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**CHAPTER 8: RURAL AREA POLICIES**

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**8.1 Overview**

**8.1.1** These policies apply throughout the rural areas. They aim to support diversification of the rural economy while at the same time enhancing the character of the countryside. I recommend that Policy RAP1 be deleted, and that Policies RAP2, RAP5, RAP6, RAP8, RAP8a, RAP9, RAP11 and RAP13, and their supporting text, be modified. I support the strategy of concentrating most new housing development into the main towns of the District through the application of Policy UAP1 and limiting housing development in the rural areas to meet local needs only, directing such development to the larger and more sustainable villages with a basic level of shops and services and frequent accessibility to the towns by public transport. In my opinion, there is no need for separate policies on protecting the ‘best and most versatile’ agricultural land, agricultural development or development near motorways.

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**8.2 Paragraphs 8.1 - 8.6A Introduction**

Objection to First Deposit Version

226/AO Environment Agency

Objections to Revised Deposit Version

191/RAX Robin A Richmond  
195/RAY The Leamington Society  
349/RAX Mr. D. G. Goodyear

**Key Issues**

- 8.2.1** (1) Whether the text should make it clear that this Chapter must be read alongside other relevant Plan policies.
- (2) Whether a sentence should be included in Paragraph 8.1 indicating that some greenfield development would provide an environmental benefit by assisting in reducing car travel to work.

**Inspector’s Appraisal and Conclusions**

**8.2.2 Issue 1:** Paragraph 2.3A introduced into the User Guide at Revised Deposit stage emphasises that it is a key principle of this Local Plan that users should have regard to all relevant policies when considering development on a particular site. In light of this statement I consider it unnecessary to repeat the same message in the introduction to each chapter.

**8.2.3 Issue 2:** National planning policy in PPG3, regional policy in the West Midlands RSS (Policy CF2), and strategic policy in the Warwickshire Structure Plan (Policies GD.3, GD.5 and H.1) all provide for the development of brownfield land before greenfield. There is an adequate supply of such previously developed land in the urban areas. Consequently, like the District Council, I do not accept the need to release greenfield sites in rural locations for housing development, with the exception of affordable housing under Policy RAP5. Moreover, since the majority of employment (as well as shops, schools and other services) is located in the urban areas, the development of greenfield sites would not serve to reduce car travel to work.

### **Recommendations**

**8.2.4 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.3 Paragraphs 8.7 - 8.8 Policy RAP1 Development within Rural Areas**

### Objections to First Deposit Version

4/AB	Arlington Planning Services LLP
115/AB	Alan Roberts
117/AQ	Langstone Homes Ltd
142/AG	A C Lloyd Ltd
187/AN	The Countryside Agency (West Midlands Region)
208/AB	Pettifer Estates Ltd
214/AC	Mrs J Biles
227/AD	David Wilson Homes (East Midlands) Ltd.
228/BG	West Midlands RSL Planning Consortium
229/AF	Gallagher Estates Ltd
239/AD	Mr D Austin
250/AE	Andrew & Julie Day
256/AJ	T & N Ltd
288/AB	Warwickshire Police Authority

### Objections to Revised Deposit Version

115/RAA	Alan Roberts
119/RAL	Bloor Homes Ltd
120/RAD	Miller Homes (West Midlands)
148/RAY	Campaign to Protect Rural England (Warwickshire Branch)
191/RAY	Robin A Richmond
195/RAZ	The Leamington Society
214/RAL	Mrs J Biles
227/RAB	David Wilson Homes (East Midlands) Ltd.
321/RAR	West Midlands International Airport Ltd
322/RAL	J G Land and Estates
349/RAY	Mr. D. G. Goodyear

## **Key Issues**

- 8.3.1**
- (1) Whether the Policy is superfluous.
  - (2) Whether Radford Semele should be included within the urban area.
  - (3) Whether land at Golf Lane, Leamington Spa should be included in the urban area.
  - (4) Whether the rural area policies would prevent Bishops Tachbrook and other villages from evolving over time to meet the changing needs of the community - particularly in terms of affordable housing and changes of use.
  - (5) Whether the rural area policies would put more pressure on those rural areas outside the Green Belt.
  - (6) Whether Paragraph 8.7 should indicate that Parish Plans will be independently monitored and open to public scrutiny.
  - (7) Whether Paragraph 8.7 should refer to the acute need for affordable housing in the rural area.
  - (8) Whether the rural area policies are based on flawed housing figures.
  - (9) Whether the supporting text should recognise the importance of employment opportunities in the rural area.
  - (10) Whether Paragraph 8.7 should indicate that development will be allowed if it reduces car travel to work.
  - (11) Whether the Policy is unduly negative and restrictive.

## **Inspector's Appraisal and Conclusions**

- 8.3.2 Issue 1:** A number of objectors argue that Policy RAP1 is not a proper land use policy but merely a statement. In their view it is unnecessary because its message is covered by other Plan policies. I agree with those sentiments. The supporting text explains that within the rural area development will be permitted only where it meets the needs of the local population and supports communities, thereby reflecting the provisions of Structure Plan Policy RA.1. The circumstances where this will be achieved are clearly set out in Policies RAP2-RAP16. In contrast, Policy RAP1 adds nothing of substance and ignores the fact that other material considerations may be relevant to determination of a planning application. I consider therefore that Policy RAP1 should be omitted and the reasoned justification at Paragraphs 8.7 and 8.8 added to the preceding section entitled 'context'.
- 8.3.3 Issue 2:** This matter is addressed elsewhere in my report in response to other related objections (see Chapter 6, Policy UAP2, Issue 11; and Chapter 8, Policy RAP2, Issue 24). I conclude that Radford Semele is properly identified as part of the rural area.
- 8.3.4 Issue 3:** Again, this matter is covered elsewhere in the report when addressing related objections (see Chapter 9, Policy DAP2, Issue 8).

- 8.3.5 Issue 4:** Policy RAP2 directs new housing in rural areas. It was amended at Revised Deposit stage to allow market housing in the Limited Growth Villages (including Bishops Tachbrook) where it meets a local need as identified by the community in an appraisal or assessment. This is in addition to affordable housing, conversions and housing for rural workers. Consequently, the Plan provides for a certain amount of growth to meet the needs of the community over time. A less restrictive policy approach would, I feel, conflict with Structure Plan Policy GD.3 which steers most new development to urban areas.
- 8.3.6 Issue 5:** The Green Belt is designated at regional level. In order to preserve openness and prevent settlements from merging it follows that such areas will receive a high level of protection from development. Nevertheless, RSS Policy RR1 indicates that throughout rural areas like Warwick District where there are strong influences from the major urban areas a priority will be to manage the rate and nature of further development to that required to meet local needs, whilst ensuring that local character is protected and enhanced. So even outside the Green Belt there will be only limited scope for development. Local Plan Policy RAP2 (Directing New Housing) is particularly restrictive in the rural area because the level of housing allowed for in the Structure Plan since 1996 has already been exceeded. In my view, it is significant that Policy RAP2 applies equally to all 5 Limited Growth Villages even though 2 are situated in the Green Belt.
- 8.3.7** Turning to employment, Policy RAP7 sets out the circumstances where new employment development will be permitted. Both within and outside the Green Belt generally only small scale schemes to meet local needs will be allowed. The lack of significant difference is due to the restrictive nature of the rural area policies. The presence of the Green Belt in certain parts of the District should not therefore put undue pressure on other rural areas not so designated.
- 8.3.8 Issue 6:** A parish plan is defined by the Countryside Agency as a community-led plan that enables local people to identify the social, economic and environmental issues which affect their quality of life and how it can be improved. Although it has no legal status a local planning authority may take it into account in making planning decisions and developing local plan policies, particularly where the whole community has been involved. By working with the District Council it may be translated into planning proposals through a supplementary planning document. In that case it would undergo public scrutiny as part of the development plan system. The District Council confirms that parish plans will be examined by officers for soundness in the same way as other supporting information. The reasoned justification states that parish plans, appraisals and surveys, carried out by the local community, will be taken into account when considering the need for the development and the extent to which it supports a community. I consider this to be sufficient without going into detail concerning public scrutiny and monitoring. Clearly, the weight given to such a document will vary according to the circumstances surrounding its production.
- 8.3.9 Issue 7:** An additional paragraph (8.6A) was included in the Revised Deposit Plan in response to this objection. It refers to house prices and incomes in the District and incorporates cross-references to Policy SC9 (Affordable Housing) and its supporting text. I endorse that alteration.
- 8.3.10 Issue 8:** RSS Policy RR1 indicates that in rural areas like those in Warwick District the main priority will be to satisfy local needs. The Structure Plan directs most

new housing development to towns with a population of more than 8,000 in 1996. 'Most' is defined as being a level based upon the proportion of the population residing in towns in 1991 plus all in-migration. This equates to 2,380 dwellings between 1996 and 2011 with the remaining 420 to serve the needs of the rural communities. By 2005, though, 1,113 dwellings had already been completed in the rural area. Consequently, the Local Plan seeks to severely restrict further development in such locations to that which meets just local needs rather than the needs of migrants. I do not consider these statistics to be flawed and I am satisfied that adequate numerical provision has been made for housing in the rural parts of the District.

**8.3.11 Issue 9:** The supporting text is primarily concerned with explaining the basic principle underpinning the rural area policies which is to meet the needs of the local population. It recognises the importance of maintaining a vibrant countryside for the benefit of those living, working and visiting there. The text addresses employment as well as housing in its support of rural communities.

**8.3.12** The introduction to Chapter 8 acknowledges the importance of rural employment, especially in relation to diversification and Major Developed Sites in the Green Belt. In terms of the latter, the Plan's spatial strategy accepts that employment development in those locations covered by site specific policies will go beyond meeting the needs of the local population and supporting rural communities. In light of this coverage, I consider that no further reference to rural employment is necessary here.

**8.3.13 Issue 10:** I agree with the District Council that development should not be allowed in a rural location just because it reduces car travel to work. There are many other facilities that need to be accessed by a typical family that would, overall, lead to increased journeys by car. Urban locations are by far the most sustainable. They are more readily accessible by public transport and other non-car modes. Policy RAP2 therefore allows only affordable housing, market housing to meet local needs, replacement dwellings and rural workers' dwellings.

**8.3.14 Issue 11:** Gallagher Estates Ltd contends that Policy RAP1 is unduly negative. It could be construed, or misinterpreted, as being more onerous than national planning policy in respect of Green Belts. In the objector's view, it should be less restrictive than Policies DAP1 (Protecting the Green Belt) and DAP2 (Protecting the Areas of Restraint). More positive wording is suggested which, it is argued, would still provide the necessary level of protection for the District's rural areas. While I prefer the wording put forward by the objector, I believe that Policy RAP1 in whatever guise adds little, if anything, to the Plan's suite of rural area policies.

### **Recommendations**

**8.3.15 (a) That the Revised Deposit Plan be modified as follows:**

- (i) delete Policy RAP1.**
- (ii) include Paragraphs 8.7 and 8.8 in the preceding section of the supporting text entitled 'context'.**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## 8.4 Paragraphs 8.9 - 8.19 Policy RAP2 Directing New Housing

### Objections to First Deposit Version

5/AB	Mrs Christa Knight-Adams
10/AC	Bubbenhall Parish Council
34/AC	Peter Hitchin
25/AA	M.J. Maguire
52/AF	Barford, Sherbourne & Wasperton Joint Parish Council
54/AK	Conservative Group of Councillors
57/AA	Shirley Estates (Developments) Ltd
68/AB	D Eggby
72/AB	Saville Estates
99/AA	Mr & Mrs M Evans
112/AC	Jeffery Masters
117/AR	Langstone Homes Ltd
118/AD	Mr and Mrs G Bull
119/AA	Bloor Homes Ltd
121/AA	Rowington Parish Council
123/AA	Robin Hedger
132/AD	KB Benfield Group Holdings Ltd
134/AA	David A Ellwood
135/AC	Bishops Tachbrook Parish Council
142/AF	A C Lloyd Ltd
148/AW	Campaign to Protect Rural England (Warwickshire Branch)
155/AB	Punch Taverns
155/AF	Punch Taverns
158/AF	Tyler-Parkes Partnership
167/AA	Mrs E Brown
170/AG	Mr Martin Wood
187/AO	The Countryside Agency (West Midlands Region)
191/AD	Robin A Richmond
208/AC	Warwickshire Rural Community Council
214/AD	Mrs J Biles
220/AG	Cala Homes (Midlands) Ltd
224/AA	Mr and Mrs R M Orr
228/BH	West Midlands RSL Planning Consortium
237/AA	Mr J R Reeves
239/AC	Mr D Austin
239/AO	Mr D Austin
250/AB	Andrew & Julie Day
256/AK	T & N Limited
278/AA	Shirley Estates (Developments) Ltd
286/AA	Earlplace Limited
288/AD	Warwickshire Police Authority
289/AD	Taylor Woodrow Developments Ltd <sup>1</sup>

<sup>1</sup> This objection is addressed jointly with related objections (Chapter 10, Section 10.11, Issue 1)  
*Warwick District Local Plan 1996-2011 Inquiry – Inspector’s Report*  
Chapter 8

293/AD Oldhams Transport Ltd<sup>2</sup>

#### Objections to Revised Deposit Version

115/RAB	Alan Roberts
119/RAA	Bloor Homes Ltd
119/RAM	Bloor Homes Ltd
120/RAC	Miller Homes (West Midlands)
135/RAC	Bishops Tachbrook Parish Council
148/RAM	Campaign to Protect Rural England (Warwickshire Branch)
191/RAZ	Robin A Richmond
195/RBA	The Leamington Society
214/RAA	Mrs J Biles
214/RAM	Mrs J Biles
222/RAE	John Burman & Family
237/RAA	Mr J R Reeves
239/RAC	Mr D Austin
256/RAB	T & N Limited
289/RAB	Taylor Woodrow Developments Ltd <sup>3</sup>
294/RAC	British Waterways
322/RAA	J G Land and Estates
322/RAM	J G Land and Estates
331/RAA	Gregory Dyson
339/RAA	Malcolm Hawkesford and Co
342/RAC	Pamela Smith
349/RAZ	Mr. D. G. Goodyear

#### Key Issues

- 8.4.1** (1) Whether the Policy is unduly restrictive and should allow market housing (a) within the built-up areas of Limited Growth Villages to meet local needs for a range of housing, to support and improve local services, and to cross-subsidise affordable housing, or (b) in all villages.
- (2) Whether Bishops Tachbrook should be omitted from the list of Limited Growth Villages.
- (3) Whether assessment of local housing needs should be limited to parish councils and/or other local village groups and be a pre-requisite for all types of housing and not just market housing.
- (4) Whether an additional criterion should address replacement dwellings in accordance with Policy RAP4.
- (5) Whether the village envelopes defined in the adopted Local Plan should be carried forward into the emerging Plan.
- (6) Whether Policy RAP2 should be less restrictive in terms of conversions to residential use of buildings in other uses or those that are redundant.

