



Appeal Decision

Inquiry held on 28 April-1 May and 6 May 2026

Site visit made on 5 May 2026

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2026

Appeal Ref: 6003106

Land East of Rugby Road, Clifton-upon-Dunsmore, Rugby CV23 0DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Marc Wilson on behalf of Richborough against Rugby Borough Council.
 - The application Ref is R25/0565.
 - The development proposed is: Outline planning application for the demolition of all buildings and the residential development of up to 160 dwellings, and creation of associated vehicular access off Rugby Road, pedestrian/cycle access points, parking, landscaping, drainage features, open space, children's play area and associated infrastructure (all matters reserved except for vehicular access off Rugby Road).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional technical evidence, related to matters not disputed by the main parties, has been submitted during the appeal process in advance of the Inquiry. This includes an archaeological evaluation report (March 2026) and a highways technical note (March 2026), accompanied by a road safety audit and junction model outputs. I am satisfied that no party with a potential interest in the outcome of the appeal is prejudiced by me accepting this additional evidence for determination purposes.
3. On 27 April 2026, the Council submitted its emerging Local Plan (the ELP) for examination. No hearing sessions have yet been scheduled or held. Therefore, notwithstanding the progress made to date, the ELP remains at an early stage, such that its emerging policies attract no more than limited weight at this point in time. For the avoidance of doubt, this finding applies even where individual policies have not attracted a significant level of objections or representations through the Regulation 19 consultation process. I shall determine the appeal accordingly.
4. An emerging Neighbourhood Plan for Clifton-upon-Dunsmore (the ENP) has been brought to my attention. The ENP is at a very advanced stage. An Examiner's report issued in February 2026 concluded that it was suitable to proceed to referendum, subject to modifications. Following the incorporation of those modifications, a referendum was held on 7 May 2026, at which 76.44% of those voting supported the use of the ENP to help determine planning applications within the neighbourhood area. Although the ENP has yet to be formally made and therefore does not carry full weight as a part of the development plan, its very

advanced stage justifies the attribution of significant weight to its emerging policies. I shall determine the appeal on this basis.

5. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 18 May 2026 and has been executed by the Council, the County Council, the appellant, and relevant landowners. The legal agreement includes provisions relating to affordable housing, open space, sports facilities, healthcare, allotments, education, libraries, bus services, pedestrian/cycleways, public rights of way, road safety, and a traffic regulation order. I return to the legal agreement later in this Decision.
6. The Council has indicated that it would have refused planning permission had it been in a position to do so. Following its consideration of additional evidence submitted at appeal stage, its principal outstanding concerns relate to: conflict with the development plan when taken as a whole; harm to the identity and character of Clifton-upon-Dunsmore, including an alleged contribution to coalescence with Rugby; adverse landscape and visual effects; connectivity constraints to local infrastructure; and the potential availability of alternative housing sites at Clifton-upon-Dunsmore. I have framed the Main Issues accordingly. However, in part reflecting the way in which evidence was presented at the Inquiry, I shall address the matter of alternative sites under Other Matters rather than under a Main Issue. I am satisfied that no party is prejudiced by me taking this approach.

Main Issues

7. The main issues are:
 - Whether the appeal site is an appropriate location for housing, having particular regard to relevant provisions of the development plan;
 - Whether the appeal site is an appropriate location for housing, having particular regard to the connectivity of the proposed development to local infrastructure; and
 - The effect of the proposed development on the character and appearance of the area, including considerations of landscape and visual effects and settlement identity.

Reasons

Whether an appropriate location for housing, having regard to relevant provisions of the development plan

8. Policy DS1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) (the LP) sets out overall development requirements across the plan period, including the delivery of 12,400 additional homes in accordance with a phased annual requirement. Policy GP2 of the LP establishes the settlement hierarchy, identifying the locations where development shall be allocated and supported.
9. Clifton-upon-Dunsmore is defined within this hierarchy as a Main Rural Settlement. Policy GP2 provides that development will be permitted within the defined boundaries of such settlements and on allocated sites. The appeal site is not allocated for development and lies outside, albeit adjacent to at its easternmost end, the defined village boundary. It therefore falls within the Countryside for the

purposes of local planning policy, where Policy GP2 seeks to resist new development.

