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## Appeal Decision

Inquiry held on 22-23 and 27-30 January 2015

Site visit made on 30 January 2015

by **Simon Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2015

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**Appeal Ref: APP/T3725/A/14/2222868**

**Land North of Southam Road and East and West of Church Lane, Radford Semele, Warwickshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by GDL Gladman Developments Ltd against the decision of Warwick District Council.
  - The application Ref W/14/0303, dated 4 March 2014, was refused by notice dated 19 June 2014.
  - The development proposed is construction of up to 130 dwellings with open space and landscaping, vehicular access and footpath links, a car park and all associated works (outline application including details of access only).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The impact of the proposed housing on the character and appearance of the area and whether there would harm to the setting of heritage assets.

### Reasons

3. Radford Semele is a village close to the outskirts of Leamington Spa. The A425, Southam Road, runs eastwards out of Leamington towards Southam. Within a kilometre of the edge of Leamington there is a junction with a minor road that leads north-east towards Offchurch forming a shallow 'U' shape. The bulk of the village lies to the south of this junction with the A425 Southam Road and Offchurch Lane marking the northern edge of development. Unusually, however, the original mediaeval village lay to the north within the 'U' and is linked to Southam Road by Church Lane. The original settlement may have been between the church and Southam Road but is now lost and this remains an area of open fields. Over time Radford Hall, the manor farm and vicarage grew up around the church, whilst a pub and various cottages lay to the south around the junction. In the 20<sup>th</sup> century the village grew massively to the south of the junction. Recently there has been infill development between Radford Hall and the church. A railway embankment runs closely along the northern edge of this group, with a canal just beyond it. Close to the canal to the north is the river Leam and the Leam Valley Nature Reserve.

4. The situation now is that the embankment forms a distinct straight line to the north of the village. It crosses Southam Road to the west and Offchurch Lane to the east. In the resulting triangle there is a small group of buildings comprising Radford Hall, the Glebe House, the church, a farm and various modern houses which appear to be separated from the rest of Radford Semele by a line of three open fields. I say 'appear' as the Hall and Glebe House take their access from Southam Road as it curves away towards Leamington close to the junction with the embankment. This group is not actually isolated, but touches a part of the main village at its north-western corner. However, a glance at the map shows it is separated from the bulk of the village by the 3 fields, which also form the appeal site.
5. The church, Radford Hall and the Glebe House are all listed. Across the fields to the south around the road junction is another group of listed buildings, the White Lion pub and close by, but not adjacent to the fields, three cottages. Between the cottages and Offchurch Road is a striking Edwardian manor house, which has been subdivided into at least three dwellings and is not listed. The only development to the north of the Offchurch/Southam Road line apart from the Radford Hall/church group is a line of ribbon development along the north side of Offchurch Lane, which ends just before the junction with Southam Road. After that there is no development on the northern side of the Lane or Southam Road until the Radford Hall/church group. There are thus clear views across the fields towards the church, Glebe house and the Hall. From the church there are clear views back towards the White Lion, the unlisted manor and partial views towards the listed cottages.
6. The site occupies the three fields in question. The first, most westerly field lies in front of Glebe House and the church and runs up to Church Lane. The second field lies to the east of Church Lane and runs up to the beginning of the ribbon development along Offchurch Lane. The third field lies beyond the second, narrowing to a point where the ribbon development meets the railway embankment. Church Lane bisects the first and second fields and is lined by trees and shrubs. This effectively splits views towards the group of northern buildings into two. Firstly those over the western field towards Glebe House, Radford Hall which is mostly hidden, and the church. Secondly, over the eastern or second field, which are mainly of the church. Both of these views have been described by the parties as 'iconic views'.
7. The original proposal was for housing to occupy the whole of the third, easternmost, field and also some of the second, leaving a relatively narrow part of the second field undeveloped. However, a revised management plan was produced which restricted development to just the third field. All of the second, and as was always the case, all of the first field would remain undeveloped as public open space. This revised plan was subject to a second application to the Council, which was determined and refused during the course of the Inquiry. It was agreed this plan did not result in a major change to the proposal, especially as layout was a reserved matter and had been advertised before the Inquiry opened so no-one was prejudiced if it was taken into account. The appellant therefore withdrew the original management plan and relied solely on the revised version. The other significant difference between the two plans was that the public open space on the eastern field originally had a car park and play area on it. This was removed and both the western and eastern fields were intended to be managed as meadows, preserving the open space in front of the 'iconic views'.