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<sup>2</sup> This objection is addressed jointly with related objections (Chapter 10, Section 10.11, Issue 1)

<sup>3</sup> This objection is addressed jointly with related objections (Chapter 10, Section 10.11, Issue 1)

- (7) Whether the Plan should be more pro-active and allocate sites to meet local needs.
- (8) Whether there should be a cap on the number of affordable homes provided.
- (9) Whether new development should be confined to small groups of dwellings in order to successfully integrate with a village.
- (10) Whether affordable housing might be provided at the expense of other considerations such as conservation interests.
- (11) Whether it is appropriate to rely upon a local needs assessment carried out by the community when such an appraisal is not subject to public consultation nor rigorous scrutiny in the same way as the Local Plan itself.
- (12) Whether it is appropriate to allow for the conversion of a building adjacent to (as well as within) a village.
- (13) Whether the Policy should include an additional criterion which would allow new housing where the applicant can demonstrate that the development would reduce car travel to work.
- (14) Whether Paragraph 8.10 should acknowledge that the policy of directing growth to the urban area may starve the rural area of developer contributions for affordable housing.
- (15) Whether the Policy is sufficiently clear.
- (16) Whether the Policy should recognise the opportunities that may exist in Limited Growth Villages for mixed use schemes including market and affordable housing and village scale employment.
- (17) Whether recognition should be given to the sustainability of residential moorings in rural and Green Belt areas.
- (18) Whether the Policy fails to allow the wishes of the community to be heard.
- (19) Whether, in circumstances where there is an insufficient supply of previously developed land, Policy RAP2 should facilitate (a) market housing on greenfield sites in the Limited Growth Villages where local need has been demonstrated; and (b) affordable housing on other suitable land.
- (20) Whether Eathorpe should be identified as a Limited Growth Village.
- (21) Whether land adjacent to the Plough Inn, Eathorpe should be included within a village envelope and allocated for affordable housing.
- (22) Whether land to the north of The Manor House, Bubbenhall should be included within a village envelope.
- (23) Whether provision should be made in Rowington and Lapworth for more homes suitable for the elderly.

- (24) Whether Radford Semele should be included in the urban area rather than the rural area.
- (25) Whether (a) land at Leigh Foss, The Valley, Radford Semele should be included within the Limited Growth Village boundary, and (b) Policy RAP2 amended to allow a choice of open market housing, including development on greenfield sites, with sites allocated to meet needs within and beyond the Local Plan period.
- (26) Whether land adjoining Clover Hill, off Brome Hall Lane, Kingswood should be included within the village envelope and allocated for residential development.
- (27) Whether land adjoining Rose Cottage, Rose Farm Cottage and Clover Hill, off Brome Hall Lane, Kingswood should be included within the village envelope and allocated for residential development.
- (28) Whether a further criterion should be added to Policy RAP2, namely: 'It is an allocated site to meet the strategic housing requirement.'
- (29) Whether (a) the Policy should allow housing on previously developed land adjacent to, as well as within, the Limited Growth Villages, and (b) there should be an additional policy distinguishing between development in the open countryside and development in/around villages.
- (30) Whether (a) Baddesley Clinton should be identified as a Limited Growth Village and the village envelope of the adopted Local Plan reinstated, and (b) land adjoining Oak Gable Cottage, Rising Lane, Baddesley Clinton should be included within a village envelope.

### **Inspector's Appraisal and Conclusions**

**8.4.2 Issue 1:** Local Plan Policy RAP2 is necessarily restrictive to accord with the principles underpinning Structure Plan Policies GD.3 and RA.3. Reflecting national planning policy advice, these direct most new development to the urban areas, relate it to a hierarchy of settlements determined by the level of service provision (that is, job opportunities, the availability of public transport, and basic social/community facilities including at least a shop and a school), and aim to meet the needs of local people.

**8.4.3** The District Council accepted at Revised Deposit stage that the First Deposit version of Policy RAP2 had been drawn too tightly. It would not allow for the development of market housing in the larger villages even when this had been identified in a local appraisal or assessment. I agree that a limited amount of market housing would assist in meeting local needs in the rural area - particularly where settlements like Bishops Tachbrook do not currently have a wide range or choice of housing. Moreover, it would help support existing shops, schools and public transport. I endorse the amendment made to Policy RAP2 in the Revised Deposit Plan to allow market housing on previously developed land within the 5 Limited Growth Villages where it would meet a proven local need and satisfy environmental considerations. But I do not believe it would be appropriate to allow market housing elsewhere in the rural area since general needs housing has already been provided to a greater extent than planned for in the Structure Plan and because villages outside the hierarchy do not possess a basic level of services

and facilities. Development in those locations would lead to greater dependence on private transport and increased commuting. I agree with the District Council that the Policy would not have a detrimental effect on the vitality of small villages causing them to stagnate because most have strong links with the urban areas upon which they depend for employment and services.

**8.4.4** As regards affordable housing, Policies RAP2 and RAP5 read together allow for the development of affordable housing on ‘rural exception’ sites to meet the local needs of any village or parish. Bishops Tachbrook Parish Council confirms that this clarification satisfies its concern that not all rural affordable housing would be directed towards the Limited Growth Villages.

**8.4.5 Issue 2:** Paragraph 8.14 of the supporting text explains that the hierarchy of settlements has been determined with reference to criteria set out in Policy RA.3 of the Structure Plan and is based on a list of services and facilities within reasonable walking distance that existed in 2003. Paragraph 8.15 acknowledges that services and facilities can change over time and that this may affect the list of settlements in the Policy. Bishops Tachbrook no longer has a village post office, the nearest being two and a half kilometres away at Whitnash beyond reasonable walking distance of the elderly. On that basis the Parish Council argues that Bishops Tachbrook should be removed from the list of Limited Growth Villages; alternatively the post office requirement should be dropped from the criteria, in which case other villages meeting the requirements should be added to the schedule of Limited Growth Villages. The Parish Council sees the list of services and facilities as a contrivance to differentiate between the District’s 22 settlements. In its view the concept of Limited Growth Villages should be dropped and Policies RAP2 and RAP5 combined and simplified to facilitate a more even spread of development throughout the rural area to meet local needs.

**8.4.6** I note that other post offices have also closed in Barford and Lapworth. This is part of a national trend that is not peculiar to Warwick District. It simply reflects the way in which modern post office services are delivered. In my opinion, settlements need to be assessed in the round in terms of their population size, their overall level of service provision, and their ability to accommodate further limited development in a sustainable manner. I concur with the District Council that the loss of a post office is not, in itself, a sufficiently compelling reason to initiate a review of the Limited Growth Villages. Bishops Tachbrook is a large settlement with a range of other services and facilities. Even allowing for gaps in bus services in the early morning and evening periods and restrictions on the use of certain community buildings, I believe this previously much-expanded settlement still warrants identification as a Limited Growth Village. Moreover, I endorse the concept of a rural settlement hierarchy. I believe the strategy of concentrating development in the District’s larger and more sustainable settlements to be sound. It follows that Policies RAP2 and RAP5 are both necessary and I see no scope for simplification.

**8.4.7 Issue 3:** In assessing local housing needs, Paragraph 8.12 refers to a parish plan, appraisal or assessment. Paragraph 8.7 confirms that such surveys will be taken into account when considering the need for a development and the extent to which it supports a community. The Plan does not indicate who can undertake such appraisals or assessments nor their form. Bishops Tachbrook Parish Council considers that they should be limited to the Parish Council or to other local village groups and that they should be a pre-requisite of all housing types and not just market housing. At the hearing into this matter the District Council explained that local needs housing appraisals have

not been specified in any detail in order to allow a degree of freedom to reflect local circumstances and avoid prescription. Policy RAP2 refers simply to a specific local need 'as identified by the community' in an appraisal or assessment. Although I accept that in practice parish councils are likely to have the principal role, I consider the District Council's stance to be reasonable.

**8.4.8** As regards the necessity for parish plans, appraisals or assessments, these are required under Policy RAP2 in respect of market housing in Limited Growth Villages, and under Policies RAP2 and RAP5 for affordable housing on rural exception sites. They are not required for affordable housing proposals within Limited Growth Villages. I consider this to be appropriate given the Council's rural housing strategy.

**8.4.9 Issue 4:** The District Council accepts that for the sake of consistency and fullness reference should also be made in Policy RAP2 to replacement dwellings in accordance with Policy RAP4. I endorse the Council's proposed change to the Revised Deposit Plan in this regard.

**8.4.10 Issue 5:** The adopted Local Plan was prepared in the context of the previous Structure Plan and national planning policy guidance for housing that has since been superseded. It identified 17 Limited Infill Villages with their built-up areas shown by a village envelope. I agree with the District Council that this earlier approach, which focused on environmental considerations at the expense of sustainability and utilising previously developed land, is no longer appropriate. The smaller number of Limited Growth Villages identified for infill development in the latest Plan subject of this inquiry is, I believe, justified by the reduced level of housing to be accommodated in the rural area and the small number of villages with a basic level of services and facilities. Policy RAP2 allows for windfall development in only 5 Limited Growth Villages and only where any market housing meets a local need. Given that PPG3 does not allow for greenfield windfalls (except in the case of rural exception sites), the boundaries of those settlements have been more tightly drawn around the existing built up areas. That is appropriate. I conclude that the Limited Infill Village boundaries of the adopted Local Plan should not be carried forward into the emerging Plan.

**8.4.11 Issue 6:** The Plan supports the re-use for housing of vacant or redundant buildings in rural areas in certain circumstances. Policy RAP2 sets out criteria to ensure that any such building is located within or adjacent to a village and that the housing meets an identified local need. Outside the Limited Growth Villages it must also be demonstrated that other uses or a mixed use are not appropriate or viable. This is to ensure that new residential development does not take place in unsustainable locations in the open countryside and that a building which could accommodate a local employment or service use is not lost. I consider these criteria to be reasonable and not unduly restrictive in terms of national advice in PPS7.

**8.4.12 Issue 7:** I believe that local housing need should be identified by the community itself through an appraisal. In the absence of such evidence it would, in my view, be inappropriate to allocate sites. Of the 5 Limited Growth Villages in the District, I am told that only Barford has so far carried out such an assessment. That assessment has not been subject to full public consultation, is not SPG and does not look at the demographic requirements of local need. Moreover, it is only a snapshot in time. Nevertheless, I note that planning permission has recently been granted by the Secretary of State on a 'call-in' application for mixed use development at the Oldhams Transport Ltd site in the village.

If and when implemented, that scheme will meet the settlement's current needs for both affordable housing and market housing - as identified in that appraisal.

**8.4.13** As regards affordable housing, the District Council works in partnership with the Rural Housing Enabler for Warwickshire who works with communities to assist in carrying out housing needs assessments/parish plans and identifying suitable sites. I recognise the importance of carrying out both elements of that process concurrently. I accept that the mechanics of allocating sites in a local plan does not normally suit that timescale.

**8.4.14 Issue 8:** There are limited opportunities for affordable housing in the rural area. This is because the boundaries of the Limited Growth Villages have been tightly drawn, because Government policy for exception housing only allows for small groups of dwellings outside the Limited Growth Villages and in other settlements, and because of the difficulties involved in identifying suitable sites where an owner is willing to sell at a price below market value to facilitate such a scheme. Given the overall level of need for affordable housing, I see no need to impose a ceiling on the number of affordable homes.

**8.4.15 Issue 9:** This objection has been met in the sense that Plan policies are likely to result in only small groups of dwellings within existing settlements. The District Council identifies 3 reasons for this, with which I concur. Firstly, in the Limited Growth Villages settlement boundaries have been tightly drawn and any new development must be confined to previously developed land. Secondly, outside those settlements and in other villages Government policy for exception housing provides for only for small clusters of dwellings. And finally, all housing must meet a local need identified by the community in an appraisal. Such appraisals tend to identify small numbers of households in need. Consequently, there is no compelling reason, in my view, to amend the Policy to restrict development to very small groups of houses only.

**8.4.16 Issue 10:** Development affecting the historic environment, whether conservation area or listed building, falls to be assessed in relation to Policies DAP6-DAP11 as well as RAP2. This ensures adequate protection of other interests.

**8.4.17 Issue 11:** This matter has already been addressed in response to other similar objections (Chapter 8, Policy RAP1, Issue 6). Another objector says that because need turns on demographic considerations it is inappropriate to rely on the local community. I disagree with this line of argument for 2 reasons. Firstly, in the case of small settlements local needs assessments are most effectively carried out by survey. Population and household projections are notoriously unreliable for small area data. Secondly, Structure Plan Policy RA.3 indicates that development in rural areas should meet local needs as identified by the community in an appraisal or assessment set in the context of the local plan process. That is precisely what Policy RAP2 requires. I do not believe it to be unnecessarily restrictive when applied to wholly residential or mixed use schemes.