10. Accordingly, having particular regard to relevant provisions of the development plan, the appeal site does not represent an appropriate location for housing and conflicts with the Council's adopted spatial strategy. There is conflict with Policy GP2 of the LP and with emerging Policy G1 of the ENP, in so far as these policies establish the distribution of development and seek to restrict development in the Countryside. I return to this identified policy conflict, and its implications, in my Planning Balance below.

Connectivity to local infrastructure

11. Clifton-upon-Dunsmore, as a Main Rural Settlement, performs an important role in supporting its local community. It contains a range of facilities and services, including a primary school, shops (including a convenience store), a public house, a village hall, and a recreation ground. The village is also served by bus services providing connections to destinations including Rugby town centre, albeit with some limitations in service provision. It is of note that bus stops are located proximate to the site's access. Rugby itself is a nearby large town offering a wide range of facilities and services, including a railway station.
12. The principal point of access for all travel modes to the site is proposed from Rugby Road. A potential secondary pedestrian-only access is indicated on the Land Use and Access Parameter Plan¹ (the Parameter Plan), linking the site to Clifton Recreation Ground (the Rec) along its northern edge. However, in the absence of any agreement with Clifton-upon-Dunsmore Parish Council, as landowner of the Rec, for the provision of a formal access or surfaced footpath, the appellant has not relied upon this secondary access to demonstrate acceptable connectivity.
13. I have considered the written and oral evidence regarding walking distances from the centre of the site, via Rugby Road, to key facilities within the village. Reference has been made to Manual for Streets (2007) (MfS), which indicates that walkable neighbourhoods are typically characterised by a range of facilities being located within approximately 800 metres of residential areas. Whilst it is inevitable that many future occupiers would experience walking distances exceeding 800 metres to the village centre, MfS also makes clear that this figure is not a strict upper limit, and that walking has considerable potential to replace short car trips, particularly those under two kilometres. In this context, and notwithstanding variations in gradient and the qualitative characteristics of Rugby Road, I consider that a high proportion of future residents would be likely to walk this route in order to meet at least some of their day-to-day needs.
14. It is also relevant that a number of facilities within Rugby would be realistically accessible on foot from the site. In addition, footway improvements in the vicinity of the site, including across a nearby bridge on Rugby Road, would be secured via planning condition in the event the appeal be allowed. A financial contribution towards pedestrian and cycleway improvements would further enhance connectivity between the site and Rugby. Moreover, notwithstanding the current absence of dedicated cycling infrastructure along Rugby Road, and the busy nature of this and connecting routes, there would remain a realistic option for future occupiers to cycle to destinations within both the village and Rugby should they desire. This is largely

¹ Ref: SK-02 Rev G

by virtue of the relatively short distances involved. Furthermore, the Local Highway Authority has raised no objection to the proposal in the context of sustainable transport.

15. In addition, as was acknowledged by the Council at the Inquiry, it is likely that some form of informal connection along the site's northern boundary to the Rec would emerge over time following occupation, albeit potentially unlit and unsurfaced, thereby limiting its useability to some degree. Nevertheless, the establishment of such a connection would serve to reduce walking distances between the site and the centre of the village.
16. Taking all relevant considerations into account, and notwithstanding the site's position outside the defined settlement boundary, I am satisfied that it represents an appropriate location for housing when assessed in terms of connectivity to local infrastructure. The proposal therefore satisfactorily accords with Policies D1 and HS5 of the LP in so far as these policies require development proposals to be located in places where the use of public transport, walking and cycling can be optimised.