8. The third, easternmost field is separated from the second field by a newly planted hedgerow. This is the re-instatement of an historic field boundary lost in the 20<sup>th</sup> Century. This hedge would form the western boundary of the housing element which would be some 10m behind the hedge, the intervening space filled with landscaping to soften the edge of the development. The appellant's argument was in essence that the third field was not involved in either of the iconic views. There were no public views across this field to either of the groups of listed buildings. The revised layout maintained the important land in front of the 'iconic views' and this would be guaranteed as open space in perpetuity. Even if there was harm to the setting of any of the listed buildings or the village itself this was insignificant and outweighed by the benefits of the proposal.

### **The Policy Background**

9. The Warwick District Council local plan was adopted in 2007 and intended to run until 2011. It is now time expired, but contains a number of saved policies. The emerging local plan was signed off by the Council during the time of the Inquiry and has now gone forward to be examined in public. No date for the examination has been set.
10. The Council accept they do not have a 5 year supply of housing land. They argued it was an improving situation and they could actually identify a 4.8 year supply. The appellant contested this on various grounds; there had been persistent under-delivery and so a 20% buffer was required not the 5% the Council adopted; 20% of the total housing supply was in any event supposed to come from windfall sites, which is highly unlikely; and perhaps most importantly the figure for housing demand was one determined by the Council and had not yet been agreed at public examination to represent objectively assessed need. This figure was too low and would be challenged by numerous objectors at the public examination, including the appellant.
11. Even with 4.8 years supply paragraph 49 of the NPPF would still apply and the housing policies of the local plan should be considered to be out of date. However, the appellant argues the situation is worse than that. There is an acute need for housing in the District which the Council have failed to identify or plan for. Even more weight should therefore be applied to the need for housing. I am not convinced this is the case. The NPPF is quite clear on the importance of the need for housing development, and where there is no 5 year supply then substantial weight should be given to the need for housing and there is no suggestion this weight is increased the greater the shortfall. The Council is not in the position of demonstrating it is close to achieving a 5 year supply, not least because it does not yet have an agreed 5 year target. I shall therefore assume the ~~policies for the supply of housing~~ are out of date and attach substantial weight to the need for housing. Deleted: housing
12. Five saved policies were considered during the course of the Inquiry. The appellant argued that DP1 'Layout and Design' was irrelevant as these dealt with reserved matters. However, the policy requires development to "b) relate well to local topography and landscape features..." and "d) reflect, respect and reinforce local architectural and historic distinctiveness". These two go to the heart of the main issues in this appeal, and I consider this policy is therefore consistent with the NPPF and relevant to the environmental limb of sustainability described in paragraph 7 of that document.

13. Policy DP2 refers to amenity and is not relevant to the appeal. DP3 'Natural and Historic Environment and Landscape' is highly relevant to the appeal and consistent with the NPPF and paragraph 7 as described above, as it seeks to "c) protect and enhance the landscape character of the area, particularly respecting its historic character".
14. RAP10 'Safeguarding Rural Roads' was not part of the reasons for refusal nor was it analysed by the Council's landscape or heritage witnesses. It is concerned to prevent "major modification to surrounding rural roads in the vicinity of the proposal". It was argued that Church Lane was a rural road and the development would seriously harm its character. Although, as discussed below, I do consider the character of Church Lane to be important I do not consider that this policy is relevant. The modification proposed to Church Lane is very site specific and does not amount to "a major modification to surrounding rural roads" as envisaged by the policy. Its impact is best dealt with under DP3. Finally DAP4 'Protection of Listed Buildings' is of central importance to the appeal and consistent with the NPPF and paragraph 7 as described above.
15. The appellant argues that none of these policies are consistent with the NPPF and so, in accordance with paragraph 215, very little, if any, weight should be given to them. The appellant maintains that the policies are inconsistent for three reasons. Firstly that they do not mention the central role of sustainable development, secondly they do not contain a 'cost-benefit' analysis which is the basis of the NPPF's approach and thirdly they prevent development which causes *any harm* which is not the approach of the NPPF, particularly in the case of the setting of a listed building where the seriousness of the harm has to be weighed against public benefits.
16. While the emphasis on the now very wide definition of sustainable development and on the weight to be given to various matters such as the need for housing is new, the approach that balanced decisions should be made is not. In pre-NPPF days the decision maker would still have to weigh the benefits against the harm even if a proposal was clearly contrary to a tightly worded local plan policy, and that is no different now. The policies themselves need not contain an invocation to balance harm against benefits; that is taken as read. I take the same view as the Inspector in the Bishop's Tachbrook<sup>1</sup> appeal that despite the failings pointed out by the appellant these policies are still broadly consistent with the NPPF.
17. The appellant also showed that various witnesses, particularly the Council's heritage witness had not assessed the proposal in terms of the local plan policies but solely in NPPF terms. However, the policies are clear and in my view consistent with the NPPF. Consequently I shall give the overall emphasis of DP1, DP3 and DAP4 considerable weight.