**8.4.18 Issue 12:** Paragraph 18 of PPS7 advises that: "Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in Paragraph 7 of this PPS in relation to the retention of local services." Given the close match with national policy I see no need to amend Policy RAP2 in this regard.

**8.4.19 Issue 13:** The additional criterion proposed is inappropriate and unnecessary. The Plan's aim for the rural area is to restrict new housing to the minimum required to meet

local needs. This reflects the fact that the Structure Plan target for rural housing has already been exceeded. It also recognises that development in rural areas is generally less sustainable than in urban locations.

**8.4.20 Issue 14** Structure Plan Policy GD.3 directs most new development to urban areas with a population of over 8,000. That is the basic strategy. The consequential impact on developer contributions towards affordable housing in the rural area is a separate and secondary matter. It cannot be allowed to undermine the primary consideration.

**8.4.21 Issue 15:** I see no need for further references in the Plan to community appraisals or assessments. I consider sub-clause iii of the Policy to be reasonably clear when read in conjunction with the whole of clause d). In my opinion, the cross-references to other policies are desirable. They set out clearly and comprehensively the circumstances where permission will be granted for new housing in the rural area.

**8.4.22 Issue 16:** The Policy does not preclude housing in the Limited Growth Villages as part of a mixed use scheme and, in respect of conversions supports consideration of a mix of uses.

**8.4.23 Issue 17:** I agree with the planning authority that residential moorings in the open countryside do not represent a sustainable form of development. Occupiers would need to travel some distance to access essential services including shops, schools, employment and public transport.

**8.4.24 Issue 18:** I do not accept this criticism of Policy RAP2. By allowing market housing where it meets a specific local need as identified by the community in an appraisal or assessment, the Revised Deposit Plan gives particular prominence to the wishes of the community. In this way the village would, overall, be sustained and/or enhanced.

**8.4.25 Issue 19:** The national and sub-regional planning framework does not encourage the release of greenfield sites in the rural area, other than for 'exception housing'. Structure Plan Policy GD.5 establishes development location priorities. It indicates that where there are no appropriate sources of previously developed land and buildings, or they have become exhausted, local plans should then provide for the release of greenfield sites that meet the policy criteria. These are (in order of priority): firstly, locations within existing towns of 8,000 or more people; secondly, identified broad locations that lie outside Warwick District; and thirdly, locations adjacent to existing towns of 8,000 population which meet certain other criteria. Local Plan core strategy objectives include, amongst other things, promoting and enhancing vibrant rural communities, meeting housing needs of the whole community, reducing the need to travel, and making housing affordable and available to everyone. Nonetheless, given Structure Plan priorities and the Local Plan housing strategy, I see no reason to amend criterion a) of Policy RAP2 by deleting the words 'on previously developed land'. In my opinion, any local need for market housing that can only be met on greenfield land should be dealt with on merit rather than being addressed through Policy RAP2. Specific coverage would, I believe, weaken the Policy. With this in mind I support the village envelopes of the Limited Growth Villages that have been tightly defined to minimise greenfield opportunities. As regards affordable housing, criterion b) of Policy RAP2, and Policy RAP5, allow for such schemes in greenfield locations in exceptional circumstances where residential development would not otherwise normally be appropriate.

**8.4.26 Issue 20:** Structure Plan Policy RA.3 directs development in the rural area according to a hierarchy of settlements where growth is related to the level of services/facilities. Eathorpe is a small settlement with only 100 or so people on the electoral roll occupying about 45 dwellings. This is approximately 7 times smaller than the smallest of the 5 Limited Growth Villages (Barford). Its main facilities are a modern village hall and public house. It does not have the range of services identified in Paragraph 8.14 of the Local Plan as being necessary to ensure a reasonable quality of life for all sectors of the community. There is no shop, no employment opportunities and no regular/frequent bus service. Consequently, it is not on a par with the 5 Limited Growth Villages identified in the District and does not, in my opinion, qualify for similar status. Although previously identified as a Limited Infill Village in the adopted Local Plan, the policy context has changed. The RSS and Structure Plan are now much more restrictive towards new development in rural areas, except where this satisfies local community needs.

**8.4.27 Issue 21:** (*Land adjacent to the Plough Inn, Eathorpe*) Village envelopes are only relevant in the case of the Limited Growth Villages where modest development will be allowed to meet local needs. Some new residential development has taken place in Eathorpe in recent years, in compliance with the adopted Local Plan. This has been described by the objector. But it remains a small settlement with a restricted range of community facilities/services. Since it does not meet the relevant criteria for identification as a Limited Growth Village, there is no reason to define a settlement boundary. In such locations, only rural exception housing, agricultural workers' dwellings, conversions, and replacement dwellings are permissible under Policy RAP2.

**8.4.28** The small field of 0.22ha on the north side of the Plough Inn became redundant in agricultural terms following construction of the B4455 Fosse Way/Eathorpe by-pass in the 1970s. It is flanked by roadways and other existing development. Being situated on the opposite side of the large square field (Village Field or Green's Close) that adjoins the centre of the village, the site is related to the form and layout of the settlement but is not located within the main group of houses at its heart. The objector argues that there is a requirement for small, affordable cottages in Eathorpe to enable young people to remain in the village, with most of the existing cottages having been extended. However, no evidence has been provided through any local needs assessment. Indeed, this assertion appears to contradict many of the 31 representations made in respect of the 'omission sites consultation' and the outcome of the public meeting held in the village hall attended by approximately 35% of the village electorate. Clearly, the need for and suitability of this site for affordable housing will depend upon whether the specific criteria of Policy RAP5 can be met. To sum up, I see no need to identify a village envelope for Eathorpe and no reason for amending Policy RAP2 to accommodate an affordable housing allocation on this site.

**8.4.29 Issue 22:** (*Land north of The Manor House, Bubbenhall*) The objection site adjoining The Manor House was included in the village envelope in the adopted Local Plan. However, Bubbenhall is not identified as a Limited Growth Village in the emerging Local Plan. It therefore no longer has a defined settlement boundary. This reflects the changes in both national planning policy and Structure Plan policy which apply greater restraint to housing development in the rural areas and seek to concentrate new development onto previously developed land within the urban areas.

**8.4.30** Bubbenhall is a relatively small village with a population in 2001 of less than 700 which comes well down the settlement hierarchy. It possesses a post office, 2 pubs and a village hall, but has no primary school. Market housing here would not be allowed under

Policy RAP2 of the Revised Deposit Plan. I endorse that approach given the characteristics of the settlement. However, affordable housing would be permissible in this Green Belt location under Policy RAP5 as a rural exception scheme. PPG3 allows for small developments of affordable homes within or adjacent to settlements on land that would not otherwise be released for general market housing. I note that there were 146 responses to the omission site consultation suggestion that a village envelope be reinstated and 152 to the suggestion that the objection site be included within such a boundary. Many of those representations were objections, confirming support for such a restrictive approach to development.

**8.4.31 Issue 23:** Lapworth (Kingswood) is one of the 5 Limited Growth Villages in the District. Here, a limited amount of market housing, which would include smaller homes for the elderly wishing to downsize, is allowed under Policy RAP2 subject to evidence of local need as identified by the community in an appraisal or assessment. Needs arising in Rowington and elsewhere will be directed into this and other more sustainable locations.

**8.4.32 Issue 24:** This issue has also been addressed elsewhere in my report (Chapter 6, Policy UAP2, Issue 11). Radford Semele is physically separated from the main urban area of Leamington Spa by a tract of open land, with the western parish boundary following the line of Whitnash Brook running north/south along the eastern edge of Sydenham. That open area, together with the Ricardo industrial complex on the south side of Radford Road, lies within an Area of Restraint identified on the Proposals Map. Such AoR designation seeks to maintain existing character. Although not Green Belt, it also prevents surrounding villages from merging into towns and contributing to urban sprawl. The built up area of Radford Semele is fairly compact and presents itself as a village community located close to but distinct from Leamington Spa. Travelling along Radford Road/Southam Road this separation is clearly visible. I agree with the District Council that one has the impression of leaving the town and entering a more rural environment.

**8.4.33** The objector, T&N Ltd (in administration), argues that the village is similar in character to Cubbington to the north which, unlike Radford Semele, has been included in the urban area of Leamington Spa along with Whitnash. However, I consider that Cubbington is a rather different case. New Cubbington is an extension of the built-up area of Leamington Spa. It has physically joined with Cubbington village, albeit this connection is limited to a fairly narrow band of ribbon development. Travelling along Cubbington Road/Rugby Road from Leamington Spa to Cubbington there are now no physical breaks in the built environment to provide a demarcation.

**8.4.34** I find that the village of Radford Semele is properly identified as part of the rural area where RAP policies apply. In my opinion, it should not be treated as part of the urban area of Leamington Spa.

**8.4.35 Issue 25:** (*Land at Leigh Foss, The Valley, Radford Semele*) Leigh Foss is a greenfield site of 1.6ha on the south-eastern edge of the built-up area of Radford Semele, accessed off a road known as The Valley. The land slopes gently to the south and east and is laid to grass. Here the village envelope has been tightly drawn to exclude a ribbon of lower density housing along The Valley. It also excludes greenfield land like the objection site. This has been done because national, regional and Structure Plan policies all require that previously developed land should be taken before greenfield sites to satisfy growth needs.

- 8.4.36** Policy RAP2 allows for windfall development of market housing on previously developed land within the built-up area of the Limited Growth Villages but only where a local need is demonstrated. A restricted level of infilling is, in my view, appropriate given the overall housing supply position in the District that led the Council in 1995 to produce the 'Managing Housing Supply' SPD to reduce the future supply of urban windfall housing. In light of this I consider that there is no reason to amend Policy RAP2 to accommodate open market housing on greenfield land or to specifically allocate such sites for residential development either within the Local Plan period or to meet longer-term needs. As regards the latter, I believe it would be premature to safeguard land for housing beyond 2011 because housing requirements are uncertain pending completion of the partial review of the RSS and current indications are that housing needs beyond 2011 can be met through the release of urban brownfield sites. Moreover, any future release of greenfield sites should be done through an allocations DPD where a comparative analysis of all development opportunities can be made following sustainability appraisal and public consultation.
- 8.4.37** I accept that unlike the other more sensitive objection site on the south-western side of the village, development of this land would not lead to coalescence of Radford Semele and Leamington Spa. For this reason, it has not been included within an Area of Restraint. It did, however, attract a huge response to the omission sites consultation with some 520 representations against the proposals. In conclusion, I see no justification for extending the village envelope to incorporate Leigh Foss, nor for excluding this land from the area where rural policies apply.
- 8.4.38** In its response to this objection the District Council has accepted that the circled acronym 'LI' on the key to Proposals Map Part 2 and on the Map itself should be removed. This notation refers to the adopted Local Plan's 'Limited Infill' policy. It has been carried through into this new Plan in error. I endorse that alteration and recommend accordingly.
- 8.4.39 Issue 26:** (*Land adjoining Clover Hill, off Brome Hall Lane, Kingswood*) The objection site is approximately 0.56ha and L-shaped. It is used as a paddock. The land is flanked on 3 sides by existing development fronting Brome Hall Lane to the east and St Chad's Mews to the north, with Clover Hill and 3 new properties to the west. The southern boundary is formed by a narrow track leading to Rose Cottage Farm and Rose Cottage, with further pasture beyond. The land adjoins, but lies outside, the southern boundary of the Lapworth/Kingswood village envelope defined in both the adopted Local Plan and the Revised Deposit Local plan. The entire settlement is washed over by the Green Belt. The objector argues that housing development in this location would help support the existing wide range of facilities in the village and assist the viability of Lapworth railway station which, served by both Chiltern and Centro trains, provides a regular service to Birmingham, London, Solihull, Warwick and Leamington Spa. In the objector's view, this site represents the best opportunity for a partnership between the private sector and public bodies to provide affordable and local needs housing on a negotiated basis. Moreover, it is argued that development here would represent a logical rounding-off of the village form and would not set a precedent for further development.
- 8.4.40** Lapworth/Kingswood is acknowledged by the District Council to be a sustainable settlement. Nevertheless, the objection site is greenfield land. It has been excluded from the village envelope of this Limited Growth Village for that reason, with national, regional and Structure Plan policies all seeking to accommodate development needs first on previously developed land. The District Council confirms that 3 main factors have guided the level and location of housing development in the rural areas. Firstly, most

new development is directed towards the urban areas; secondly, it is related to a hierarchy of settlements; and thirdly, it meets the needs of local people. In light of these key principles, and the fact that the strategic requirement for housing in the RSS has already been met and the quota of housing for the rural area exceeded, Policy RAP2 is necessarily restrictive. I consider that there is no need to look to greenfield sites to satisfy local needs for market housing nor to extend the settlement limits of Lapworth/Kingswood to accommodate such sites. This is not modest infill development but a fairly large site rounding off the settlement. At a density of 30dph, it is capable of accommodating around 19 dwellings. Development on such a scale would, in my opinion, adversely affect the openness of the Green Belt and the character of this section of the village, much of which is undeveloped or low density. I consider that any further housing should meet local needs only, as identified by the community in an appraisal or assessment. No evidence has been provided of local need in Lapworth/Kingswood. As regards affordable housing, this is not the only site capable of providing such homes. Policy RAP2 allows for development in exceptional circumstances throughout the rural area, providing the strict criteria of Policy RAP5 can be met.