Character and appearance

Landscape effects

17. The main body of the appeal site comprises a single, large agricultural field bounded by a mix of hedgerows, mature trees, and fencing. The land rises gradually towards the north-east and is located southward of Clifton-upon-Dunsmore. It is adjoined by a number of, in some cases lengthy, rear garden areas serving properties fronting either Rugby Road, Newall Close, or Shuttleworth Road. The Rec lies along the site's northern boundary. In other directions, the site is predominantly bordered by adjacent agricultural land parcels. To the south-west, the land falls towards Houlton Way, the Oxford Canal and Clifton Brook, before rising on the opposite side of the valley through Rugby Golf Club towards the built-up edge of Rugby town.
18. According to the Rugby Borough Council Landscape Character Assessment (January 2025), the site falls within the Dunsmore Landscape Character Area and the 'Dunsmore – Plateau Fringe' Landscape Character Type (the LCT). Noted characteristics of the LCT include a varied farmed landscape with gently undulating topography, large arable fields, indistinct field patterns, pockets of permanent pasture, and small, nucleated villages.
19. The site and its immediate surroundings broadly reflect these defining characteristics of the LCT. However, as of common typology, and given the influence of nearby built development, the landscape is appropriately described as being of ordinary value. While the parties have expressed differing views regarding the susceptibility of the local landscape to change, there is agreement that it possesses medium landscape sensitivity, a conclusion with which I see no reason to disagree.
20. In terms of the magnitude of change arising from the proposal, it is notable that the existing field pattern and associated hedgerows would, where practicable, be retained. The size of the site would also allow for the potential incorporation of substantial planted buffers, in conjunction with extensive areas of open space and/or green infrastructure as part of any future detailed layout.

21. Nevertheless, the scale of development proposed would result in a significant degree of change to the landscape at site level. This would be particularly pronounced during the construction phase and prior to the maturation of mitigation planting. Considering the medium landscape sensitivity identified and recognising that the magnitude of change would be fairly expected to lessen over time, I conclude that, by year 15 post-construction, a moderate adverse effect upon the landscape character of the site and its immediate surroundings would remain evident when compared to the existing baseline.

Visual effects

22. Turning to visual effects, it is evident that, in part due to the presence of continuous built form along Rugby Road, publicly accessible views of the proposed development would be primarily restricted to a relatively narrow range of locations. These include: a public right of way² (the PRoW) to the east of the site running approximately north-south; sections of Houlton Way and the towpath along the Oxford Canal to the south, both aligned broadly northwest-southeast; and the Rec, including positions along its perimeter, to the north.
23. Before considering these viewpoints in detail, I note that views from locations not freely/constantly accessible to the public feature in the submitted evidence and were discussed at the Inquiry. These include views from the rear of neighbouring residential properties and from Rugby Golf Club to the south. As my focus is upon public visual amenity, private, predominantly domestic views carry limited relevance in relation to this Main Issue. However, given that the golf course is accessible to the public for recreational use, views, most particularly from the terrace adjoining the main clubhouse, warrant consideration. Consistent with submitted visualisations, the proposed development, to be set slightly down from the skyline, would initially feature noticeably in north-easterly views, albeit at reasonable distance and in the context of existing influences of distant development. Even so, I am suitably satisfied that the mitigating influence of new planting within a considerable buffer of intervening open space would be fairly anticipated to prevent any significant residual adverse visual effect at year 15 post-construction and beyond.
24. Views from the PRoW would be experienced at some distance, across intervening fields with established planted boundaries. Although some degree of urbanising influence would be inevitable, I am satisfied that adverse visual effects could be materially moderated over time through mitigative planting along the site's eastern boundary, such that significant long-term effects would be avoided. Whilst the Parameter Plan does not explicitly show a landscaped edge in this location, it would be feasible for some form of softening buffer to be incorporated at detailed planning stage.
25. In relation to Houlton Way, a road that is accessible to pedestrians and cyclists as well as motorists, it is apparent that the development would be readily experienced along only a somewhat short stretch of this route, albeit at relatively short distance across a narrow intervening tract of agricultural land. The proposal would, however, be perceived in the context of existing village development and would not interrupt long-distance views across the wider countryside. When combined with the proposed provision of landscaped open space along the southern part of the

² Ref: PRoW R116

site, I am satisfied that significant adverse visual effects would not persist in the long term. Similar conclusions apply to those short sections of the canal towpath from which the development would be visible.