### **Landscape Impact**

18. As described above the church, hall, Glebe house, farm and surrounding infill housing development are separated from the main bulk of the village by the three fields comprising the appeal site and linked to the village by Church Lane. The western two fields would not be developed and I shall confine the landscape assessment to the third, easternmost field, which will effectively be

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<sup>1</sup> APP/T3725/A/14/2216200 Issued November 2014

entirely covered by housing. The area is part of the "Dunsmore Plateau Fringe" landscape. This landscape is characterised by features including undulating topography, meandering river valleys large arable and smaller hedged fields. The Council contended these features were present on the appeal site and continued beyond it across the valley of the Leam northwards into open countryside.

19. It seemed to me one of the most important and striking features was the transport corridor running along the north of the site. The canal is set down on lower ground, which rises gently to the abrupt line of the railway embankment. The site then rises gently again from the foot of the embankment to the line of ribbon development along Offchurch Lane. In the valley immediately to the north of the canal is the meandering river Leam, with the gently rising ground of the Leam Valley country park beyond. This whole area is characterised by long stands of trees with open pasture and other fields in between. The railway embankment has a similar line of trees along it which frame the easternmost field. From the church and Church Lane the view eastwards is very attractive; the field separates the village, represented by the ribbon development, from the transport corridor. The lines of trees, following the direction of the railway and river take the eye out into the open countryside beyond. In my view the field does seem to share characteristics of the Dunsmore Plateau Fringe character area and it forms an important function as a landscape setting for the views of the countryside, village, church and transport corridor.
20. It was argued that the railway embankment was a logical and defensible boundary, but this would seem to be no more logical than the existing line of ribbon development. On plan form it does seem quite neat to fill in the gap between Offchurch Lane and the embankment, but in reality this would cram the village right up next to the transport corridor and the country park beyond. The appellant argued the transport corridor would be 'strengthened' by extra planting, but that 'strengthening' is only required because of the harm created by building on the field. The field is an important element in the landscape, and while not of any great intrinsic beauty itself, as the Council admitted, has a key role as a buffer, preventing the village from intruding into the more important countryside beyond. The appellant's landscape assessment concluded the "degree of enclosure created by the established vegetation structure separates the site from the wider countryside setting<sup>2</sup>". I consider the opposite is the case; the field is an important element in the wider countryside setting.
21. I was taken to a number of documents that purport to show the Council itself has been less than resolute in its defence of this part of the countryside. It is clear that when the emerging local plan was being drawn up Radford Semele was allocated 100-150 houses<sup>3</sup>. Four sites were considered around the edge of Radford Semele in that document, and the appeal site was the preferred housing site. This followed on from a landscape sensitivity study carried out by Warwickshire County Council<sup>4</sup> which identified the site had a high/medium sensitivity to housing but would be suitable for "a small amount of development to the east of Church Lane but this should be limited in extent and not cover the whole field", as well as the SHLAA<sup>5</sup> which identified it as a

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<sup>2</sup> Landscape and Visual Impact Assessment, February 2014, Aspect Landscape Planning

<sup>3</sup> Local Plan – Village Housing Options (November 2013)

<sup>4</sup> Landscape Sensitivity and Ecological & Geological Study (November 2013)

<sup>5</sup> Strategic Housing Land Availability Assessment – Village site update (2013)

potential development site. In the draft local plan the original (larger) appeal site with the same suggested access arrangement as now was proposed for 100 dwellings.