**8.4.41 Issue 27:** (*Land adjacent to Rose Cottage, Rose Cottage Farm and Clover Hill, off Brome Hall Lane, Kingswood*) [NB This site embraces the smaller site at Clover Hill – see Issue 26 above] The site consists of 3 parcels of grazing land lying to the north, south and west of an unadopted track which runs westwards off Brome Hall Lane, Kingswood to serve Rose Cottage and Rose Cottage Farm. The northerly section comprises a 0.64ha paddock adjacent to Clover Hill. To the south is a 1.29ha parcel east of Rose Cottage Farm, while to the west of Rose Cottage is a small rectangular enclosure of 0.3ha. The objector wishes to have these areas of land, together with Rose Cottage Farm and Rose Cottage, included within the Lapworth/Kingswood village envelope and allocated for residential development. It is argued that housing development here would reflect advice in PPG3, PPS7, RSS and the Structure Plan and would support existing services and facilities in Lapworth/Kingswood. Moreover, it would be well related to the existing village form, adequately screened and has the benefit of satisfactory access, drainage and other services.

**8.4.42** I do not accept that residential development in the location and on the scale proposed would be appropriate. National, regional and Structure Plan policies require priority to be given to the recycling of previously developed sites in the urban areas. In the context of Warwick District, the strategy in the rural areas is that new housing should accommodate local needs only that have been identified by the community in an appraisal or assessment. No evidence has been submitted that without larger scale growth the viability of the village's schools, shops, public house and railway station would be prejudiced. As well as conflict with PPG3 and PPS7, I consider that such development would be contrary to the advice in PPG2. Only modest infilling is envisaged within Limited Growth Villages like Lapworth/Kingswood. Consequently, the Green Belt designation washes over the entire settlement. Proposals on the scale anticipated by this objection would, in my view, represent inappropriate development in the Green Belt.

**8.4.43** The site is screened by an existing belt of trees along Harborough Bank when viewed from a southerly direction. This would help to enclose the land with other development in this part of the village. Nevertheless, this is a greenfield site in the Green Belt. It is of such a size that its development could not be described as limited infilling to meet an identified local need. With an area of 2.23ha it would be capable of accommodating

around 66 dwellings at 30dph. Development on that scale would, I believe, have an adverse effect on the openness of the Green Belt.

**8.4.44** No comparison of this site has been made against other land that could potentially be released for housing in Lapworth/Kingswood, nor has the sustainability of this site been assessed in relation to the criteria in the Local Plan Sustainability Appraisal. Furthermore, I note that a number of objections were received to allocation of this land for housing through the Omission Sites Consultation exercise. I have borne these matters in mind, alongside the fact that the strategic requirement for housing in the RSS has been met and the quota of housing for the rural area already exceeded. I conclude that there are insufficient reasons to incorporate this greenfield site within the Lapworth/Kingswood village envelope and therefore the land should not be allocated for residential development.

**8.4.45 Issue 28:** I do not accept, for reasons set out elsewhere in my report, that there is a need for additional land to be allocated for housing development to meet the strategic housing requirement to 2011, nor that the site south-west of Radford Semele is suitable for that purpose. Consequently I do not support the additional policy criterion put forward on behalf of T&N Ltd (in administration).

**8.4.46 Issue 29:** T&N Ltd (in administration) point out that PPG3 and PPS7 both refer to development within or adjoining existing villages to meet the needs of local people and contribute to the delivery of sustainable communities. In my view, Policy RAP2 fully reflects this advice. It does this in 2 parts - by making provision under criterion a) for market housing on previously developed land within the village envelopes of the 5 Limited Growth Villages (subject to meeting a specific local need identified by the community); and by making provision under criterion b) for affordable housing only, under the rural exceptions Policy RAP5 within or adjoining an existing settlement on either greenfield or previously developed land.

**8.4.47** I see no requirement for a separate policy to address development needs in the open countryside away from existing settlements. Those needs are likely to be much less than in the case of villages. I consider that criteria b) (affordable housing in accordance with Policy RAP5) and c) (housing for rural workers in accordance with Policy RAP6), when taken together, make adequate provision thereby ensuring that the viability of rural communities is not prejudiced. It follows that I do not support the detailed drafting suggestions made by the objector.

**8.4.48 Issue 30:** (*Land adjacent to Oak Gable Cottage, Rising Lane, Baddesley Clinton*) The objector argues that there has been no material change in the form or sustainability of Baddesley Clinton since 1995 sufficient to warrant a change of policy. The adopted Local Plan incorporated a village policy boundary which should be reinstated in the new Local Plan and extended to reflect the pattern of development on the ground today. It should include Ivy Cottage, the garden land between Ivy Cottage and Rising Lane, Oak Gable Cottage and its curtilage, and adjacent infill land. In the objector's view, the specific objection site identified should be allocated for a mix of housing types including affordable housing to meet local needs.

**8.4.49** While Baddesley Clinton may not have changed drastically since 1995, the planning policy context has moved on. The much smaller number of settlements which the emerging Local Plan has identified for limited infill development is justified, in my opinion, by the reduced level of housing to be accommodated in the rural area and the

small number of villages with a basic level of facilities. I note that the parish of Baddesley Clinton had a population of only 190 in 2001 compared with a population of 1,171 in Barford parish which is the smallest of the 5 Limited Village Growth Villages. And the same applies in respect of services and facilities. The village has a bus service, 2 churches, a restaurant/shop and tourism employment (at the nearby 15<sup>th</sup> century Baddesley Clinton Hall), together with other facilities located at nearby Chadwick End, but these compare unfavourably with a much enhanced level of provision in the most sustainable settlements. In summary, I believe it would be inappropriate to carry forward/extend the earlier Limited Infill Village boundary from the adopted Local Plan since current national, regional and Structure Plan policy limits rural housing to that which meets local needs or supports communities in sustainable settlements.

**8.4.50** Turning to the objection site, this land is bounded on 3 sides by existing development. It is well screened and would not be prominent in the landscape or when viewed from the A4141. It has logical defensible boundaries and there are 2 potential alternative means of access. Nevertheless, this is greenfield land outside any Limited Growth Village. Its development for market housing is not supported by Policy RAP2. Any scheme for affordable housing would have to comply with the detailed criteria of the ‘rural exception’ Policy RAP5. Taking into account also the over-provision of housing generally in the District in relation to strategic requirements, I see no case for allocating the objection site for infill housing to include an element of affordable housing to meet local needs.

### **Recommendations**

**8.4.51 (a) That the Revised Deposit Plan be modified as follows:**

**(i) add the additional criterion:**

**“e) it is a replacement dwelling in accordance with Policy RAP4.”**

**(ii) delete the circled acronym ‘LI’ on the key to Proposals Map 2 (Limited Growth Village Envelope) and on the Map (Radford Semele).**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.5 Paragraphs 8.20 - 8.26 Policy RAP3 Extensions to Dwellings**

Objections to First Deposit Version

4/AF	Arlington Planning Services LLP
28/AA	Hatton Parish Council
115/AD	Alan Roberts
148/AX	Campaign to Protect Rural England (Warwickshire Branch)
214/AB	Mrs J Biles
236/AB	Graham Jones

## Objections to Revised Deposit Version

No objections

### Key Issues

- 8.5.1**
- (1) Whether the guideline proportions for acceptable increases to dwelling floorspace set out in Paragraph 8.24 are appropriate or should be omitted.
  - (2) Whether the Policy should recognise that extensions to dwellings are appropriate as a matter of principle in the Limited Growth Villages.
  - (3) Whether the Policy should indicate that there may be circumstances where even small extensions are unacceptable due to appearance or to the loss of an affordable unit of accommodation.
  - (4) Whether the Policy discriminates against those living in rural areas.
  - (5) Whether Paragraph 8.25 should indicate that there will be strict control over extensions to barn conversions rather than prohibiting them.

### Inspector's Appraisal and Conclusions

**8.5.2 Issue 1:** In its response statement the District Council has set out the background to this Policy. Recognising that the rural areas of the District are sensitive and under considerable development pressure, the Policy seeks to ensure that extensions to dwellings are of an appropriate scale to protect the character of the original dwelling and that of the wider countryside. In order to avoid the inflexible '50% policy' of the adopted Local Plan ((DW) H14), which has been used as the yardstick by which to judge acceptability rather than whether the extension substantially alters the scale and character of the dwelling, the District Council has relegated such guidelines to the supporting text and made it clear that each case will be considered on its merits. The reasoned justification states that extensions which exceed the floorspaces indicated (30% in Green Belt areas and 40% elsewhere) are likely to be considered disproportionate. It does, however, remain open to an applicant for a larger extension to demonstrate whether the 3 criteria of Policy RAP3 can be met. I consider this to be a better policy approach. It maintains a degree of flexibility while offering guidance. I note that the figures of 30% and 40%, together with the Policy criteria, have been derived by Council officers experienced in dealing with domestic extensions in the rural area in the light of operation of the earlier policy in the adopted Local Plan and its shortcomings. To my mind, such an empirical approach is the best way to address this matter. I accept that the difference between the guideline figures for Green Belt and non-Green Belt areas reflects the advice in PPG2 on the importance of maintaining openness in the Green Belt. It follows that I support these guideline proportions. I see no justification for a standard 50% throughout the rural area nor any case for removal of such guideline figures which would create an information vacuum.

**8.5.3 Issue 2:** I see no need for this. Paragraph 8.3 and the inset maps for the Limited Growth Villages make it clear that the Rural Area Policies apply throughout the rural areas of the District defined on the Proposals Map.

**8.5.4 Issue 3:** Paragraph 8.26 states that in addition to Policy RAP3 the District Council will also have regard to other relevant policies, notably DP1 (Layout and Design) and DP2 (Amenity). This addresses the concern that even very small additions might prove unacceptable for other reasons. As regards the loss of small units of affordable accommodation, the District Council does not consider it appropriate, as a matter of principle, to prevent dwellings from being enlarged and increasing in value and size. I take a similar line because extending a dwelling might enable a growing family to continue living in a rural area rather than having to relocate elsewhere.

**8.5.5 Issue 4:** I do not believe that Policy RAP3 unreasonably discriminates against those persons residing in the rural area. PPS12 recognises the considerable historic and architectural value of country towns and villages and the contribution they make to the character of the countryside. The Policy seeks to retain and respect these qualities. It is widely accepted that the countryside should be protected for its own sake.

**8.5.6 Issue 5:** The supporting text indicates at Paragraph 8.25 that the Council is extremely unlikely to grant approval for extensions to barn conversions, in order to protect their integrity. This is a strong statement but it stops short of precluding such development. I therefore see no conflict with Paragraph 3.8 of PPG2 which requires that 'strict control is exercised' over the extension of re-used buildings. I note that Policy RAP8 provides specific and detailed criteria for converting rural buildings. In my opinion, the amended wording suggested by the objector at Paragraph 8.25 would not improve the Plan but would serve to weaken it.

### **Recommendations**

**8.5.7 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.6 Paragraphs 8.27 - 8.30 Policy RAP4 Replacement Dwellings**

### Objections to First Deposit Version

4/AC	Arlington Planning Services LLP
121/AB	Rowington Parish Council
201/AC	Home Builders' Federation
220/AH	Cala Homes (Midlands) Ltd
236/AA	Graham Jones
287/AB	Framptons

### Objections to Revised Deposit Version

115/RAC	Alan Roberts
148/RAZ	Campaign to Protect Rural England (Warwickshire Branch)

### **Key Issues**

- 8.6.1** (1) Whether the Policy accords with Government guidance.
- (2) Whether the Policy should recognise the need for modernisation or replacement of low quality dwellings to raise the standard of residential property.
- (3) Whether poor architectural design should be a relevant factor.
- (4) Whether the Policy is unduly negative and prescriptive towards development.
- (5) Whether the Policy should recognise that it may be possible to construct a dwelling of superior quality to the one it replaces.
- (6) Whether (a) replacement dwellings should be treated as new housing development in the countryside, and (b) the opportunity should be taken to enhance the landscape by less intrusive design.

### **Inspector's Appraisal and Conclusions**

**8.6.2 Issue 1:** Policy RAP4 establishes 2 criteria. To qualify for replacement the existing dwelling must be structurally unsafe and beyond reasonable repair, or of poor architectural design and does not add to the rural character of the area. I see no conflict with Government advice in Paragraph 3.6 of PPG2. This indicates that the replacement of existing dwellings (in the Green Belt) need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. It goes on to say that development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable. Policy RAP4 does just this. It acknowledges the contribution that existing dwellings make to the character and appearance of the rural environment and seeks to retain that character. PPS7 offers further guidance. Paragraph 19 states: "...The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings.....Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings." In my view Policy RAP4 complies with this advice.

**8.6.3 Issue 2:** The Policy allows for replacement in circumstances where a dwelling cannot be brought up to standard without demolition, or where it is of poor quality design and does not contribute positively to the rural character of the area. I consider those criteria to be appropriate. I see no need for the Policy to address modernisation as such.

**8.6.4 Issue 3:** In my view, design is a legitimate factor when assessing proposals for replacement dwellings in the rural area. PPS7 confirms that the impact a building has on its surroundings and the landscape is a relevant consideration, as is the potential for environmental improvement. Paragraph 12 of PPS7 highlights the importance of good design. This is supplemented by further advice on design in PPS1.

**8.6.5 Issue 4:** Although presented in a negative form I do not feel that Policy RAP4 is unduly harsh or prescriptive. It recognises the cumulative harm that the loss of existing dwellings and their replacement with modern equivalents could have on the character and

appearance of the rural area. The Policy sets out the criteria that have to be met and makes it clear that any replacement dwelling must not be materially larger and have no greater impact on the character and openness of its surroundings. I believe that all of those considerations are of relevance to Warwick District. Policy RAP4 does not preclude development nor does it descend to an unreasonable level of detail. In my opinion, the alternative policy wording suggested by Framptons is bland and insufficient to guide and control development.

