



Appeal Decision

Site visit made on 1 April 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/E3715/W/25/3359147

Land West of High Street, Ryton on Dunsmore CV8 3FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tamsin Almeida of Living Space Housing against the decision of Rugby Borough Council.
 - The application Ref is R22/1120.
 - The development proposed is erection of 37 residential dwellings with associated works and access from High Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Financial Viability Assessment (FVA) based on a hypothetical alternate layout that would be fully compliant with Policy H6 of the Ryton-on-Dunsmore Neighbourhood Plan 2018-2031 Referendum Version (made July 2021) (NP) to the appeal. While this additional information does not fundamentally change the proposal, interested parties have not been given the opportunity to make representations on the additional information, giving rise to procedural unfairness. For that reason, I have not taken it into account in my assessment.
3. Since the planning application was refused, the Council has published the Rugby Local Plan Preferred Options Consultation Document (March 2025) (POD). The POD proposes to allocate the appeal site for approximately 35 dwellings. Based on the plan-making stage of the emerging Rugby Local Plan, I can only attach it limited weight in my determination of the appeal.
4. A signed Unilateral Undertaking with Warwickshire County Council was submitted with the proposal to provide a biodiversity offsetting scheme and contributions relating to education, libraries, public rights of way and road safety. In addition, a signed Section 106 Agreement with the District Council was submitted with the proposal to provide affordable housing units and amenity green space and open space contributions. I have reflected these as appropriate throughout my Decision.

Main Issue

5. The main issue in this appeal is whether the proposed development would provide adequate car parking provision and the effect this would have on on-street car parking in the area.

Reasons

6. The appeal site is located to the north west of the junction of Leamington Road and High Street and comprises a green field surrounded by mature vegetative boundaries.
7. The proposal seeks to erect 37 dwellings with a total of 92 car parking spaces, predominantly consisting of a mix of external driveway and garage spaces. The external car parking spaces comprise a mix of tandem and parallel spaces.
8. Policy D2 of the Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) (LP) requires development to incorporate adequate and satisfactory car parking facilities in accordance with the standards set out in Appendix 5 of the LP.
9. Based on the proposed development, the application of the LP parking standards would generate a car parking requirement of 80 spaces. The proposed provision of 92 car parking spaces would therefore exceed the policy requirement. The LP car parking standards are not expressed as maxima. The Council's Officer Report and the highway authority raised no objections to the proposed number of car parking spaces.
10. However, Policy H6 of the NP sets a higher car parking standard than the LP. It is clear from the supporting text of Policy H6 that the purpose of the policy is to manage on-street parking pressure in the village for highway safety reasons, which is a key concern expressed in the NP. The NP also refers to the rural context of the parish in justifying a higher level of minimum parking spaces than the LP.
11. Part A of Policy H6 requires development to provide one off-road parking space per bedroom unless otherwise justified, having regard to site specific constraints. Part B of Policy H6 says that in meeting that target, allocated spaces on driveways within a plot boundary should not be in tandem.
12. Based on the proposed development, the application of the NP car parking standard would generate a requirement for 112 car parking spaces. Consequently, when measured against this requirement, there would be a shortfall of 20 car parking spaces.
13. The main parties agree that the site-specific constraints relevant to the appeal site include the existing public right of way and local wildlife designation on the site. Notwithstanding this, the majority of the car parking spaces across the site would be in tandem arrangement. As such, the proposed development would nevertheless, conflict with Policy H6 of the NP due to its failure to accord with Part B of the policy.
14. The appellant contends that the word 'should' is not definitive, compared to the word 'must'. However, regardless of which of these words is used, part B of Policy H6 does not provide any exception to the expectation for non-tandem spaces to be provided, which therefore restricts the flexibility of the policy.
15. The appellant has pointed to the lack of evidence underpinning the NP car parking standard. However, questioning the basis behind why a development plan policy was accepted is not a matter for my consideration in this appeal. The NP has been through the required statutory process and the NP Examiner concluded that the document was justified. While the NP Examiner noted the lack of highway, parking

and traffic and evidence, she considered that Policy H6 was acceptable given the severity of local concerns regarding on-street parking reflected by the extensive consultation responses.

16. Within this context, although the appellant's Transport Appeal Statement indicates that the level of car parking provision proposed is suitable for the forecast parking demand based on car ownership levels within Census 2011 and their Transport Statement indicates that the proposal would not be detrimental to vehicular flows and road safety on the surrounding highway network, I find that there is lack of analysis with regard to existing on-street parking conditions and whether the proposal would exacerbate existing parking stress. Therefore, based on the evidence before me, it has not been clearly demonstrated that the proposal would not harmfully increase on-street parking in the High Street where I noted, during my site visit, vehicles parked on the pavement due to the narrow width of the road. Any increase of on-street parking in the High Street, particularly given the scale of the parking shortfall when measured against the standards in the NP, would therefore have the potential to reduce forward visibility, force vehicles to weave around parked cars, increase the potential for collisions and cause obstruction to buses, emergency and delivery vehicles.
17. Paragraph 31 of the National Planning Policy Framework (the Framework) indicates that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. In this case, Policy H6 of the NP takes precedence over Policy D2 of the LP.
18. For the reasons given, the proposed development would not provide adequate car parking provision which would likely exacerbate on-street parking pressure in the area, thereby conflicting with Policy H6 of the NP.

