



Appeal Decision

Site visit made on 14 July 2026

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2026

Appeal Ref: 6002759

Land south of, Westwood Heath Road, Coventry CV4 8LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ian Deverell against the decision of Warwick District Council.
 - The application Ref is W/25/0388.
 - The development is described as; outline planning permission (all matters reserved except for means of site access) for the erection of up to 140 homes, associated earthworks, infrastructure, public open space and landscape enhancements.
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Decision

1. The appeal is allowed and planning permission is granted for Outline planning permission (all matters reserved except for means of site access) for the erection of up to 140 homes, associated earthworks, infrastructure, public open space and landscape enhancements. at Land south of, Westwood Heath Road, Coventry CV4 8LG in accordance with the terms of the application, Ref W/25/0388, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Ian Deverell against Warwick District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issue

4. The main issue is the effect of the proposal on an area of safeguarded land

Reasons

5. The appeal site comprises a field off Westwood Heath Road on the edge of Coventry. The site is within a larger area of land designated as safeguarded land by Policy DS21 of the Local Plan (the LP). This land is not allocated but is instead effectively set aside to meet needs that may arise in the future. Until allocated for a specific use, the land is considered to be open countryside and is protected from development that may prejudice the future comprehensive development of the

safeguarded land. The appeal site is also within the area covered by LP Policy DS20 where significant housing growth is broadly directed.

6. As accepted by the parties, the Council has an undersupply of housing and cannot demonstrate a five-year housing land supply. The proposal would make a notable contribution to this in an area where housing is directed, and where land is safeguarded to meet such a need. Whilst the Council's reason for refusal alleges that the proposal would prejudice the long-term planning of the area, the Officer's report for committee found the development to be consistent with Policy DS21 with regard to safeguarded land. Consequently, I have no reason to believe, given the nature of the development and its scale, that it would prejudice the comprehensive development of the safeguarded land.
7. In my consideration I have been mindful that the Council have not substantiated their reason for refusal, and that their appeal statement confirms this. Instead, the Council's committee report sets out how the proposal would comply with LP policies DS20 and DS21.
8. Given the above, I find that the proposal would not adversely affect the safeguarded land so as to prejudice the ability for it to be utilised, if required, to meet longer-term strategic development needs. The proposal therefore complies with LP Policies DS20 and DS21 as outlined above.

Other Matters

9. It is likely that the proposal would, through the increase in residents, their needs and associated vehicular movements, put additional pressure on local services, facilities and infrastructure. I am mindful that there are concerns these are already under strain from existing developments and, for instance, it is submitted that local schools are at full capacity. However, a completed planning obligation has been provided that sets out support for a broad range of matters.
10. In this instance the planning obligation secures contributions towards air quality, sports provision, healthcare, travel, highways and transportation, education, and library services. It also secures the provision of public open spaces, sustainable urban drainage and, if found necessary, carbon offsetting. The available evidence indicates that these obligations accord with the development plan and are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to it. Accordingly, the obligations in the deed meet the tests set out in the National Planning Policy Framework (the Framework) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, they therefore constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
11. Given the above, I am also satisfied that the proposal, subject to this legal agreement, would not put unacceptable pressure on local services, facilities and infrastructure. While no direct contribution has been allocated to Tile Hill train station, I have not been provided with any evidence demonstrating that it would be adversely affected by the proposal. As such, I do not find this to be unacceptable.
12. I note concerns as to road speeds and safety of the road network outside of the appeal site. However, I am content that the proposed access, the above

agreement and the conditions set out below are sufficient to protect highway safety.

13. Concerns have been raised as to the effect of the proposal on natural habitats. While the proposal would likely have some impact on the provision of habitats at the appeal site, I am content that any harm could be minimised and mitigated through appropriate details, such as landscaping, at the reserved matters stage.
14. The appeal site is a field in an edge of settlement location where it is bounded by a mixture of dense suburban development and open fields. Matters of appearance, landscaping, layout and scale are reserved for later consideration. However, notwithstanding these reserved matters, it is clear that developing this field would affect the character and appearance of the appeal site and its surroundings. Particularly by way of reducing the rural character and appearance provided by the site. Nevertheless, the appeal site is in close relationship to the settlement and significant recent residential development. Therefore, this rural contribution is more limited, and its loss would have only a modest impact. I am mindful that this impact could be further reduced through the reserved matters stage given the areas set aside for open spaces.
15. Although the appellant may have carried out a limited level of consultation in relation to this scheme, and while this may have been unhelpful for interested parties, it does not comprise a reason for dismissing the appeal.
16. I understand that the appeal site is currently being considered for re-inclusion within the Green Belt as part of the creation of a new development plan. However, this is only at a very early stage and so this plan has not been determinative in my considerations. I note that the Council found similarly in this regard. I have therefore not considered the appeal site and proposal against any local or national Green Belt policies.

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
18. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
19. Conditions are required to ensure the site is appropriately connected to the surrounding road network and safeguarded land. Details are also required in order to ensure an appropriate balance of housing types and sizes.
20. In the interest of living conditions assessments are needed as to air quality and noise. Also, in the interest of living conditions, as well as character and appearance, finished floor and site levels are required to be submitted. In order to protect the living conditions of nearby residents, highway safety and the efficient flow of traffic on the surrounding road network, a construction management plan is required.