**8.6.6 Issue 5:** This Policy, augmented by other Plan policies particularly DP1 (Layout and Design), supports the principle that any replacement dwelling should be of a design and appearance that is superior to the one to be demolished. In my view, it requires no alteration.

**8.6.7 Issue 6:** There is a distinction to be drawn between replacement dwellings and the replacement of non-residential buildings with housing development in the countryside. In the former case, the principle of residential development has already been established whereas in the latter, Paragraph 20 of PPS7 advises that this should be treated as new housing development in accordance with PPG3. Bearing in mind this differentiation, I believe it is essential to have a separate policy in respect of replacement dwellings in the rural area.

**8.6.8** Paragraph 8.29 of the supporting text confirms that in determining planning applications for replacement dwellings, particular regard will be had to retaining and enhancing the appearance and character of the rural area. In that way the opportunity can be seized to achieve a less intrusive design in landscape terms to ensure that replacement dwellings fit into their surroundings.

### **Recommendations**

**8.6.9 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.7 Paragraphs 8.31 - 8.38 Policy RAP5 Providing Rural Affordable Housing**

### Objections to First Deposit Version

5/AD	Mrs Christa Knight-Adams
10/AD	Bubbenhall Parish Council
34/AA	Peter Hitchin
109/AA	Warwickshire County Council (Planning, Transport & Economic Strategy)
115/AE	Alan Roberts
117/AS	Langstone Homes Ltd
123/AB	Robin Hedger
135/AF	Bishops Tachbrook Parish Council
142/AE	A C Lloyd Ltd
148/AY	Campaign to Protect Rural England (Warwickshire Branch)
155/AC	Punch Taverns

187/AP	The Countryside Agency (West Midlands Region)
197/AE	Norton Lindsey Parish Council
201/AD	Home Builders' Federation
208/AD	Pettifer Estates Ltd
213/AV	Warwickshire Rural Community Council
216/AA	A E Cox
228/BJ	West Midlands RSL Planning Consortium
239/AB	Mr D Austin
240/AG	George Wimpey Strategic Land

#### Objections to Revised Deposit Version

115/RAD	Alan Roberts
119/RAN	Bloor Homes Ltd
120/RAB	Miller Homes (West Midlands)
135/RAD	Bishops Tachbrook Parish Council
214/RAN	Mrs J Biles
322/RAN	J G Land and Estates
331/RAB	Gregory Dyson

#### Key Issues

- 8.7.1**
- (1) Whether the Policy should exclude Bishops Tachbrook.
  - (2) Whether it is appropriate that criterion b) of the Policy makes reference to sites 'adjoining' an existing settlement.
  - (3) Whether clarification is required of the application of the Policy to villages within and outside the Green Belt.
  - (4) Whether the Policy is effectively redundant given the time horizon of the Plan.
  - (5) Whether affordable housing should only be provided within the village envelopes of the Limited Growth Villages.
  - (6) Whether (a) discounted sale/low cost market housing can meet a local need, or (b) only dwellings which are rented in perpetuity should be allowed under this Policy.
  - (7) Whether (a) outline planning applications should be accepted, (b) the requirement for development to commence within 12 months is reasonable, (c) the requirement for applicants to enter into a S106 agreement is contrary to Government guidance and ultra vires, and (d) permission for affordable housing should be linked to improvements in local facilities and infrastructure.
  - (8) Whether (a) the Policy should clarify who can commission a local needs survey, (b) evidence of local need should be independently monitored, (c) identification of local need should not be restricted to a parish or village survey, and (d) Paragraph 8.35 should state that affordable housing should only be located in areas where a need has been identified.
  - (9) Whether the wording of Policy RAP5 and its supporting text is appropriate.

- (10) Whether the Policy should be more pro-active.
- (11) Whether Policy RAP5 conflicts with the Regional Spatial Strategy.

### **Inspector's Appraisal and Conclusions**

- 8.7.2 Issue 1:** Bishops Tachbrook is a large settlement consisting predominantly of 2 and 3 bedroom market and affordable housing. The Parish Council points out that the bias in the housing stock is at odds with Policy SC1 (Sustaining Communities – Securing a Greater Choice of Housing). In its view the village would benefit from additional larger house types. It does not need further small affordable homes and for that reason should be excluded from the operation of Policy RAP5.
- 8.7.3** The District Council recognises that 4 bedroom market housing would secure a better mix of housing provision in Bishops Tachbrook. Responding in part to this concern and acknowledging the potential for infill development, Policy RAP2 was amended at Revised Deposit stage to allow an element of market housing in Limited Growth Villages where a community need is identified. This Policy is supplemented by the ‘rural exception’ Policy RAP5. Finding sites for exception housing is very difficult in areas like this where land values are high. I am assured that Policy RAP5 is unlikely to lead to a substantial number of new affordable homes. In any event, such sites could come forward anywhere in the rural area. I consider that it would be unfair and inappropriate to exclude an individual community from this Policy. As the District Council points out, while there may be no compelling need for affordable housing in Bishops Tachbrook at the present time, there is no certainty that a need will not arise in the parish in the future.
- 8.7.4 Issue 2:** Bishops Tachbrook Parish Council maintains that references under Policy RAP5 to sites ‘adjoining an existing settlement’, ‘rural exceptions’ and proposals that ‘abut the village envelope’ will encourage speculative development thereby discouraging farming and proper maintenance of land. In its view any affordable housing should be restricted to previously developed sites within the village envelope under the provisions of Policy RAP2.
- 8.7.5** Annex B of PPG3 indicates that all local planning authorities with a rural area should include a ‘rural exception site’ policy in the relevant development plan document. This enables the authority to allocate or release small sites within and adjoining existing small communities. The purpose of such a policy is to meet specific local housing needs in perpetuity in or adjacent to existing settlements on sites that would not normally be released for housing. I note that since 2001 only 2 rural exception schemes have been completed in the District, at Baginton and Hatton Station, each consisting of 6 dwellings. Both were located on brownfield sites within existing villages. Because only affordable housing that meets the terms of the Policy would be allowed, and this is usually carried out by registered social landlords, speculative land purchases are unlikely. I do not accept that the very limited amount of development facilitated by this Policy would significantly enlarge the built up area of settlements. Although Bishops Tachbrook is one of the larger villages in the District with approximately 800 dwellings it is still relatively small when seen in a national context. I believe it comes within the ambit of an ‘existing small community’ in PPG3 terms. In my view, there is no justification for omitting the reference to land ‘adjoining’ or ‘abutting’ a settlement or for deleting Policy RAP5 in its entirety.

- 8.7.6 Issue 3:** It is argued that Green Belt restrictions elsewhere put additional pressures on Limited Growth Villages like Bishops Tachbrook to accommodate affordable housing. However, Paragraph 3.4 of PPG2 includes rural affordable housing in the definition of ‘appropriate development’, and the ‘rural exception’ sites provisions of PPG3 apply equally to land within and outside the Green Belt. Policy RAP5 allows for rural affordable housing throughout the District although Paragraph 8.37 of the supporting text indicates that particular controls will need to be applied in the Green Belt to ensure that the objectives of the Green Belt are not undermined. I note that 2 of the Limited Growth Villages lie in the Green Belt (Lapworth/Kingswood and Hampton Magna) and that both of the rural exception schemes carried out since 2001 (Baginton and Hatton Station) also occupy Green Belt locations. With these points in mind I do not believe that Policy RAP5 will lead to greater pressures for affordable housing in and adjoining settlements that fall outside the Green Belt. I consider that no additional explanation or clarification is required beyond that already set out in the Plan at Paragraph 8.37.
- 8.7.7 Issue 4:** The Plan will have a life of at least 3 years from its likely date of adoption. I do not accept that the Policy is redundant. Even though the strategic housing requirement for the District has been met, there is a necessity for additional affordable housing in the rural areas to meet local needs that were not identified at the outset of the Local Plan.
- 8.7.8 Issue 5:** National planning policy guidance does not restrict affordable housing provision in rural areas to land, whether previously developed or not, within settlements identified for infill housing in a settlement hierarchy (in Warwick District, the 5 Limited Growth Villages). ‘Rural exception housing’ can be provided on greenfield sites wherever there is evidence of local need. Paragraph 1 of Annex B to PPG3 allows for the release of “small sites within and adjoining existing small rural communities, which may be subject to policies of restraint, such as Green Belt, and which would not otherwise be released for housing, but only to provide affordable housing to meet local needs in perpetuity.” I am satisfied that Policy RAP5 follows that advice, allowing affordable housing throughout the rural area providing it satisfies the strict Policy criteria.
- 8.7.9 Issue 6:** Annex B of PPG3 makes it clear that general market housing or market housing for local needs only is inappropriate on exception sites.
- 8.7.10** Criterion c) III of Policy RAP5 indicates that forms of tenure other than social rented housing will be considered provided they achieve weekly outgoings significantly below the maximum affordable to households in housing need. I consider that to be appropriate. In practice, though, exception housing will usually be rented in perpetuity or shared ownership. This is because of the substantial gap between property prices and household incomes in the District. I note that the 2006 Housing Assessment estimated that the price of an entry-level house was £179,856 requiring a minimum monthly household income of £4,551. However, 87% of households in the rural areas of the District had an income below that level. The District Council’s Guidance for Developers indicates that in December 2004 the maximum affordable price of a dwelling for newly forming households in the District was just £90,000.
- 8.7.11 Issue 7:** I agree with the District Council that outline planning applications are inappropriate in respect of rural exception housing schemes. By definition, these take place on land not normally considered acceptable for housing development. In such circumstances it is important that development integrates with the form of the existing settlement. The necessary consultation with the local community can, in my opinion,

best be achieved by presenting a fully detailed scheme supported by full information in respect of need and with a social housing provider committed to bringing the scheme forward.

- 8.7.12** Policy RAP5 of the Revised Deposit Plan indicates that detailed permission will be valid for 12 months from the date of the decision and will expire if development has not commenced within this period. It is intended to encourage early implementation of any scheme and reflects the fact that needs and opportunities to satisfy them change over time. I note that since the Policy was drafted the Housing Corporation has moved towards grant rounds every 2 years with the result that a 12 month permission may prove inadequate time to apply for and receive approval of grant funding. The District Council has therefore put forward changes to Policy RAP5 and to the supporting text to the effect that detailed permissions will be granted for a period of 2 years. I support those proposed changes.
- 8.7.13** The District Council accepted that the requirement in criterion c) of the First Deposit Draft of Policy RAP5 for an applicant to enter into a Section 106 planning agreement was contrary to Government guidance. Such planning obligations may only be sought. In the Revised Deposit Plan criterion c) simply provides that certain principles be established concerning the housing to be provided on an exception site. This amendment to the Policy, which I endorse, satisfies the objection.
- 8.7.14** Criterion b) of Policy RAP5 requires any proposed development to be small in scale. With this in mind, and noting that the 2 most recent rural exception housing schemes in the District have generated just 6 dwellings each, I do not feel that such development is likely to place significant demands on local facilities and services.
- 8.7.15 Issue 8:** Parish Councils will often be the vehicle for carrying out a parish or village survey of housing need. But not all Parish Councils are able to fund such a study and I note that in some circumstances the Warwickshire Rural Housing Association has carried out needs surveys on behalf of the community. For this reason, I believe it would be wrong to specify in the Policy which organisation should be responsible for carrying out such surveys. What matters is that the information is comprehensive, detailed and up-to-date - as required by criterion a).
- 8.7.16** The planning authority says that evidence of local need will be treated in the same way as other surveys and studies provided in support of planning applications. I note that the District Council will normally take expert advice from the Warwickshire Rural Housing Enabler to assess the soundness of any local needs study. I see no need to formalise such independent monitoring.
- 8.7.17** I consider that anecdotal evidence of need is not sufficient to provide the necessary detailed analysis.
- 8.7.18** Paragraph 8.35 was amended at Revised Deposit stage to clarify that rural exception housing should be located in areas where a need has been identified. The supporting text now states that the area which the housing needs survey covers should normally be the parish within which the proposal is to be located, but may also include neighbouring parishes where relevant. I endorse that alteration.
- 8.7.19 Issue 9:** The District Council accepted that the phrase ‘very exceptional circumstances’ used in Policy RAP5 was overly restrictive and deleted the word ‘very’ in

the Revised Deposit Plan. It also substituted the term ‘affordable housing’ for ‘residential development’ to address a comment made by GOWM. Finally, to ensure conformity with the Policy, the word ‘normally’ was omitted from the final sentence of Paragraph 8.36. I support all 3 of those minor amendments.

**8.7.20** A suggestion has been made that the affordability criteria employed should be more robust. However, such matters will change over time and need to be updated regularly. I note that the District Council has produced a document entitled ‘Guidance for Developers’ (December 2004). This updates the affordability criteria in terms of house prices, rents and incomes.

**8.7.21 Issue 10:** Paragraph 18 and Appendix B of PPG3 allow local planning authorities to release rural exception sites. However, this has to be supported by evidence in the form of a local needs housing survey and specific sites have to be identified. Few parish councils in the District have so far done this. I am told that the District Council is working with Warwickshire Rural Housing Association to encourage parish councils to carry out needs surveys and to promote suitable sites for rural exception housing. In these circumstances, I do not believe that Policy RAP5 can be made more pro-active.

**8.7.22 Issue 11:** Policy RAP5 is the rural exception policy that allows affordable housing in circumstances where land would not normally be released for housing. It is compliant with Government policy in PPG3. Policy RAP2 is the general rural housing policy. It is consistent with Structure Plan Policy RA.3 in that it permits some market housing in the Limited Growth Villages where an assessment or appraisal carried out by the community provides evidence of local need. Taken together, I believe that Local Plan Policies RAP2 and RAP5 accord with RSS Policy CF2 which states that in rural areas new housing should principally be directed towards meeting local housing needs and/or supporting services. I see no conflict with the Regional Spatial Strategy.