22. Subsequent to that document further consultation was carried out and the development potential for Radford Semele was reduced to 50 houses and a further landscape sensitivity study<sup>6</sup> upgraded the site to 'high'. Land to the east of the village, which had always been high/medium was allocated for housing and recently a planning permission for 60 houses was granted on that site.
23. Following consultation, and entirely justifiably in my view, the Council changed its approach to the suitability of this land for development. Whilst I agree with the appellant that nothing changed on the ground in between the two landscape assessments the upgrading of the site to 'high' was in my view justified. Even if, as the appellant suggests, it was an *ex post facto* rationalisation that does not necessarily make it wrong. In my view the site does have a high sensitivity to development. As defined in the County Council's methodology it is "very vulnerable to change" and it is "unable to accommodate the relevant type of development without significant character change".
24. The appellant's landscape witness suggested it was unrealistic to grade the site as 'high' as this was the same sensitivity as an AONB. It seems to me an AONB designation is quite a different matter to a landscape sensitivity study which is designed to help in the search for housing sites. By suggesting that most of the land around Radford Semele is 'high' does not mean it shares the beauty and character of an AONB. I agree with the appellant that the easternmost portion of the site (where the houses are to be located) is less sensitive than the two fields immediately adjacent to Church Lane. If the whole site was subject to a micro-analysis it may well be, as the appellant suggested, possible to break it down into fields of differing sensitivity but that is rather beside the point. No-one has carried out that analysis. The 'high' label covers a wide variety of landscapes and the whole site could still be 'high', even if part of it was less sensitive than another part.
25. Taking this all together I consider the site performs an important landscape function in separating the built edge of the village from the wider, attractive landscape beyond, and acts both as a buffer between the transport corridor and the houses on Offchurch Lane and as a setting for the village. It was quite reasonable for the County Council to identify the whole site as high sensitivity, even if part of it was less so. The appellant's landscape study was rigorously carried out, but that does not make the outcome necessarily as "objective" as was claimed. Neither party disagreed with the other's use of methodology, but it seems to me perfectly reasonable for different people to reach different outcomes whatever methodology they use.
26. The proposal is thus contrary to policies DP1 and DP3 of the local plan. Whether it is contrary to the NPPF depends on the policies contained therein. It would take up grade 3a agricultural land which paragraph 112 suggests should be avoided, but I do not think this is a "significant development of agricultural land" as the loss of land is relatively modest, so this objection has only limited weight. More directly relevant to the appeal, the Council argued it

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<sup>6</sup> Landscape Sensitivity and Ecological & Geological Study (April 2014)

was contrary to paragraph 109 which seeks to protect and enhance 'valued landscapes'.

27. It is agreed that the appeal site has no formal landscape designation. The phrase 'valued landscapes' is not defined, whereas later in section 11 of the NPPF mention is made of designated areas which have the "highest status of protection"<sup>7</sup>. This suggests to me that 'valued landscapes' must include non-designated land which, presumably, is afforded protection commensurate with its value. I agree with the appellant that most (but not all) countryside adjacent to villages which is threatened by development will be 'valued' by the local community and that does not make it automatically a 'valued landscape' for paragraph 109 purposes, but neither does the fact that if only the locals value a landscape mean it is definitely not subject to paragraph 109. In my view it depends on what value the landscape has.
28. I do not consider the only way to define the value of a landscape is to carry out the analysis contained in Box 5.1 of the GLVIA<sup>8</sup>. This is a guideline for professional landscape practitioners. Had the NPPF intended this to be technical process then it would have said so. My analysis above suggests to me that the site does have value in purely landscape terms as well as being valued locally. However, the locals value it not just because it is some open land on the edge of their village that is threatened by development, but, as they explained at the Inquiry, because it plays an important part of the setting of the village and of the church, a matter which I shall discuss further below. It seems to me therefore there is a good and sound basis upon which to regard the site as being part of a 'valued landscape' within the scope of paragraph 109 and its loss would be contrary to the thrust of that part of the NPPF.

### **The Setting of the Heritage Assets**

29. There are two groups of listed buildings, all of which are grade II. There would be no impact on the buildings themselves, but there would be on their setting. To the north of the site is the Radford Hall, Glebe House and the church while to the south is the White Lion, Manor Cottage and 64-66 Southam Road. The latter two are 18<sup>th</sup> century painted brick cottages, one detached the other a pair of semis. They stand on Southam Road beyond the junction with Offchurch Lane and they are separated from the easternmost field (the development site) by a building known as the Manor House. This is an unlisted house which was originally built and occupied by the owners of Radford Hall while that building was let out. It has since been subdivided into three houses, each of which has its own architectural style. They form an interesting group in their own right but they are not listed and the Council did not argue they could be considered as non-designated heritage assets. There is no direct link between the listed cottages and the development site and the appeal proposal would have no direct impact on their setting. Closer to the site along the south side of Southam Road is the White Lion pub, an attractive 17<sup>th</sup> century timber framed building altered in the 19<sup>th</sup> century. This stands directly opposite the first eastern field, with wide views across the whole appeal site and direct views towards the church.