26. However, views from the Rec are the most materially effected in this case. The Rec is a sizeable and well-used space, serving as the principal recreational area within the village. It is characterised by strong sylvan edges and has a direct and open relationship with the countryside along the entirety of its southern boundary. Beneath and between the canopies of established trees, expansive and attractive views are available across the verdant valley separating Clifton-upon-Dunsmore from Rugby. These views, which hold scenic value and are appreciable to differing degrees from various vantage points within and around the Rec, contribute significantly to the appreciation of the village's predominantly rural setting.
27. The importance of outward views to the setting and character of the village is recognised in emerging Policy EN5 of the ENP, which identifies 'from Clifton Recreation Ground, views south and southwest to Blubell wood, Clifton Brook valley, the Oxford Canal (and Rugby)' as an Important View (IV9). Although Figure 11 of the ENP depicts IV9 with a southward arrow, the associated photographs appended at Appendix 4 demonstrate that the view extends across a south to south-west axis. This is consistent with the wording of the policy itself.
28. The emerging policy requires schemes to respect Important Views and sets out that development proposals which could have a significant adverse visual harm on identified views shall be required to explain the need for and benefits arising from development in the location and that appropriate mitigation can take place and/or relevant planning conditions be applied to address any impact.
29. I note that its requirements have been moderated following the Examiner's recommended modifications and their incorporation into the referendum version of the ENP. Moreover, the Examiner identified that the policy, in its earlier form, could have been used to reject any form of development across a wide range of locations. However, even in its revised form, the emerging policy retains clear force and serves the legitimate objective of protecting views that contribute to the character and setting of the village.
30. While the supporting evidence base at Appendix 4 of the ENP is limited to a relatively small number of representative photographs, the supporting text to emerging Policy EN5 makes clear that the identification of Important Views reflects community consultation, which highlighted a strong desire to safeguard the largely rural setting of Clifton-upon-Dunsmore and its visual relationship with the surrounding countryside. In this regard, IV9 – broadly representative of views from across the Rec, albeit with some variation owing to the influence of intervening boundary trees – clearly plays an important role in providing an expansive and valued visual connection to the wider rural landscape.
31. The proposed development would be prominently visible within IV9. This is clearly illustrated by visualisations that are based on the Illustrative Landscape Masterplan³ (the ILM) and appended to the appellant's landscape evidence. These show the anticipated appearance of development at one and fifteen years post-construction. Viewpoints 1 and 20 are of particular relevance. Whilst some semblance of open outlook towards the approximate south-east would be retained

³ Ref: 1686-L-D-PL-200 V1

not least due to the alignment of the site's eastern boundary, the proposal would substantially truncate and all but obliterate the open cross-valley views that emerging Policy EN5 explicitly seeks the respect of.

32. In considering the detailed requirements of emerging Policy EN5, I acknowledge that there is an identified need for the development and that it would deliver benefits. These matters are addressed further in my Planning Balance below. However, in terms of mitigation, the proposed set-back of built development from the Rec's southern boundary, incorporating an area of open space which itself would be anticipated to accommodate features such as fenced tennis courts and parking, would not offset the loss of expansive cross-valley views. Furthermore, the maturation of newly intended planting would not mitigate this harm, as the fundamental interruption of long-distance open views would remain, as evidenced by the submitted visualisations.
33. I recognise that further possible opportunities to refine mitigation may arise at reserved matters stage, when detailed proposals for layout and landscaping would be brought forward. I also accept that the ILM depicts one possible detailed layout and associated landscape concept that has been produced for illustrative purposes and would likely evolve at detailed planning stage. However, the Parameter Plan is a plan for formal determination and identifies an area of proposed residential development (the developable area) extending across the full width of the site.
34. In this context, the proposal seeks permission for up to 160 dwellings. This represents a significant quantum of development. Although some incidental and amenity open space is planned to be provided within the developable area, it has not been demonstrated that there would be sufficient available space to deliver any meaningful landscape corridors or wide undeveloped margins that could materially preserve views, while also complying with the parameters set. In the absence of such clarity, it would not be appropriate to rely on planning conditions to address this issue.
35. For the avoidance of doubt, I identify that significant adverse visual effects would endure for users of the Rec on a permanent basis. Moreover, for the reasons set out above, it has not been convincingly demonstrated that such effects could be materially reduced at reserved matters stage while remaining consistent with the land use parameters for which approval is sought.
36. Although I have identified significant long-term adverse visual effects in relation to only the Rec as a single broad location, this is a matter of considerable importance. The Rec is the village's principal recreational facility, accommodating features such as sports pitches, a pavilion, and a children's play area. It also has a close spatial relationship with the village centre and, given its attractive and well-treed character, is clearly a valued and well-used community asset. The identified adverse visual effects are therefore of particular consequence.

