glazing systems to be installed and, where necessary, the means of providing alternative ventilation, including to achieve compliance with Part O – Overheating, of the Building Regulations. The approved scheme shall be implemented prior to occupation of the houses and be permanently retained thereafter.

14. Development shall not commence, excluding demolition, until a low emissions strategy for mitigating the air quality impacts of the development is submitted to and approved in writing by the local planning authority. The scheme shall take account of the Councils Air Quality and Planning SPD (2019). All works which form part of the approved scheme shall be completed before occupation of the development. The measures in the agreed scheme shall be maintained throughout the life of the development.

15. No development, site clearance or site preparation works shall commence until an arboricultural method statement (AMS) has been submitted to the Local Planning Authority and approved in writing. This together with the tree protection plan should detail all tree protection measures and limitations on demolition and construction activity. This shall include details of measures for the protection of the existing trees and hedgerows on and adjoining the site during the development. These measures shall be implemented in accordance with the approved details. Where the approved details require the installation of protective fencing or ground protection, these shall be put in place before any development takes place, and before any equipment, machinery or materials are brought on to the site; and shall be retained until these have been removed from the site, following the completion of the relevant part of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

16. No development shall commence until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority;
b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority; and
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be 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 the archaeological evaluation.

17. No development shall commence until a Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall is submitted to, and approved in writing by, the Local Planning Authority. The HMMP must include details created habitats, in general accordance with the Biodiversity Net Gain Report dated 14 July 2025 and Statutory Biodiversity Metric dated 14 July 2025, and include the following:
a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
g) Details of the body or organisation responsible for implementing the plan.
h) Ongoing monitoring and remedial measures
i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
j) Locations and numbers of any ecological enhancement features such as bat and bird boxes, reptile and amphibian refugia, invertebrate boxes
k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

18. No development shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
a) Risk assessment of potentially damaging construction activities.
b) Identification of “biodiversity protection zones”.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities of an ecological clerk of works (ECoW)/similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details,.

19. No part of the development hereby permitted shall be commenced until a badger walkover survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified ecologist and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

20. Prior to first occupation a detailed lighting scheme will be submitted to and agreed by the Local Planning Authority whether fixed or free standing. All lighting thereafter shall be in accordance with the approved scheme.

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
1. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
2. Where infiltration is demonstrated to not be feasible, 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 rain storm to the QBar Greenfield runoff rate of 24.1l/s for the site in line with the surface water drainage strategy (ref: LE25058–OR-LINK-GEN-XX-RP-CFRA01_Flood Risk Assessment).
3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a ‘SuDS management train’ approach to provide additional benefits and resilience within the design.
5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with ‘The SuDS Manual’, CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

7. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:
a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
22. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority.

23. Prior to occupation of any of the dwellings hereby approved details of hedgehog friendly fencing within and around the site shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed and maintained as such at all times thereafter.

24. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number T24529-002- Rev G whereby the visibility splay requirements stated on the drawing will be satisfied. The access to the site shall not be used unless a public highway footway crossing and the alterations to the public highway as shown on the approved drawing have been laid out and constructed in accordance with the specification of the Highway Authority.

25. The development above the damp proof course shall be commenced until the visibility splays shown on the approved drawing number T25529_003 Rev D have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, to the near edge of the public highway carriageway. 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.

26. No development above slab level shall commence until detail in respect of information and communications technologies has been submitted and approved in writing. No dwelling hereby approved shall be occupied until the approved details have been carried out in accordance with the approved details.

27. No development above slab level shall commence until details of proposed renewable energy sources to demonstrate the production of 10% of operational energy from on-site renewables, has been submitted to and approved in writing, Details shall include number, type, output, colour, and how the power will be used within the building and / or added to the national grid. No dwelling shall be occupied other than in accordance with the approved details.

28. No development above slab level shall commence until details of the boilers have been submitted and approved in writing by the Local Planning Authority. Any gas boilers proposed shall be a low NOx Boiler and must meet a dry NOx emission rate of

<40mg/kWh. No dwelling shall be occupied other than in accordance with the approved details.

29. An example Travel Information Pack for residents shall be submitted to Local Planning Authority for its approval. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack prior to the first occupation of each dwelling.

End of conditions.