### **Recommendations**

**8.7.23 (a) That the Revised Deposit Plan be modified as follows:**

**(i) delete the final sentence of Policy RAP5 and substitute the following:**

**“Detailed permission will be valid for two years from the date of the decision and will expire if development has not commenced within this period.”**

**(ii) delete the last 2 sentences of Paragraph 8.38 and substitute the following text:**

**“For this reason, where proposals are approved under this policy the Council will grant permission for two years only. If development has not commenced within the two year period, the approval will lapse and a fresh application will be required if the applicant wishes to develop the site.”**

**(iii) delete criterion c) III of Policy RAP5 and substitute the following:**

**“III forms of tenure other than social rented housing will be considered provided that they achieve weekly outgoings significantly below the maximum affordable to households in housing need”.**

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.8 Paragraphs 8.39 - 8.43 Policy RAP6 Housing for Rural Workers**

Objections to First Deposit Version

110/AF Government Office for the West Midlands  
148/AZ Campaign to Protect Rural England (Warwickshire Branch)  
154/AJ National Farmers' Union

Objection to Revised Deposit Version

115/RAE Alan Roberts

### **Key Issues**

- 8.8.1** (1) Whether the Policy should clarify what is meant by ‘rural workers’.
- (2) Whether the Policy should relate instead to ‘agricultural workers’.
- (3) Whether the last sentence of Paragraph 8.43 should be incorporated in the Policy itself, or be deleted.
- (4) Whether the specified size limit of 140 sq m for a dwelling is unnecessary in light of Policy criterion d) and may need to be exceeded in certain circumstances.
- (5) Whether (a) the Policy criteria should be stricter to ensure sustainability, and (b) the size of the dwelling should be related to the needs of the business rather than residential factors.

### **Inspector's Appraisal and Conclusions**

- 8.8.2 Issue 1:** At Revised Deposit stage the District Council amended the term ‘farm workers’ to ‘rural workers’, and added a definition of the latter to Paragraph 8.40 - namely, ‘workers engaged full-time in farming, forestry or any other rural-based enterprise’. That definition would, I believe, cover equestrian activities. I support those alterations to the Policy and the reasoned justification. Together, they provide clarity and consistency with other parts of the Plan (including the Policy title).

- 8.8.3 Issue 2:** I agree with the District Council that a wider interpretation than just ‘agricultural workers’ is called for in Policy RAP6. PPS7 Annex A indicates that a justification for allowing an isolated new house in the countryside might be where accommodation is required for ‘agricultural, forestry and certain other full-time workers’.

The collective term 'rural workers' is, in my opinion, reasonable shorthand particularly where, as indicated above, it is supported by a definition.

**8.8.4 Issue 3:** The sentence in question states that: "The granting of any worker's dwelling solely on the grounds of providing security for crops or livestock will not be permitted." Although a useful message for inclusion in the supporting text to avoid misunderstandings, I do not believe that it is central to the Policy - the purpose of which is to set out the circumstances where permanent residential accommodation for rural workers will be allowed. It does not therefore, in my judgement, warrant inclusion in Policy RAP6.

**8.8.5** Annex A of PPS7 indicates that: "the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one." Bearing in mind this guidance, I see no reason to delete the last sentence of Paragraph 8.43. I note that at Revised Deposit stage the District Council substituted the word 'solely' for 'primarily'. I support that alteration which adds clarity and precision, reflecting more accurately the advice in PPS7.

**8.8.6 Issue 4:** The District Council accepted at Revised Deposit stage that a reference to 140 sq m in Policy RAP6 is unnecessary. This is because the size of any dwelling would be addressed through criterion d). I endorse that deletion which satisfies both objections.

**8.8.7 Issue 5:** I consider that the criteria of Policy RAP6 are sufficiently robust to ensure that only bona fide rural workers' dwellings are constructed in the open countryside. Those criteria require evidence of a functional need for a dwelling, evidence that the business is on a sound financial footing, and evidence that the intended occupier is fully or primarily employed on the land to which the proposal relates. They are rigorous tests that reflect Government guidance set out in Annex A of PPS7.

**8.8.8** As regards Policy criterion d), the District Council has recognised in its response statement that the size of any new dwelling ought to be commensurate with the 'established functional requirement' rather than 'with the need for it'. I agree that this proposed further change, by putting emphasis on business needs rather than living conditions, would accord more closely with the guidance in Annex A of PPS7. I therefore endorse such alteration.

### **Recommendations**

**8.8.9 (a) That the Revised Deposit Plan be modified as follows:**

**amend criterion d) of Policy RAP6 to read:**

**"d) the dwelling sought is of an appropriate size commensurate with the established functional requirement."**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.9 Paragraphs 8.44 - 8.51 Policy RAP7 Directing New Employment**

### Objections to First Deposit Version

118/AA	Mr and Mrs G Bull
119/AC	Bloor Homes Ltd
147/AD	Sundial Conference and Training Group
148/BA	Campaign to Protect Rural England (Warwickshire Branch)
213/AX	Warwickshire Rural Community Council
234/AL	Parish Councillor (Sherbourne)

### Objection to Revised Deposit Version

321/RAS	West Midlands International Airport Ltd
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### Key Issues

- 8.9.1**
- (1) Whether the Policy should give greater support to schemes that meet the needs of local people.
  - (2) Whether the Policy should allow other, non Class B, employment uses in rural areas.
  - (3) Whether the Policy should allow the limited expansion of existing lawful uses where this would support the local economy.
  - (4) Whether the Policy should support the development of small rural sites on previously developed land within or adjacent to the Limited Growth Villages.
  - (5) Whether the first sentence of Paragraph 8.49 is sufficiently clear.
  - (6) Whether criterion a) should require that proposals have no detrimental effect on the local environment.
  - (7) Whether the former Alvis test track site at Baginton should be added to criterion f) of Policy RAP7.
  - (8) Whether Policies UAP2 and RAP7 are contradictory.
  - (9) Whether the Policy should be amended to allow (a) development within or adjacent to settlements other than the Limited Growth Villages, and (b) small scale businesses within specific sectors.

### Inspector's Appraisal and Conclusions

- 8.9.2 Issue 1:** I note that criterion a) was amended and criterion d) added at Revised Deposit stage to make additional reference in the Policy to meeting a local need, as required by Structure Plan Policy RA.3 c). I endorse those alterations which meet the objection.

- 8.9.3 Issue 2:** There is no preclusion of other employment uses (non Class B) in Policy RAP7. Such uses are subject to other Rural Area policies and might include, for example, farm diversification schemes, conversion of rural buildings, and proposals on major developed sites.
- 8.9.4 Issue 3:** Policy RAP7 does allow limited expansion in non-Green Belt locations where this would support the local economy. In Green Belt, though, expansion or redevelopment would be inappropriate development, unless the land is identified as a major developed site. This accords with national and strategic planning policy.
- 8.9.5 Issue 4:** This objection has, to some extent, been addressed by criterion d) added at Revised Deposit stage. I agree with the District Council that it would not be appropriate to extend such provisions to land adjacent to the Limited Growth Villages.
- 8.9.6 Issue 5:** The District Council has substituted a new sentence at the start of Paragraph 8.49 in the Revised Deposit Plan. This states that: “Proposals to redevelop or expand existing rural employment areas need to be carefully controlled.” I agree that this text is much clearer.
- 8.9.7 Issue 6:** Employment development in rural areas is subject to other relevant Plan policies, in addition to Policy RAP7. General development Policies DPI-14 cover effects on the local environment as well as other issues. In these circumstances, I see no need to augment Policy RAP7 in the manner suggested.
- 8.9.8 Issue 7:** This matter is addressed elsewhere in my report in response to related objections (see Chapter 9, Policy DAP1, Issue 17). Since I conclude that the former Alvis test track site at Baginton should not be allocated for employment use, it follows that it would be inappropriate to include it in criterion f) of Policy RAP7.
- 8.9.9 Issue 8:** I see no inconsistency between the 2 policies. Policy UAP2 relates to urban areas. There, employment development is directed to town centres and existing employment areas in accordance with Structure Plan Policies GD.3 and GD.5. This is required to maximise sustainability in terms of access to public transport. In rural areas, different policy criteria apply based on local need and economy. These considerations reflect Structure Plan Policies RA.1 and RA.3. In my view, no cross-referencing is required between Policies UAP2 and RAP7.
- 8.9.10 Issue 9:** Structure Plan Policy RA.3 requires a hierarchy of rural settlements to be determined by local plans. At its top are the villages with existing infrastructure capable of supporting limited growth. Policy RAP7 directs new employment development to those locations. In my opinion, it would not be sustainable to adopt a scatter gun approach and allow employment development to take place in or adjacent to all settlements, nor would it be appropriate or feasible to make allowances for small scale businesses within specific sectors.

## **Recommendations**

- 8.9.11 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.10 Paragraphs 8.52- 8.57A Policy RAP8 Converting Rural Buildings**

### Objections to First Deposit Version

7/AA	The Ramblers' Association
115/AF	Alan Roberts
148/BB	Campaign to Protect Rural England (Warwickshire Branch)
150/AE	Warwickshire County Council (Museum Field Services - Ecology)
154/AK	National Farmers' Union
187/AR	The Countryside Agency (West Midlands Region)
210/AN	English Nature
228/BL	West Midlands RSL Planning Consortium
302/AX	English Heritage (West Midlands Region)

### Objections to Revised Deposit Version

115/RAF	Alan Roberts
150/RAC	Warwickshire County Council (Museum Field Services - Ecology)

### **Key Issues**

- 8.10.1** (1) Whether there should be a further policy criterion to protect the historic and/or architectural interest of listed buildings and other traditional rural buildings.
- (2) Whether the ability to provide affordable housing should be an additional criterion.
- (3) Whether the Policy should make reference to the protection of bats and barn owls.
- (4) Whether the final sentence of Paragraph 8.56 is unnecessary in that it simply repeats criterion c) of the Policy.
- (5) Whether the Policy should exclude isolated buildings in the countryside.
- (6) Whether there should be a definition of rural buildings in order to exclude modern structures.
- (7) Whether a clearer definition should be given of what is regarded as being 'permanent and substantial' to exclude prefabricated buildings and those with profiled or other cladding.

### **Inspector's Appraisal and Conclusions**

- 8.10.2 Issue 1:** In recognition of the significant number of historic and traditional rural buildings in the District, a further criterion (d) was added to Policy RAP8 at Revised Deposit stage. I agree that this criterion is necessary. It satisfies the concern of English Heritage and has led to that particular objection being conditionally withdrawn. A balance has to be struck, though, between retaining and respecting the special qualities and features of traditional rural buildings and finding new uses for them. It would be

unreasonable, in my view, to preclude all external alterations as suggested by other objectors.

**8.10.3 Issue 2:** I agree with the District Council that such a criterion would be inappropriate. Policy RAP8 considers the physical capability of a rural building to be converted rather than the end use. The matter of affordable housing in the rural area is addressed through other Plan policies, notably RAP2 and RAP5.

**8.10.4 Issue 3:** The Plan was amended at Revised Deposit stage to include an additional Paragraph 8.57A making reference to the need to protect bats. A subsequent representation from Warwickshire County Council (Museum Field Services) in respect of barn owls has led the District Council to put forward a further proposed change. I support those alterations. The original objection by English Nature has, I note, been conditionally withdrawn.

**8.10.5 Issue 4:** I do not agree with the objector. In my opinion, the sentence in question serves a useful purpose. It makes it clear that extensions will not be approved as part of any conversion works unless it can be shown that they are essential for the retention of the building. The text explains and expands upon criterion c) which necessarily focuses on the terms set out in national planning policy guidance.

**8.10.6 Issue 5:** I see no reason to exclude isolated rural buildings. In addressing the physical capacity of a building for conversion, rather than the intended use, I believe the Policy should apply throughout the whole of the rural area.

**8.10.7 Issue 6:** I can see no argument for discriminating between rural buildings on grounds of their age. Government advice in PPS7 makes no distinction between modern and traditional rural buildings.

**8.10.8 Issue 7:** It is impracticable to fully define every term employed in a policy. I am satisfied that the words ‘permanent and substantial’ are clear and self evident. The Government’s definition of rural buildings includes modern structures. Consequently, to exclude prefabricated buildings and those with profiled cladding would, in my view, be unreasonable. Paragraph 8.55 of the Plan indicates that in determining whether a building is permanent and of substantial construction and its condition makes it suitable for change, the Council will require evidence, substantiated by a structural engineer’s report, that the building is stable. I see no need for further clarification.

### **Recommendations**

**8.10.9 (a) That the Revised Deposit Plan be modified as follows:**

**amend the second and third sentences of Paragraph 8.57A to read:**

**“Rural buildings may contain bats and barn owls. Bats are protected under European and British law. Applicants are advised to check for the presence of bats and barn owls and seek professional advice to ensure that their proposals safeguard these species using the site.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

## **8.11 Paragraphs 8.57B - 8.57C Policy RAP8a Replacement of Rural Buildings**

Objection to First Deposit Version

52/RAD Barford, Sherbourne & Wasperton Joint Parish Council

Objections to Revised Deposit Version

154/RAE National Farmers' Union  
302/RAE English Heritage (West Midlands Region)

### **Key Issues**

- 8.11.1** (1) Whether Policy RAP8a is too restrictive, especially in the Green Belt, and not supportive of the agricultural sector.
- (2) Whether replacement rural buildings should be considered appropriate development in the Green Belt.
- (3) Whether the Policy should include an additional criterion that protects historic buildings.