Settlement identity

37. Clifton-upon-Dunsmore is an historic hilltop settlement of modest size which, despite incremental growth over time, has retained a compact form. More recent development has tended to maintain a close relationship with the village's historic linear core and to follow clearly defined edges, such that a nucleated settlement pattern remains readily appreciable both in plan form and on the ground. This is even though the wider settlement context is not easily perceived from within the

village's intimate historic core. It is noteworthy that the morphology of the village is an important consideration in understanding its baseline character and appearance. Furthermore, notwithstanding its proximity to Rugby, the village is bordered by a number of green spaces and agricultural fields, which contribute to its distinct rural identity separate from the town.

38. It is nevertheless important to recognise that the village is connected to Rugby via Rugby Road, along which residential ribbon development is present on its south-eastern side, dating from the early to mid-20th century. As such, a degree of coalescence between the two settlements, and a corresponding dilution of the village's separate rural identity, is already evident. However, in character terms, a clear distinction remains between the compact core of the village and this linear strip of development, which can be observed to descend in level along Rugby Road towards Rugby. Moreover, this ribbon development does not represent a positive precedent and sits at odds with the prevailing settlement pattern, whereby the main hilltop village has retained a strong and distinguishable rural identity.
39. I note that, should the ENP be formally made, the defined settlement boundary for Clifton-upon-Dunsmore would extend to incorporate the ribbon development along Rugby Road. However, this is of little relevance to my considerations of this Main Issue. The primary purpose of a settlement boundary is to distinguish the built extent of a settlement from the surrounding countryside for the application of development management policies. It remains valid and appropriate to recognise clear distinctions in character between different parts of the settlement.
40. The appeal site itself, while of medium landscape sensitivity, makes an important contribution to the rural setting of the village. It is free from built development and forms a sizeable component of the wider open valley landscape that separates Clifton-upon-Dunsmore from Rugby. Indeed, it is the largest of a somewhat limited number of agricultural fields to the south of the village. Its contribution to both the rural character and functional openness of this gap is, in my view, accentuated by the presence of intrusive features further down the valley, including Houlton Way.
41. As set out in my Preliminary Matters, the emerging policies of the ELP and its supporting evidence remain at an early, untested stage and therefore attract limited weight. Nonetheless, it is relevant to have regard to the potential direction of local policy, particularly in relation to the proposed designation of an Area of Separation between Rugby and Clifton-upon-Dunsmore, within which development would be more tightly controlled. Such an approach, if ever adopted, would reinforce the objectives of Policy NE3 of the LP, which requires development to be sensitive to an area's capacity to change, to acknowledge cumulative effects, and to guard against the potential for coalescence between existing settlements.
42. In my judgement, the proposed development – comprising a significant quantum of built form detached from the historic core of the village – would fail to respond appropriately to the area's capacity for change and would not guard against the potential for coalescence. This is notwithstanding that the scheme would not physically extend development closer to Rugby than existing built form in the locality. The proposal would exacerbate and intensify the linking influence of ribbon development along Rugby Road and extend built form down the valley slope towards Rugby, at odds with the village's hilltop origins and established settlement pattern.

43. It has been argued that a considerable gap between settlements would remain, sufficient to maintain both actual and perceived separation. I do not dispute that a physical gap would persist. However, given the scale of development proposed in the particular location of the appeal site, I find that the scheme would materially erode both the actual and perceived sense of separation between Clifton-upon-Dunsmore and Rugby, thereby contributing to the process of coalescence rather than guarding against it. This conclusion is reached even whilst acknowledging the proposed on-site areas of open space and associated landscaping.
44. The effects of this diminished sense of separation would be most evident to users of the PRoW and connecting Hillmorton Lane, as well as to visitors to Rugby Golf Club. In addition, future residents of, and visitors to, the proposed development would experience Rugby in noticeably closer proximity than is currently the case from locations such as the Rec. Taking all relevant factors into account, I conclude that the proposal would result in a significant adverse effect on the settlement identity of Clifton-upon-Dunsmore.