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<sup>7</sup> Paragraphs 115 and 116 of the NPPF

<sup>8</sup> "Range of Factors that can help in the Identification of Valued Landscapes". Guidelines for Landscape and Visual Impact Assessment (Landscape Institute – third edition)

30. In the first group Radford Hall is now surrounded by modern houses. It is difficult to see the building from anywhere along Southam Road and the appeal proposal has no direct effect on the setting of the Hall. The Glebe House is a striking 19<sup>th</sup> century villa that stands behind a brick wall and looks over the western field. This view would be preserved by the proposed open space. It is separated from the eastern field by the vegetation along Church Lane and is some way from the development site. Like Radford Hall I do not consider there would be any direct impact by the proposal on the setting of Glebe House. The church, its churchyard wall and the lych gate are all listed. The church is of Norman origin but was damaged by fire in 2008. Following detailed consultation with English Heritage it was rebuilt and the internal axis altered from west-east to north-south with a modern and rather striking glassed gable inserted on the northern side. The key element for English Heritage was the restoration and retention of the appearance of the southern wall which faces towards the appeal site. It was agreed at the Inquiry that if there is an impact on setting it would fall primarily on the church and then on the White Lion. I do not consider the setting of any of the other listed buildings is directly affected, but they do have a relationship to the more prominent church and pub which should be considered.

31. I am required by the Act<sup>9</sup> to have special regard to the desirability of preserving the listed buildings or their setting. The NPPF requires "great weight" to be given to the conservation of heritage assets. The NPPF is concerned to divide any harm into substantial and less than substantial. In this case it was agreed that any harm would be less than substantial. Paragraph 134 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

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32. The significance of the setting of the church is, in my opinion, twofold. Firstly the open aspect of the fields to the south and east and secondly its relationship to Radford Hall, Glebe House and the village as a whole. The most striking feature about the church is the views across the western and eastern fields, both of which would be retained. The second striking feature is the way that Church Lane bisects those views and creates a barrier between them. The western field is pasture and it would seem has been so for some time. The eastern field is arable and is linked directly to the development site, also an arable field. The western field thus connects the church and Glebe House to the village but the eastern fields and more particularly the development site link the church to the open countryside beyond. The group element of these listed buildings is important because along with the farm buildings and modern houses, they create a sense of an isolated island separated from the village. This effect is quite striking on site and even more so at night, when the floodlit church is approached along the dimly lit Church Lane through the dark fields. The even dimmer lights of the houses in the ribbon along Offchurch Lane also accentuate the dark expanse of countryside to the east of the church. Church Lane links the church and the 'island' to the main part of the village and once away from the road junction provides a quiet, rural access lane which accentuates the sense of approaching an isolated rural church.

33. The setting of the White Lion is more conventional, with a busy main road in front and the village behind. From the pub, however, there are views across

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<sup>9</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 - s66(1)



the open fields towards the church and the transport corridor, and rather like the church, but in reverse, the open land between them, especially as it opens up to the east of Church Lane creates a clear sense of it being on the edge of the village looking over countryside. Looking towards the pub from the churchyard it is the visually most prominent building, along with the unlisted Manor. The listed cottages and house are of less importance as group assets, but it is true that when approaching from the east along Southam Road the cottages are seen in a very enclosed townscape which suddenly opens up as one approaches the White Lion and this openness includes the development site.