### **Inspector's Appraisal and Conclusions**

**8.11.2 Issue 1:** PPS7 takes a more permissive approach to rural development than its predecessor PPG7. It advises local planning authorities to set out criteria in their plans that will apply to the replacement of buildings in the countryside. I am satisfied that, in addressing the replacement of existing rural buildings for employment or farm diversification purposes, Policy RAP8a is properly supportive of the agricultural sector. It is positive in its tenor while recognising the need for careful control over development, particularly in the Green Belt where other national planning policies apply. I consider that Policy RAP8a is compliant with PPS7.

**8.11.3 Issue 2:** PPG2 sets out the types of development that are appropriate in the Green Belt. Such development does not include replacement of non-residential buildings. The introduction to PPS7 makes it clear that its policies complement, but do not replace or overrule, other national planning policies. Consequently, Policy RAP8a is right to take a different and firmer line on replacement buildings in the Green Belt than it does in other locations where Paragraphs 19 and 20 of PPS7 offer support for "the replacement of suitably located, existing buildings of permanent design and construction for economic development purposes". However, while I consider the last sentence of Policy RAP8a to be satisfactory, the same cannot be said of the supporting text which indicates at Paragraph 8.57C that: "Such proposals.....will not be permitted in the Green Belt where only the replacement of existing dwellings is appropriate." That statement does not allow for the possibility of 'very special circumstances' and should, in my view, be amended. I recommend accordingly.

**8.11.4 Issue 3:** Protection is already afforded through Policy DAP6 to listed buildings in the rural area. However, the District Council concedes that Policy RAP8a would benefit from a further criterion protecting other traditional rural buildings from replacement. I agree. I endorse the wording put forward by the Council as a proposed further change. This goes some way towards meeting the concern of English Heritage.

### **Recommendations**

**8.11.5 (a) That the Revised Deposit Plan be modified as follows:**

**(i) add a further criterion to Policy RAP8a:**

**“d) the replacement would not result in the loss of a building which displays the special qualities of a traditional rural building.”**

**(ii) substitute the following text for the last sentence of Paragraph 8.57C:**

**“Such proposals, however, will not be permitted in the Green Belt, except in very special circumstances, because only the replacement of existing dwellings is appropriate development.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## **8.12 Paragraphs 8.58 - 8.62 Policy RAP9 Farm Diversification**

### **Objections to First Deposit Version**

54/AL	Conservative Group of Councillors
127/AC	Mr D H Smith
148/BC	Campaign to Protect Rural England (Warwickshire Branch)
154/AL	National Farmers Union

### **Objection to Revised Deposit Version**

199/RAJ	James Mackay
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### **Key Issues**

- 8.12.1** (1) Whether new buildings should be allowed in the Green Belt for farm diversification purposes and, in particular, to replace existing buildings of equal or greater size.
- (2) Whether isolated buildings in the countryside should be excluded from the operation of this Policy.
- (3) Whether it should be clarified that ‘best and most versatile agricultural land’ has the meaning given to it in Structure Plan Policy GD.4(g).

- (4) Whether the Policy should require that the land itself must be well managed.
- (5) Whether the word 'however' should be replaced by the word 'but' in both Paragraphs 8.58 and 8.59.
- (6) Whether the Policy should refer to the outcome of meetings held with the NFU on the need for farm diversification.
- (7) Whether the Policy conflicts with other policies designed to protect the rural landscape and promote sustainability/transport objectives.

### **Inspector's Appraisal and Conclusions**

**8.12.2 Issue 1:** Paragraph 30 (iii) of PPS7 indicates that the wider benefits of farm diversification proposals might contribute to the 'very special circumstances' required by PPG2 to permit development in the Green Belt. To reflect this, I note that the last section of Policy RAP9 was amended in the Revised Deposit Plan. I support that alteration. As regards the second point, criterion b) allows for proposals to convert or replace rural buildings in accordance with Policies RAP8 or RAP8a.

**8.12.3 Issue 2:** PPS7 (Paragraph 30 (ii)) supports well-conceived farm diversification schemes for business purposes that help sustain the agricultural enterprise, regardless of location. Given this advice, I feel it would be inappropriate to exclude isolated buildings in the countryside from Policy RAP9.

**8.12.4 Issue 3:** At Revised Deposit stage a definition of 'best and most versatile agricultural land' was added to the Glossary to support the inclusion of an additional criterion to Policy DP3. In my view, this fuller definition is preferable to the abbreviated version set out in Policy GD.4 of the Structure Plan.

**8.12.5 Issue 4:** I agree with the District Council that the planning system cannot require agricultural land to be well managed. However, it can provide an appropriate planning framework by supporting well conceived diversification schemes that are consistent in scale with their rural location. That is what Policy RAP9 seeks to achieve.

**8.12.6 Issue 5:** I concur with the objector that the word 'but' rather than 'however' would make the first sentence of Paragraph 8.58 easier to read. As regards the first sentence of Paragraph 5.59, I consider that a full stop would improve the text rather than use of the words 'however' or 'but'. I recommend accordingly.

**8.12.7 Issue 6:** The meetings in question were, I am told, informal discussions held to assist policy formulation. I agree with the District Council that it would not be appropriate to refer to their outcome in Policy RAP9.

**8.12.8 Issue 7:** I am satisfied that Policy RAP9 is consistent with Government guidance set out in PPS7. This advice recognises that diversification into non-agricultural activities can be vital to the continued viability of many farm enterprises. It encourages local planning authorities to be supportive of well-conceived schemes that contribute to sustainability objectives and are consistent in scale and nature with their rural location. Paragraph 8.62 of the Plan indicates that all proposals must be able to demonstrate how they protect the character of the countryside - visually, functionally and environmentally.

It goes on to explain that the District Council will also have regard to all other relevant policies of the Plan when considering diversification proposals, including Policies DP1-3, DP6, DP7, DAP1, RAP8 and RAP8a. I discern no conflicts that cannot be resolved through the normal process of assigning weight to policies and balancing them one against another.

- 8.12.9** Although not subject of a specific objection, I have concerns regarding the repetitious wording of Policy RAP9. There are references in 3 places to rural location and the scale and nature/design of proposals. I believe there is scope for rationalising the text without incurring any loss of meaning. Consequently, I put forward alternative wording.

### **Recommendations**

- 8.12.10 (a) That the Revised Deposit Plan be modified as follows:**

- (i) substitute the following wording for Policy RAP9:**

**“Development for the diversification of farm based operations will be permitted where it can be demonstrated that it will contribute towards sustaining the long term operation and viability of the existing farm holding. All proposals will be assessed against the following criteria:-**

- a) they protect best and most versatile agricultural land;**
- b) proposals to convert or replace rural buildings comply with policy RAP8 or RAP8a;**
- c) the scale and nature of the proposals is appropriate to their rural location such that they can be satisfactorily integrated into the landscape without being detrimental to its character; and**
- d) existing buildings cannot be utilised in preference to new buildings.**

**No new buildings will be permitted in the Green Belt except in very special circumstances.”**

- (ii) amend the wording of the first sentence of Paragraph 8.58 to read:**

**“Farming makes a significant contribution to the rural economy but increasingly diversification into non-agricultural activities is becoming vital to the continuing viability of many farm businesses.”**

- (iii) amend the wording of the first sentence of Paragraph 8.59 to read:**

**“Farm diversification can take on a wide range of forms. It is important that a framework exists to consider the range of proposals that are now coming forward.”**

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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### **8.13 Paragraphs 8.63 - 8.64 Policy RAP10 Safeguarding Rural Roads**

#### Objections to First Deposit Version

148/BD Campaign to Protect Rural England (Warwickshire Branch)  
156/AC Alan Moore

#### Objection to Revised Deposit Version

No objections

#### **Key Issues**

- 8.13.1** (1) Whether the Policy should prevent vehicles from taking short cuts along rural lanes and through villages where the infrastructure is not equipped to deal with such traffic.
- (2) Whether the Policy should refer to the hazard and damage caused to verges and trees by large, heavy vehicles using country roads.
- (3) Whether the Policy should prevent the construction of over-elaborate gateways for houses on rural roads.

#### **Inspector's Appraisal and Conclusions**

**8.13.2 Issue 1:** Policies in the Plan set down a framework for minimising the use of rural roads by traffic of an inappropriate type and level. Policy RAP10 resists development that would require major modification of surrounding rural roads that would change their character. Policy DP6 requires an assessment of the likely impact of traffic generated by a development to demonstrate, amongst other matters, that it would not cause harm to highway safety. But I agree with the District Council that the Plan cannot itself be used to prevent vehicles from taking short cuts along unsuitable rural roads.

**8.13.3 Issue 2:** Traffic restrictions on minor roads are dealt with by the County Council's highways department. They are not addressed through this Local Plan.

**8.13.4 Issue 3:** Where a proposal requires planning permission, it would be dealt with under Policy DP1 (Layout and Design). That Policy addresses impact on the character and quality of the environment through application of a range of design and other criteria. In these circumstances I consider it unnecessary to duplicate such provisions in Policy RAP10.

#### **Recommendations**

**8.13.5 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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## 8.14 Paragraphs 8.65 - 8.67 Policy RAP11 Rural Shops and Services

### Objections to First Deposit Version

72/AC	Saville Estates
109/BB	Warwickshire County Council (Planning, Transport & Economic Strategy)
148/BE	Campaign to Protect Rural England (Warwickshire Branch)
155/AD	Punch Taverns

### Objection to Revised Deposit Version

350/RBK	Tesco Stores Ltd
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### Key Issues

- 8.14.1** (1) Whether the Policy provides an appropriate balance between supporting the retention of local facilities and recognising the commercial and economic realities of operating businesses in rural settlements.
- (2) Whether isolated buildings in the countryside should be excluded from operation of the Policy and successive developments prevented on the same site.
- (3) Whether the Policy should resist the loss of the only general store in a village, and elsewhere support the provision of such services and facilities at petrol stations and pubs.
- (4) Whether the 3 criteria of Policy RAP11, taken together, are too onerous.
- (5) Whether what is meant by 'local retail or service needs' should be clarified

### Inspector's Appraisal and Conclusions

**8.14.2 Issue 1:** The objector argues that the Policy should be amended to provide a more positive approach to the re-use of sites where businesses have failed and are unlikely to resume. I do not accept this criticism. Where there are doubts as to viability, 3 tests have to be satisfied before closure would be countenanced and alternative uses considered. I consider those criteria to be appropriate and proportionate. In my view, there are no reasons why the premises of failed businesses should become an eyesore. I see no need to make a distinction in the Policy between those services operated on a commercial basis and other facilities which have a broader social function. This objection has, I note, been conditionally withdrawn.

**8.14.3 Issue 2:** Policy RAP11 allows new shops and local services, or the expansion of existing businesses, within settlements. Paragraph 8.66 explains that new retail and service facilities in the open countryside will not be supported, except in the case of farm shops where Policy RAP12 applies. The total exclusion of isolated buildings would, I feel, conflict with Government guidance in PPS7 which supports farm diversification proposals. I am content that the provisions of Policy RAP12 are sufficiently robust to ensure that farm shops do not grow to an inappropriate scale.

**8.14.4 Issue 3:** I am satisfied that the approach taken by Policy RAP11 accords with PPS7 advice. I note that while the District Council does not object to the principle of co-location of post office, shop and other services with existing facilities like petrol stations and pubs, it does not wish to actively promote such development. I agree that the consolidation of such services could, in some circumstances, serve to encourage the closure of existing premises to the detriment of the convenience of rural residents. This objection has been conditionally withdrawn.

**8.14.5 Issue 4:** The objector argues that the Policy takes no account of similar premises nearby that may already provide an adequate service to the community. I have indicated above that in my opinion the 3 criteria of Policy RAP11 are satisfactory. When considering any proposal for closure and alternative use, and assessing financial viability, I am confident that the planning authority would take into account the presence of other facilities nearby. I agree with the District Council that it is important to afford existing shops and services serving rural communities a high degree of protection.

**8.14.6 Issue 5:** The District Council has put forward a proposed change to the Revised Deposit Plan to accommodate this objection. Paragraph 8.66, as amended, clarifies that local need in this context means ‘usually the immediate requirements of the settlement’. I endorse that alteration. The objection has been conditionally withdrawn.

### **Recommendations**

**8.14.7 (a) That the Revised Deposit Plan be modified as follows:**

**amend the penultimate sentence of Paragraph 8.66 to read:**

**“A settlement can be of any size, however, proposals will need to demonstrate that they are serving a local need (usually the immediate requirements of the settlement) and this will be more difficult in the case of facilities within very small communities.”**

**(b) That no further modifications be made to the Revised Deposit Plan.**

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### **8.15 Paragraphs 8.68 - 8.70 Policy RAP12 Farm Shops**

Objection to First Deposit Version

148/BF Campaign to Protect Rural England (Warwickshire Branch)

Objection to Revised Deposit Version

No objections

### **Key Issue**

**8.15.1** Whether isolated buildings in the countryside should be excluded and successive developments prevented on the same site.

### **Inspector's Appraisal and Conclusions**

**8.15.2** I have already considered similar objections from CPRE (Warwickshire Branch) in respect of Policy RAP11 (Issue 2). I conclude that the objector's position is contrary to PPS7 which promotes farm diversification, and that Policy RAP12 is of sufficient strength to preclude the expansion of farm shops to an inappropriate size.