Summary and conclusion of character and appearance effects

45. In summary, I have identified that the proposal would give rise to a residual moderate adverse effect on the landscape character of the site and its immediate surroundings. In addition, adverse – sometimes time-limited – visual effects would arise from a number of viewpoints. Most notably, there would be permanent significant adverse visual effects experienced by users of the Rec. Furthermore, the proposal would result in a significant adverse effect on the settlement identity of Clifton-upon-Dunsmore. Taken together, these interrelated impacts would cumulatively amount to substantial harm to the character and appearance of the area.
46. The proposal conflicts with Policy NE3 of the LP and emerging Policy ENV5 of the ENP, in so far as these policies require development proposals to relate well to local topography and built form, to be sensitive to an area's capacity to change, to guard against the potential for coalescence between existing settlements, and to respect Important Views. In addition, although Policy SDC1 of the LP is principally concerned with detailed design matters, the scheme would conflict with its underlying objectives, particularly the requirement for proposals to be of a scale that responds to the character of the areas in which they are situated.
47. I return to the implications of this identified harm, and the associated policy conflicts, under my Planning Balance.

Other Matters

48. I have noted objections/concerns raised by interested parties with respect to matters including: wildlife impact; highway and pedestrian safety; highway capacity; and pressure upon the capacity of local services including Clifton-upon-Dunsmore Primary School and health facilities. However, as I have ultimately found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
49. My attention has been drawn to potential alternative housing sites at different locations to the edge of Clifton-upon-Dunsmore. There are three such sites, totalling circa 150 homes, that are the subject of emerging allocations within the ELP. Whilst comparisons to the appeal site have been tabled in a variety of

guises, my principal responsibility is to consider the individual planning merits of the scheme that is before me for determination. Moreover, the draft allocations remain at an early stage with independent examination yet to take place. It is for these reasons that I attach little relevance to the potential alternative sites and do not propose to consider their merits in any further detail under the remit of this Decision.

Legal Agreement

50. On the basis that the appeal has been ultimately unsuccessful, it is not necessary for me to exhaustively consider all aspects of the legal agreement. However, I am mindful that the appellant has sought to attribute positive weight in the Planning Balance to certain matters secured via the legal agreement. I shall thus consider these against the relevant Community Infrastructure Levy (CIL) tests before embarking on my Planning Balance.
51. The provision of 30% affordable housing is secured in accordance with an Affordable Housing Scheme to be agreed and the requirements of Policy H2 of the LP. Further, contributions calculated by the Highway Authority in accordance with its established formulae towards bus service and pedestrian and cycleway improvements are collected. In addition, the on-site provision of various elements of open space is secured in broad accordance with the requirements of Policy HS4 of the LP alongside commuted sums for maintenance if necessitated. Additional sports pitches – namely two floodlit tennis courts and associated bin and cycle stores, car parking, and maintenance provisions – are also obtained in broad accordance with Policy HS4 and in response to relevant recommendations contained in the latest Play Pitch and Outdoor Sport Strategy (July 2023).
52. I am satisfied that the aforementioned contributions and provisions secured through the legal agreement would be necessary to make the development potentially acceptable in planning terms, would be directly related to the development, and be fairly and reasonably related in scale and kind. I am satisfied too that the monitoring fees secured (including habitat monitoring) would be proportionate and reflect the actual costs of monitoring.
53. I note here that an acute healthcare contribution is secured via the legal agreement, to be directed towards improvements to acute healthcare provision provided by the relevant NHS Trust. This is despite the Council being of the belief that such a contribution would, based upon available evidence, fail to pass the relevant CIL tests listed in the preceding paragraph. For the avoidance of doubt, on the basis of the overall unsuccessful outcome of the appeal and the manner in which any acute healthcare contribution would seek to mitigate adverse effects and thus sit neutrally in the Planning Balance, it is not necessary for me to determine whether or not such a contribution would pass the CIL tests.

Planning Balance

The presumption in favour of sustainable development

54. It is a matter of common ground between the main parties that the Council can presently demonstrate a 3.4-year supply of deliverable housing sites. As this falls short of the required five-year supply, the policies most important for determining the scheme – namely Policies DS1 and GP2 of the LP – are deemed out-of-date. In these circumstances, and given that the policies of the National Planning Policy

Framework (December 2024) (the Framework) which protect areas or assets of particular importance do not provide a strong reason for refusing planning permission, the presumption in favour of sustainable development is engaged.