34. The appellant has been careful to ensure the main views to and from the church and between the church and the pub are kept open by the public open space. There was much discussion at the inquiry about the impact of turning agricultural land into official open space. The original proposals included a car park and play area in the eastern field, but these were removed in the appeal proposal. I have no doubt that through the operation of suitable conditions the Council could ensure the open space is maintained with a light touch to retain the open views across undeveloped land.
35. As with the landscape, this issue turns on the effect of developing the easternmost field. In my view the appellant's heritage assessment significantly underestimates this impact. By focusing on the corridor of views either side of Church Lane the appellant fails to appreciate the wider aspect of the views and their importance for the significance of the setting for the church. The appellant argued that the isolation of hall and church was typical of the early 19<sup>th</sup> century, when most villages would have been small and surrounded by agricultural land, so there was nothing unusual in this. However, what is unusual is that it has survived to the 21<sup>st</sup> century and in my view this is clearly an important aspect of the modern day setting of the church.
36. At the northern end of the site the development would be within 70m of the churchyard and the whole of the view south-east from the churchyard would be dominated by the western edge of the development. Even with a landscaping strip this will create a sense of enclosure; funneling and constraining views between the church and pub. There was considerable discussion at the Inquiry as to whether views of the development would be seen at the same time as the church or pub; whether the viewer would have to turn their head and so alter the context of the view. The photographs certainly seem to suggest the views are confined as the appellant suggested, but on site it was clear this was an effect created by the artificial constraints of the camera lens. There is no need to turn one's head. The easternmost field is part and parcel of the view from the churchyard to the pub and vice-versa. The sense of the wider countryside represented by this field is an important part of the significance of the setting. In particular the island nature of the church and the development around it and its clear separation from the village would be undermined by the loss of the easternmost field.
37. The proposed houses would also have a direct impact on the setting. The appellant suggested the landscape strip would not be so dense as to hide the built development completely (which would create a different set of issues) but would filter views of the houses and soften the edge. This may be true, but the encroachment of a large estate into the setting of the church would be bound to be harmful. The houses would be a visible and significant presence pressing

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in on what would become a narrow visual corridor. Mr Jones, a third party, was concerned at the stacking effect of the houses as the land rose up to Offchurch Lane. I agree with the appellant this concern was over-exaggerated, not least by the rather dramatic photo-montage he presented. Nevertheless, the land does slope up towards Offchurch Lane, and especially from along Church Lane the houses at the southern edge of the development would be several metres higher than at the lowest point, which would add to the visual dominance of the proposed estate.

38. There would be a similar effect on views from the White Lion towards the church, but this would be less serious. The setting of the White Lion is not so dependant on the easternmost field as the church, and while the sense of the countryside opening out would be lost, this is less important than the harm to the setting of the church. The sudden openness of the view as one proceeds westwards along Southam Road would also be curtailed, but not significantly.
39. Church Lane is also an important part of the setting of both the church and to a lesser extent the pub. It runs for about 140m southwards from the church to a junction with School Lane and Southam Road dividing the western from the eastern fields. It is lined on its western side by bushes and trees and on the eastern side by rather more scattered trees. There would be clear views from the lane towards the development. At the main road junction the environment is one of noisy traffic but this diminishes quickly as one moves north. The proposed access road would join Church Lane about 30m from the main road junction. At this point and contrary to the appellant's assertion, the lane is quiet, with clear views across the open countryside to the east. The proposed houses would curtail this view and press in on the lane. The lane is the only approach to the church and forms an important part of its setting. This will be compromised in two ways, both by the nearness of the built development and by the new access road. The latter will join Church Lane at an entry point that will lead to the loss of a tree as well as other vegetation. It will be designed to current highway standards and it is proposed to widen Church Lane from some 20m north of the access down to the road junction, to facilitate two-way traffic. There will be extra road signage as well. This will represent an urbanisation of the lane which reduce its quiet rural nature and lessen its role as a gateway to the church.
40. The proposed access road is also an issue. Because the proposed development is contained in the easternmost field the only method of access is across the nearer eastern field to Church Lane, creating a contrived and intrusive linear element cutting across the views of the church and the pub. There will be at least four lighting columns which would add to the intrusion and sense of urbanisation that would be wholly out of place. It was suggested at the Inquiry that the lampposts could be hidden by trees and the land could be contoured to hide the road. No plans were produced to show how much contouring would be required and I should expect it would be quite considerable if the intention is to hide the road from views from the church. The resulting sunken lane with clumps of trees along it hiding lampposts might look almost as out of place as the actual proposal. Either way, the proposed access adds to the harm caused to the setting of the church and the White Lion.
41. Much was made at the Inquiry of the newly proposed development site which was restricted entirely to the easternmost field. This would enable the re-instatement of the historic hedge line between the two eastern fields which was

lost sometime after 1955. This was considered to be a benefit of the scheme. However, I share the Council's view that there is little value in reinstating the historic hedge if there is no field beyond it. The hedge would become part of the landscape buffer and offer no real historic or landscape benefit. In any event the hedge has already been replanted, so it seems this has been achieved without the need for the housing development.