Other Considerations

19. The Council considers that housing development at the appeal site is acceptable in principle, and I have no reason to disagree with this position. The Framework places great emphasis on significantly boosting the supply of homes. The provision of 37 new homes would make a valuable contribution to the housing supply in the area. The proposed mix of housing, which would include bungalows and affordable housing, would help meet identified local housing needs. The scheme would provide social and economic benefits during construction and in subsequent occupation. It would also attract a Community Infrastructure Levy payment which would help fund needed infrastructure in the area. In addition, the proposal would contribute towards improving open space, education facilities, library facilities, public rights of way and road safety, benefitting residents in the wider area. The collective benefits of the scheme carry significant weight in favour of the proposal.
20. Compliance with the development plan in relation, but not limited, to: character and design, residential amenity, historic environment, digital connectivity, waste management, climate change and sustainable design, housing mix, affordable housing, flood risk, drainage, access, traffic and transport (except for parking), ecology and fire and rescue are expectations for all development that weighs

neither for nor against the proposal and is therefore considered neutral in the planning balance.

21. The appellant contends that Policy H1 of the NP, which sets out residential site allocations for the NP area, is a site-specific constraint, due to the failure of the site allocated at Leamington Road coming forward, thus resulting in a need for the safeguarded site (which is the appeal site) to contribute significantly or fully towards meeting the required level of housing in the NP. However, site-specific constraints generally relate to a physical, environmental or contextual limitation that directly affects the development of a site. As such, Policy H1 in itself, or the failure of an allocated site to come forward, does not represent a site-specific constraint. Furthermore, there is no policy requiring the appeal site to meet all of the NP housing requirement. Moreover, other sites could potentially contribute to meeting the level of housing required for the area. In any event, as outlined above, Part B of Policy H6 would not be met so even if I did accept that Policy H1 is a site-specific constraint, it would not alter or outweigh my finding on the main issue.

22. The appellant has pointed to Policy GD3 of the NP which, amongst other matters, requires major housing development to demonstrate imaginative and thoughtful best practice on parking such that resident and visitor parking are well integrated and do not dominate streets. The submitted Design and Access Statement¹ (DAS) indicates that tandem parking has been used to reduce the amount of visual hard standing within the public realm so that it does not dominate the street scene. In addition, the DAS points to the incorporation of imaginative design solutions within the scheme, such as plots 20-23 where built form frontage to Leamington Road would be provided without leading to parking dominance. An Urban Design Note attached as Appendix F to the appellant's appeal statement highlights the purported negative impacts that compliance with Policy H6 would have on the scheme including less efficient use land, greater visual dominance of cars, higher risk of vehicle and pedestrian conflict and reduced social interaction. I acknowledge that tandem parking could help to minimise the visual impact of hardstanding and parked cars. It would also support the Framework's objectives of making efficient use of land and achieving well designed places. However, even if I accepted the provision of tandem car parking spaces on the site, there would still be a shortfall in the number of spaces required by Policy H6 of the NP. Furthermore, there is no compelling evidence before me to show that the appeal scheme is the only way the site can be developed or that there are no alternative options that would comply with Policies H6 and GD3 of the NP.

23. The appellant asserts that adherence with Policy H6 of the NP would result in a scheme that would have a greater carbon impact due to additional tarmac for parking bays, highway safety concerns relating to excessive sections of dropped kerbs, reduced green space, negative place-making and potential increase in vehicle trips due to encouragement of higher car ownership levels by reason of excessive parking provision. A hypothetical alternate layout, fully compliant with Policy H6, was submitted to the appeal. However, for the reasons outlined above, I have not taken this into account in my assessment. Even if I were to consider the alternate layout, there is insubstantial evidence before me in relation to the purported carbon impacts, highway safety, green space, place-making and vehicular trip impacts of the alternate layout.

¹ Land East of High Street, Ryton-on-Dunsmore, Design and Access Statement, Living Space, February 2024.

24. The appellant contends that adherence to part A and B of Policy H6 of the NP would have a significant impact on the financial viability of the proposed development. As outlined above, I have not accepted the FVA that has been submitted to the appeal. Even if I did accept that it represents a site-specific constraint, it would not overcome the conflict that arises with part B of Policy H6. Furthermore, the planning harm that would arise as a result of the scheme cannot be justified purely on the grounds of financial viability.
25. While it is noted that the local highway authority did not raise an objection to the number of proposed car parking spaces, the absence of such an objection does not, in itself, render the scheme acceptable in planning terms. The level of on-site car parking provision falls significantly short of the standard required in Policy H6 of the NP. In the context of the surrounding area's existing parking stress, an under-provision of spaces is likely to exacerbate local parking problems, causing overspill onto surrounding streets and potentially harming highway safety.

Planning Balance and Conclusion

26. Since the planning application was refused, the Council have confirmed that it can no longer demonstrate a five-year housing land supply. The Council's updated position as of 1 April 2024 is a supply of 4.6 years. In these circumstances, paragraph 11 d) of the Framework is engaged.
27. However, paragraph 14 of the Framework advises that where paragraph 11d) is engaged, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that two criteria are satisfied. That is a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
28. The NP was made on 20 July 2021 and is therefore less than five years old so paragraph 14a) is satisfied. The NP contains policies and allocations to meet its housing requirement so paragraph 14b) is met. Consequently, paragraph 14 of the Framework applies.
29. The identified collective benefits of the scheme outlined above carry significant weight in favour of the proposal. However, the proposal would not provide adequate car parking provision which would likely increase on-street parking pressure in the area. Consequently, the proposal would conflict with the Policy H6 of the NP.
30. Despite the appellant's contention that limited weight should be given to the conflict with Policy H6, paragraph 14 of the Framework advises that conflict with the NP is likely to significantly and demonstrably outweigh the benefits.
31. Accordingly, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. The proposed development would conflict with the development plan, when considered as a whole and material considerations, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han INSPECTOR