55. For decision-making purposes, this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole. This is, as set out in the Framework, whilst having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Adverse impacts

56. I have identified conflict with Policy GP2 of the LP. This policy establishes the settlement hierarchy, directs development to within defined settlement boundaries, and clearly resists new development in the Countryside beyond those boundaries. Emerging Policy G1 of the ENP reflects a similar approach in seeking to limit development in open countryside locations.
57. However, as confirmed above, Policy GP2 is deemed out-of-date by virtue of the Council's housing land supply position. Accordingly, the site's location outside the defined settlement boundary that has acted to restrict housing delivery is not, in itself, determinative. Moreover, despite the LP's housing requirement closely aligning with local housing need as calculated via the standard method, the weight to be attributed to the harm arising from conflict with Policy GP2, and thus the Council's adopted spatial strategy for housing delivery, is limited. A similar conclusion applies to emerging Policy G1 of the ENP, particularly given that the ENP does not contain policies and allocations to meet its identified housing requirement.
58. Notwithstanding these findings in respect of spatial strategy, I have found conflict with Policies NE3 and SDC1 of the LP and emerging Policy ENV5 of the ENP, in so far as they relate to matters such as the protection and enhancement of landscape character, responsiveness to local character, and the respect of Important Views. These policies are consistent with the Framework's objectives of recognising the intrinsic character and beauty of the countryside and promoting development that is sympathetic to local character and history including the surrounding built environment and landscape setting. For reasons that are set out above, the proposal would cause multi-faceted adverse effects amounting to substantial harm to the character and appearance of the area.
59. In addition, the proposal would result in the loss of approximately eight hectares of Best and Most Versatile (BMV) agricultural land. Relevant classification mapping indicates that at least a sizeable portion of this land is Grade 2, and therefore of very good quality. Whilst some loss of BMV land shall be unavoidable in the context of a significant housing supply shortfall, the extent and quality of the land affected in this instance leads me to attach moderate weight to the harm that would be caused.
60. Furthermore, limited harm would arise from the loss of archaeological features that would be recordable in accordance with a relevant planning condition should the appeal be successful.

Scheme benefits

61. The proposal would deliver up to 160 dwellings in an accessible location adjacent to a Main Rural Settlement within a Borough that currently has a 3.4-year housing land supply – representing an undersupply of approximately 1,000 dwellings measured against the five-year requirement endorsed by the Framework. This constitutes a significant shortfall.
62. It is nevertheless relevant to recognise that this shortfall has arisen relatively recently, following the LP reaching its fifth anniversary in June 2024 and subsequent changes to the standard method for calculating local housing need in December of the same year. Whilst it would appear highly optimistic to envisage a five-year supply being fully restored under the current policy framework, it is noteworthy that the ELP has been submitted for examination and would be expected to close the supply shortfall (at least temporarily) upon adoption.
63. There remains inherent uncertainty regarding the speed of the ELP's progression, especially when noting the potential changeableness of the Council's emerging housing requirement that is contained within. Nevertheless, having read and heard the parties' respective views upon a likely timeframe for adoption, it is plausible that an adopted plan could be in place by the end of 2027, meaning that the current supply shortfall may not persist for an extended period. It is also of note that the Council is able to demonstrate a strong housing delivery record over the plan period to date.
64. Notwithstanding this context, the delivery of additional dwellings as intended would make a direct and meaningful contribution to addressing the existing supply deficit in the short term, as well as to future supply in the Borough beyond the end of the current monitoring period. Accordingly, the additional housing that is proposed attracts significant weight as a scheme benefit.
65. Moreover, 30% of the proposed dwellings would be affordable, representing policy-compliant provision and delivering distinct social benefits. Against the background of a persistent under-delivery of affordable housing in the Borough, such benefits attract very significant weight.
66. The proposal would also generate economic benefits, including employment during the construction phase and increased local expenditure following occupation. Even whilst acknowledging the temporary nature of construction activity, in light of the major nature of the development under consideration, I attribute significant weight to the scheme's economic benefits.
67. The level and composition of public open space and enhanced sports provision to be delivered has principally been led by anticipated requirements generated by the demands of the development proposal. Indeed, such provision would primarily serve future occupiers of the scheme. However, in recognition of the extent of such features and that local residents would have access to them, these benefits attract moderate positive weight.
68. Similarly, proposed improvements to Rugby Road and the wider highway network have been driven by connectivity constraints applicable to the development site. Nevertheless, as such improvements would also offer some benefit to existing residents, I attribute limited positive weight to this aspect.