42. I note that the site was allocated for development in the short lived "Village Housing Options" document with no mention of the constraints posed by the listed buildings at all, whereas both the SHLAA and the Landscape Sensitivity Study (even before it was upgraded to 'high') noted the importance of the setting of the listed buildings and the difficulty this would pose for any potential development proposals. This is my starting point for considering the impact of the proposal. In my view the whole of the site plays an important role in the setting of the church and in the setting of this northern group of listed buildings. This setting is an important part of their significance and would be seriously harmed by the proposed development. This harm would be caused by the serious loss of openness caused by the proposed housing, the changes to Church Lane and the introduction of an access road. The eastern fields also play a role in the significance of the setting of the White Lion and this too would be harmed, although not seriously. I do not consider there would be any actual harm to the setting of the listed cottages. Overall, I consider the proposal is contrary to policies DP1(d) and DAP4. The harm caused would be less than substantial in terms of paragraph 134 of the NPPF, but within this category of "less than substantial" there is serious harm to the setting of the church and the northern group, but less so to the White Lion. I balance this harm against the public benefits below.

#### **Local Residents' Issues**

43. Highway issues were of considerable interest to local residents and detailed arguments were made to the Inquiry to suggest the appellant's estimated traffic figures were too low. After the appellant's transport consultant produced a rebuttal statement several residents followed up with rebuttals of their own. I was left with the strong impression that even if the residents were correct in their criticisms, the issues had been resolved down to relatively minor discrepancies in the figures or in the way they had been presented. Of most importance there was no evidence to suggest I should not rely on the sensitivity test carried out by the appellant which took into account the potential for up to 460 new dwellings in the area and the conclusion that even so the junction of Church Lane/School Lane and Southam Road would still be operating just within capacity. I agree that the proposed junction works would not create an ideal environment for cyclists, but this is not to say it would be unsafe. The proposed cycle link to Leamington Spa, it was agreed, would be a positive benefit even if it meant narrowing the pavement.
44. Air quality was also an issue, but even if I were to agree with the residents' figures the development would still be well within the guidelines. I have taken account of the noise issue in my consideration of the impact on Church Lane. It is agreed that Radford Semele is a sustainable location and various payments would be made to deal with education and health issues. Nevertheless I agree with the residents, the proposed development would be harmful. It would make the roads busier and noisier, there would be more queuing on Southam Road because of the replacement of the pedestrian

crossing with a fully signalised junction and there would be more pollution. The site is also some way from the village amenities and many potential residents would not choose to walk. There would be a loss of good quality agricultural land. But these are objections that can be levied against virtually all housing proposals in village locations. Although they may be significant for local residents, none of them are individually or cumulatively significant in terms of the NPPF.

### **Benefits of the Development**

45. There is no dispute that substantial weight should be given to the provision of both open market housing and affordable housing. There are also economic benefits that will flow from a grant of permission, including the construction spend and the supporting of jobs for those in the construction industry. There will be spin-off benefits from the new residents spending power, supporting local businesses and increasing the local tax base. There will also be a sum to be paid to the Council from the New Homes Bonus (NHB).
46. I was encouraged not to give weight to the NHB due to comments made in the Chancellor's budget speech as reported in the Bishops Tachbrook appeal, suggesting this might well be reined back. However, another budget has passed and nothing has actually happened since then so I am inclined to favour the appellant's view that there is no reason to discount the NHB payments.
47. Various social benefits were also suggested. The Council originally argued the proposed development would unbalance the existing community but withdrew this reason for refusal at the opening of the inquiry. Nevertheless, the appellant presented evidence that Radford Semele was an ageing community which had suffered a slight drop in population in recent years due to the lack of house-building. The proposed mix of houses would provide a much needed injection of new blood into the village and provide for smaller and family homes to help re-balance the community.
48. I agree that all these matters are benefits of the proposed development. However, I also note there is no evidence that the facilities in the village are at risk, and the Parish Council presented a picture of a busy and thriving local community. Thus while there would be social benefits from extra housing, there does not seem to be a pressing need for them, which reduces the weight I shall attach.
49. There is also no doubt there will be spin-off economic benefits from the proposed housing. However, given the 5 year housing land supply situation and the role of Radford Semele as a sustainable location for housing, there is little doubt in my mind that more houses will be located in the village, and certainly that Warwick District Council will have to provide more land for housing somewhere. The rather more indirect benefits will thus accrue to the Council and to the locality, just not as quickly as if planning permission were granted now. There is not a sense whereby these benefits will be lost if planning permission is not granted, but they will be delayed.