### **Recommendations**

**8.15.3 That no modifications be made to the Revised Deposit Plan in respect of this objection.**

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## **8.16 Paragraphs 8.71 - 8.77A RAP13 Directing New Outdoor Sport and Recreation Development**

### Objections to First Deposit Version

37/AJ	Sport England
115/AG	Alan Roberts
148/BG	Campaign to Protect Rural England (Warwickshire Branch)
279/AC	Mr R Butler

### Objection to Revised Deposit Version

294/RAD	British Waterways
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### **Key Issues**

- 8.16.1** (1) Whether it is appropriate to locate sports facilities in the countryside when most people reside conveniently within 8 km of a town.
- (2) Whether major profiling of land, ancillary facilities such as clubhouses, and floodlighting should be precluded for recreational uses.
- (3) Whether the Policy should control noisy sports such as go-karting.
- (4) Whether (a) Paragraph 8.73 should include a reference to PPG2, and (b) the word 'however' should be replaced by the word 'but'.
- (5) Whether the Policy is unduly restrictive in only allowing leisure development in the open countryside as part of farm diversification proposals.
- (6) Whether an additional criterion should be added to the Policy to allow the site at Oaklands Farm, Birmingham Road, Budrooke to be allocated for leisure and

recreation development to include a marina, budget accommodation and a pub/restaurant.

- (7) Whether it is appropriate to indicate in the supporting text that large scale marinas are more likely to be acceptable in urban areas.

### **Inspector's Appraisal and Conclusions**

**8.16.2 Issue 1:** Criterion a) of Policy RAP13 allows for the development of large scale outdoor leisure and recreation facilities in the rural areas. This is because such proposals often require generous tracts of open land that cannot be physically accommodated in the towns. PPG17 also recognises that urban fringe locations may be appropriate for certain sport and recreation facilities. With these points in mind, I see no argument for deleting this policy criterion.

**8.16.3 Issue 2:** I concur with the District Council that it would be inappropriate to preclude the profiling of land for sport and recreation development. When carried out sensitively, in accordance with the Warwickshire Landscape Guidelines, such works can enhance the environment.

**8.16.4** In the Green Belt, and in accordance with PPG2, only essential facilities for sport and recreation are considered to be appropriate development. Policy RAP13 indicates that any buildings required should be 'essential and ancillary to the use of the land' and 'of a design and scale appropriate to a rural area'. Paragraph 8.73 of the Plan builds on this. It makes it clear that in all rural locations any new buildings must be the minimum required for the activity and essential for its operation. I consider those provisions to be necessary and fitting. It follows that it would be unreasonable to prohibit in a blanket fashion all ancillary buildings and other supporting infrastructure.

**8.16.5 Issue 3:** Amenity/pollution issues arising from noisy activities are addressed through other Plan policies - notably, DP2 (Amenity) and DP9 (Pollution Control). Consequently, I feel it is unnecessary to refer to those matters in Policy RAP13.

**8.16.6 Issue 4:** I see no reason to refer to PPG2 by name. Paragraph 8.73 already refers to Government guidance in respect of the Green Belt. Likewise, I consider that in this instance use of the word 'but' rather than 'however' would not improve the text.

**8.16.7 Issue 5:** The District Council accepted that the First Deposit version of Policy RAP13 was too restrictive in relation to leisure development in the open countryside. At Revised Deposit stage criteria b) and c) were amended to allow small-scale proposals to meet a local need in the absence of more suitable sites, and the supporting text was altered (Paragraph 8.77A) to clarify the kind of evidence required to justify local need. I note that as a consequence of these changes, Sport England has conditionally withdrawn its objection. I support those alterations which provide a greater degree of flexibility to satisfy local requirements.

**8.16.8 Issue 6:** Policy RAP13 applies throughout the rural area and does not allocate sites for leisure and recreation development. This site-specific proposal is addressed later in my report (see Chapter 10, Policy omissions, Issue 22) in response to other related objections where I conclude that the land should not be allocated for these purposes.

**8.16.9 Issue 7:** The Plan directs major leisure facilities to the most sustainable locations. These are the urban areas. However, criterion a) allows for development in rural locations where it can be shown that the use cannot operate effectively in an urban setting and the site is or can be made highly accessible by walking, cycling and public transport. I see no inconsistency with the supporting text which, at Paragraph 8.76A introduced at Revised Deposit stage, indicates that: “Small scale mooring facilities are likely to be appropriate in the rural area. However, large scale marinas with associated buildings are more likely to be appropriate in urban areas.”

**8.16.10** Although not subject of a specific objection, a minor typographical error in criterion c) of Policy RAP13 should be corrected. I recommend accordingly.

### **Recommendations**

**8.16.11 (a) That the Revised Deposit Plan be modified as follows:**

**amend criterion c) of Policy RAP13 to read:**

**“c) Proposals for such uses in open countryside will only be acceptable where they are part of farm diversification proposals in accordance with policy RAP9 or where there are no other sites available to meet the need identified in criterion b).”**

**(b) That no further modifications be made to the Revised Deposit Plan.**

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## **8.17 Paragraph 8.78 Policy RAP14 Golf Facilities**

Objections to First Deposit Version

37/AK	Sport England
115/AH	Alan Roberts
148/BH	Campaign to Protect Rural England (Warwickshire Branch)
302/AY	English Heritage (West Midlands Region)

Objection to Revised Deposit Version

No objections

### **Key Issues**

- 8.17.1** (1) Whether proposals should be required to demonstrate no unacceptable impacts on the historic and natural environment.
- (2) Whether golf courses should be precluded in the Green Belt.
- (3) Whether it is appropriate to indicate in Paragraph 8.78 that the development of golf courses is supported.

- (4) Whether it should be shown that a golf course will be sustainable without the need for a restaurant, hotel or conference facilities before planning permission is granted.
- (5) Whether the Policy should address accessibility by those on low incomes.

### **Inspector's Appraisal and Conclusions**

**8.17.2 Issue 1:** The District Council has accepted that the impact of golf courses on both the natural and historic environment is a matter that Policy RAP14 should address. I agree. Paragraph 8.78 indicates that careful consideration will be given to the environmental impact of the proposals, particularly in relation to landscape impact. A further sentence was added at Revised Deposit stage requiring applicants to demonstrate that the environment has been protected and where possible enhanced. I support that alteration and note that on this basis English Heritage has conditionally withdrawn its objection.

**8.17.3 Issue 2:** As pointed out by the District Council, PPG2 does not prohibit the development of golf courses in the Green Belt. It allows the development of essential facilities for outdoor sport and recreation, providing this does not have a detrimental impact on the openness of the Green Belt.

**8.17.4 Issue 3:** The Plan's support for golf courses is qualified. Paragraph 8.78 makes it clear that golf courses and facilities must be in appropriate locations where an identified need is met. I am content that this accords with advice in PPS7 and PPG2.

**8.17.5 Issue 4:** To address this concern and others, Paragraph 8.78 was amended at Revised Deposit stage. The explanatory text indicates that in order to demonstrate need, the District Council would expect a business plan to be submitted to ensure the long-term viability of the scheme. This would set out future development requirements. Only facilities considered to be essential that would not have an adverse impact on the environment would be considered appropriate. I note that further protection is afforded by Policy RAP16 (Directing New Visitor Accommodation). I am satisfied that these provisions would serve to restrict related development.

**8.17.6 Issue 5:** This is not a land use planning matter. However, proposals would also have to comply with Policy RAP13 which seeks to locate significant schemes in more sustainable locations adjacent to urban areas that are accessible by public transport. It might also form part of the assessment of need. I note that Sport England has conditionally withdrawn its objection.

### **Recommendations**

**8.17.7 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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### **8.18 Paragraphs 8.79 - 8.81A RAP15 Camping and Caravanning Sites**

Objection to First Deposit Version

226/AP            The Environment Agency

Objection to Revised Deposit Version

No objections

**Key Issue**

**8.18.1** Whether the Policy should indicate that camping and caravanning sites will be precluded in areas of high flood risk.

**Inspector's Appraisal and Conclusion**

**8.18.2** I am satisfied that this concern has been addressed in the Revised Deposit Plan. Policy RAP15 has been amended to reflect the advice in Paragraph 70 of PPG25. It states that camping and caravanning sites will not be permitted in areas of high flood risk. In addition, a new Paragraph 8.81A has been added to the reasoned justification to acknowledge the special difficulties that caravanning, camping and other temporary occupancy sites give rise to in relation to flooding.

**Recommendations**

**8.18.3 That no modifications be made to the Revised Deposit Plan in respect of this objection.**

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**8.19 Paragraphs 8.82 - 8.83 RAP16 Directing New Visitor Accommodation**

Objections to First Deposit Version

147/AC            Sundial Conference and Training Group  
279/AB            Mr R Butler

Objection to Revised Deposit Version

No objections

**Key Issues**

- 8.19.1** (1) Whether the Policy fails to recognise the benefits of visitor accommodation in diversifying the rural economy.
- (2) Whether the first sentence and final paragraph of the Policy should be deleted and replaced by other provisions to permit new visitor accommodation related to visitor attractions.

## **Inspector's Appraisal and Conclusions**

- 8.19.2 Issue 1:** The objector is seeking an additional policy criterion to allow limited extensions and infilling to existing visitor accommodation in rural areas, and cross-references to objective 1B (To promote and enhance vibrant rural communities) and Policy SSP2 (Major Developed Sites in the Green Belt).
- 8.19.3** I believe that Policy RAP16 does acknowledge the benefits of visitor accommodation. It permits limited extensions to existing facilities where the scale is appropriate and development would contribute to the future viability of the business. The supporting text confirms that the relevant test is whether the additional accommodation intensifies use of the site in a manner out of keeping with its rural location, or seeks to introduce new uses. I consider that test to be reasonable. The Policy also allows for the conversion of rural buildings for small scale, low intensity visitor accommodation in accordance with Policy RAP8. The overall approach taken by Policy RAP16 is in line with PPS7 which advises that most tourist accommodation requiring new buildings should be located in or adjacent to existing towns and villages.
- 8.19.4** As regards other uses, such as conference and training facilities falling outside Use Class C1, the Plan seeks to concentrate those activities in sustainable locations in urban areas. Such uses may be acceptable in rural areas but only if they are small in scale, in keeping with the surrounding area, and do not significantly intensify existing use of the site. Again, I consider that to be appropriate. Finally, I see no need to cross-reference Policy RAP16 to objective 1B (1C in the First Deposit Draft) or to Policy SSP2. The User Guide explains that the Plan should be read as whole so that other Policies are considered alongside RAP16.
- 8.19.5 Issue 2:** The first sentence of Policy RAP16 states that the development of new buildings for visitor accommodation (in the rural area) will not be permitted. The Policy then proceeds to allow in certain circumstances the conversion of rural buildings and extensions to existing visitor accommodation. I consider those provisions to be reasonable because, as the Council points out, there is no location in the District more than 8 km from an urban area. I believe there is adequate capacity within the main towns and through the stock of redundant rural buildings suitable for conversion. I note that Policy UAP9 directs new visitor accommodation within urban areas to the most sustainable locations with good access to services and public transport.
- 8.19.6** Turning to the last paragraph of Policy RAP16, this accords with the thrust of PPS7 which advises that support should be given to extensions to existing tourist accommodation where the scale of development is appropriate to its location and where it would contribute to future viability. Again, I see no grounds for deleting that element of the Policy.
- 8.19.7** Policy RAP16 applies throughout the rural area. It does not allocate specific sites. I deal with issues relating to Oaklands Farm, Birmingham Road, Budbrooke elsewhere in my report in response to other related objections (see Chapter 10, Policy Omissions, Issue 22).

## **Recommendations**

**8.19.8 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

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**8.20 Chapter 8 - Policy omissions**

Objections to First Deposit Version

110/AG	Government Office for the West Midlands
127/AA	Mr D H Smith
147/AG	Sundial Conference and Training Group
148/AV	Campaign to Protect Rural England (Warwickshire Branch)
148/CB	Campaign to Protect Rural England (Warwickshire Branch)
294/AB	British Waterways

Objection to Revised Deposit Version

No objections

**Key Issues**

- 8.20.1** (1) Whether the Chapter should include a policy on ‘best and most versatile’ agricultural land.
- (2) Whether the Chapter should include a policy relating to agricultural development.
- (3) Whether the Plan should support existing non Class B employment uses in the countryside that assist in diversifying the rural economy.
- (4) Whether the Plan should include a policy that relates to development near motorways.
- (5) Whether the Plan should regard moorings/marinas as an acceptable use in rural areas and the Green Belt.

**Inspector's Appraisal and Conclusions**

**8.20.2 Issue 1:** In response to this objection by GOWM, and publication of PPS7, an additional criterion was added to Policy DP3 at Revised Deposit stage. It indicates that development proposals will be expected to demonstrate protection of best and most versatile agricultural land. On that basis, the objection has been conditionally withdrawn. I support that alteration and see no need for a stand-alone policy.

**8.20.3 Issue 2:** Development for agricultural purposes (new build or extensions) will be considered in relation to a range of Plan policies. This is explained in Paragraph 8.8 which was added to the supporting text at Revised Deposit stage. I support that clarification, but see no reason for introducing a further, separate, policy.

**8.20.4 Issue 3:** This objection was made in the context of the Woodside Management Training Centre, Kenilworth, which is identified in the Plan under Policy SSP2 as a Major Developed Site in the Green Belt. I agree with the District Council that where an existing use is established, like here, there is no need for a policy to support its continued use.

**8.20.5 Issue 4:** I do not consider that areas adjacent to motorways require special protection, over and above the policy provisions that apply generally in the rural area. I note that much of the District through which the M40 passes is designated as Green Belt. This affords a very high level of protection from development.

**8.20.6 Issue 5:** Moorings and marinas for recreational use fall to be considered under Policy RAP13. I agree with the planning authority that whereas small scale moorings are likely to be acceptable in rural areas, large scale marinas with associated buildings and other infrastructure are more appropriately located in urban areas. I note that a statement to this effect was added to the Plan (Paragraph 8.76A) at Revised Deposit stage. I support the District Council's stance and consider that an additional policy is unnecessary.

### **Recommendations**

**8.20.7 That no modifications be made to the Plan in respect of these objections.**

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