69. Also, the scheme would, directly allied to anticipated landscaping enhancements, deliver a biodiversity net-gain of at least 10%, which attracts moderate positive weight. Other benefits, to which I attach minor weight, include the provision of a sustainable drainage system that would reduce run-off below existing greenfield rates (an aim typically applicable to any such system), and improved accessibility to nearby allotments.

Final Balance

70. A tilted balance of the scheme's benefits against its adverse impacts is, in my judgement, finely poised. The proposal would deliver a wide range of sometimes meaty benefits, most pertinently via the provision of a considerable number of market and affordable homes in an accessible location adjacent to a Main Rural Settlement, within the context of a significant supply shortfall.
71. However, the adverse impacts identified – namely limited harm arising from conflict with the Council's spatial strategy for distributing housing, substantial harm to the character and appearance of the area, moderate harm from the loss of BMV agricultural land, and limited harm relating to lost archaeological features – would, taken together, significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework's policies taken as a whole, whilst having particular regard to key policies as presented above.
72. Consequently, the presumption in favour of sustainable development, as set out in the Framework, does not apply. The proposal conflicts with the development plan when taken as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

73. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Martin Carter KC

Counsel

He called:

Jonathan Berry
BA (Hons), DipLA, CMLI, AIEMA, M.Arbor.A

Managing Director, Tyler Grange Group Ltd

Gary Stephens
BA (Hons), MRTPI, UD PG Cert

Partner, Marrons

James Parker
BSc (Hons), MSc (Eng), MCIHT, MILT

Director, Hub Transport Planning Ltd

Matt Nixon*
LLB BSc

Partner, Shoosmiths

FOR THE COUNCIL

Hugh Richards

Counsel

He called:

Nigel Wakefield

Managing Director, Node Urban Design Ltd

Abigail Murphy

Senior Design Officer

Neil Holly

Development Strategy Manager

Jonathan Weekes

Director, Beta Town Planning Ltd

Lucy Davison*

Principal Planning Officer

INTERESTED PARTIES

Andrew Moore

Chair, Clifton-upon-Dunsmore Parish Council

Cllr Hassell

District Councillor

Richard Allanach

Local resident

Leenamari Aantaa-Collier*

Solicitor, Wilkes

Alexandra Hastings-Smith*

Solicitor, Wilkes⁴

* participated in the conditions and planning obligation roundtable session only

⁴ both Ms Aantaa-Collier and Ms Hastings-Smith were representing the University Hospitals Coventry and Warwickshire NHS Trust

INQUIRY DOCUMENTS

- ID1 Appearance list for the appellant
- ID2 Opening statement of the appellant
- ID3 Opening statement of the Council
- ID4 Transcript of statement made by Andrew Moore, Clifton-upon-Dunsmore Parish Council
- ID5 Emerging Rugby Borough Local Plan – Consultation Statement Addendum (April 2026)
- ID6 Section 106 agreement – engrossment version
- ID7 High Court judgement – R (Worcestershire Acute Hospitals NHS Trust) v Malvern Hills District Council and Ors (2023)
- ID8 Emerging Rugby Borough Local Plan – statement of common ground between Rugby Borough Council and Warwickshire County Council (April 2026)
- ID9 Updated Warwickshire County Council CIL compliance statement
- ID10 Closing statement of the Council
- ID11 Closing statement of the appellant

DOCUMENTS RECEIVED AFTER THE INQUIRY

- A Note from the Council confirming the Clifton-upon-Dunsmore Neighbourhood Plan referendum result, submitted via email dated 11 May 2026
- B Note from the appellant confirming draft Condition 27 is no longer necessary in lieu of the relevant matter being addressed through the S106 agreement, submitted via email dated 15 May 2026
- C Updated engrossment version of Section 106 agreement with accompanying comparison document and explanatory text, submitted via email by the appellant dated 15 May 2026
- D Completed Section 106 agreement, dated 18 May 2026, submitted via email by the Council dated 18 May 2026