### **Conclusions**

50. I have found serious harm to the setting of the listed church and to the group of listed buildings of which the church forms a part and minor harm to the setting of the White Lion. This is less than substantial in NPPF terms. I am

required to have special regard to desirability of preserving the setting of the listed buildings and as the harm is, on balance, serious I give it significant weight. I have also found the development part of the site to be a 'valued landscape' and its loss would harm the landscape setting of the village. I attach significant weight to this as well. On the other hand I attach substantial weight to the provision of market and affordable housing, but rather less weight to the other economic and social benefits outlined above.

51. I am also conscious of the fact that to allow the appeal would mean the permanent loss of the field and permanent harm to the setting of the listed buildings, whereas to refuse planning permission does not necessarily mean the benefits of extra housing will never be realised. That is an issue the forthcoming local plan inquiry will have to address.
52. In conclusion I do not consider that the public benefits outweigh the clear and serious harm I have identified. The appeal proposal is thus contrary to paragraphs 109 and 134 of the NPPF and, bearing in mind the three strands of sustainability described in paragraph 7 does not, on balance represent sustainable development in NPPF terms. Paragraph 14 is therefore not engaged in the decision making process. S38(6) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The appeal proposal is contrary to the development plan and notwithstanding the lack of a 5 year housing land supply there are no material considerations sufficient to indicate that a decision should be taken contrary to the policies in the development plan.
53. The appellant has entered into a s106 obligation to provide various payments but these are essentially for mitigation purposes, and neither the obligation nor any of the suggested conditions overcome the harm I have identified or suggest a different conclusion to that above.

*Simon Hand*

Inspector

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Powell He called Carolyn Cox BA(Hons), Dip LA, Dip HS, CMLI	Barrister  Landscape Architect – Warwickshire County Council
Alan Mayes BA(Hons) Dip Archaeological, IHBC, RIBA	Conservation Officer – Warwick DC
Liam D’Onofrio BA(Hons), Dip TCP, MRTPI	Senior Planning Officer – Warwick DC

### FOR THE APPELLANT:

Giles Cannock He called Ben Wright BA(Hons) Dip LA CMLI	Barrister  Aspect Landscape Planning
David Beardmore MSc, MA, DipLD (Dist), DipLArch (Dist), DipUD, DiplBldg Cons, FRTPI, CMLI, IHBC	Beardmore Urban
Duncan Hartley BSc(Hons), MA, DipTRP, MRTPI	Rural Solutions
Keith Williams DipTP, DipProjMan, MRTPI, MRICS	Stansgate Planning

### S106 DISCUSSION:

Nicholas Corbett John Harmon Peter Speers John Powell Mel Duffy	LPA monitoring fees Council education payments  EPDS Consultants (education) NHS payments
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**INTERESTED PERSONS:**

Michael Doody David Chater	WDC Councillor Chairman Radford Semele PC
Andrew Jones Oliver Aries John Godbert Michael Galliford Edwin Coombs Nicola Lomas Gregory Dyson Mr Iredale	Local Residents

**DOCUMENTS**

1. Council's openings
2. Copy of policy RAP10
3. Appellant's openings
4. Landscape matrix produced by Carolyn Cox
5. Radford Semele Parish Plan
6. Mr Iredale's written evidence
7. Blow-ups of photographs from Mr Mayes appendices
8. Andrew Jones' written evidence
9. Council's education statement
10. Council's cycle route position statement
11. NHS contributions statement
12. Edwin Coombs written evidence
13. Oliver Aries written evidence
14. John Godbert written evidence
15. Michael Galliford written evidence
16. Cross section of the site
17. Council's monitoring fee proof of evidence
18. Photographs of nearby development provided by Andrew Jones
19. Documents against the appeal provided by Michael Doody
20. Relevant sections of TD 50/04
21. Decision on application W/14/1567 – refused 26 January 2015
22. Copy of draft s106 unilateral undertaking and commentary on outstanding matters
23. Map showing road closures affecting traffic count
24. Appellant's technical note on traffic and air quality issues
25. Draft conditions
26. Oliver Aries – further written comments
27. Edwin Coombs – further written comments
28. Council's closings
29. Appellant's closings
30. Signed and dated s106 unilateral undertaking