21. Conditions are necessary in the interests of reducing carbon use and climate change, as well as reducing water usage. Further conditions are required to ensure the protection of trees and hedges, as well as protected species.
22. Given the nature of the site, details and controls related to contamination are required to protect future occupiers. Similarly, in the interests of protecting future residents and minimising fire risk, details of fire hydrants are necessary. In order to minimise flood risk and surface water run-off, conditions for drainage details have been set out below.
23. A condition has also been imposed for in the event that the development is phased, in order to ensure proper integration.
24. A condition has been suggested that requires the proposal be carried out in accordance with the Transport and Roads for Developments: The Warwickshire Guide 2022 and Highways Authority standards. However, I find such a condition is unnecessary at this stage as it is a matter reserved for later consideration.

Planning Balance and Conclusion

25. When assessing this proposal against the Council's reasons for refusal I have not found any harm or conflict with the cited policies. However, it is clear from the submissions before me that harm would occur as a result of a loss of best and most versatile agricultural land and to character and appearance. The proposal would therefore conflict with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029 and Policies BG7, BG8 and NE5 of the Burton Green Neighbourhood Plan. While these do not comprise reasons for refusal, they are matters raised within the Council's committee report and by interested parties.
26. However, I am mindful the proposal would only result in a relatively limited area of agricultural land being lost. Moreover, the land is identified by LP Policy DS20 as being suitable for residential development, and is safeguarded by LP Policy DS21 for future development. As a result, I find the harm stemming from the loss of best and most versatile agricultural land, and from character and appearance, to be only modest.
27. As noted above, there is no dispute that the Council is unable to demonstrate a five-year housing land supply. The Government's objective is to significantly boost the supply of housing and the proposal would provide 140 new dwellings, including affordable housing, and contribute towards the Council's under supply. It would also lead to a time limited economic benefit during the construction phase, as well as social and economic benefits resulting from future occupiers. Given the scale of the proposal these matters would attract substantial weight.
28. Taking everything into account, I consider that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. Consequently, the application of Framework Paragraph 11d indicates that permission should be granted, and in the circumstances of this appeal, the material considerations above justify making a decision other than in accordance with the development plan.
29. Therefore, for the reasons outlined above, the appeal is allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing numbers 01711_01 (Site Location Plan) and 26476-01 Rev B (Proposed Site Access Visibility Splays and Connections). The development shall not be occupied until the access works, visibility splays and offsite highway works (including provision for pedestrians and cyclists) have been constructed in general accordance with the scheme as shown on approved drawing 26476-01 Rev B.
- 5) The reserved matters submission(s) shall be submitted in general accordance with the submitted Parameter Plan (drawing number 01711_03 Rev B).
- 6) The reserved matters submission in respect of the layout of the site shall demonstrate how the development will enable suitable connections to the adjoining safeguarded land for vehicles, pedestrians and cyclists.
- 7) The reserved matters submission(s) in respect of the layout, scale and appearance of the site shall be accompanied by a detailed schedule of the proposed housing mix for both the open market and affordable dwellings along with details of the proposed distribution of the affordable units across the site.
- 8) The reserved matters submission(s) shall be accompanied by a Noise Assessment Report to demonstrate that the detailed design of the development would provide an acceptable noise environment and standard of living conditions for the occupiers of the development hereby permitted.
- 9) The reserved matters submission(s) shall be accompanied by an air quality mitigation strategy for the development. The strategy shall include a scheme of Type 1, 2 and 3 mitigation measures in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019). The development shall be carried out in accordance with the approved mitigation measures.
- 10) The reserved matters submission(s) in respect of the layout and scale of the site shall include details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings. The development shall be carried out in accordance with the approved levels.

- 11) The reserved matters, where they include details of appearance, layout and scale of any dwelling shall include an Energy Statement which meets the requirements of Net Zero Carbon Development Plan Document Policy NZC1. The development shall be carried out in accordance with the measures contained within the Energy Statement.
- 12) Prior to any occupation within any phase of housing approved through reserved matters under condition 1, a scheme shall be submitted to and approved in writing by the Local Planning Authority which sets out how it will be verified that the as-built dwellings comply with the standards set out in NZCDPD Policy NZC1. The submitted scheme shall provide for sampling of at least 20% of the dwellings in the scheme, include at least one example of each house type, provide indicative timings for when each dwelling would be completed for the purposes of testing. The development shall be carried out in accordance with the approved scheme.
- 13) The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: an HGV routeing plan showing the route from the Strategic Road Network and Key Route Network; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The development hereby permitted shall only proceed in strict accordance with the approved CMP.
- 14) No development or other operations (including all preparatory works) shall commence unless and until a tree and hedgerow protection scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of measures for the protection of the existing trees and hedgerows on and adjoining the site during the course of the development. The development shall only be carried out in accordance with the approved scheme. Where the approved details require the installation of protective fencing or ground protection, these shall be put in place before any development takes place, and before any equipment, machinery or materials are brought on to the site; and shall be retained until these have been removed from the site, following the completion of the relevant part of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered unless already approved.
- 15) Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- i) A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation shall be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
- ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iv) A verification report containing the data identified in (iii).

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented strictly as approved. If, during development, contamination not previously identified, is found to be present at the site then development on the site shall cease and the Local Planning Authority shall be notified in writing within 2 working days. No further development shall take place within the affected part of the site unless and until an addendum to the method statement has been submitted to and approved in writing by the Local Planning Authority. This addendum to the method statement shall detail how this unsuspected contamination shall be dealt with. The development shall thereafter be carried out in accordance with the approved addendum to the method statement.

- 16) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- i) Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - ii) Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.0l/s for the site in line with the approved surface water drainage strategy (ref: 28997_01_230_01, revision B, dated 5/6/25).

- iii) Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
 - a. Provide drawings/plans illustrating sufficient maintenance easements have been provided around the perimeter of the attenuation basin and the top of bank of the southern watercourse.
 - iv) Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - v) Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
 - vi) Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - vii) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
- 17) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (28997-FLD-0101 Rev C) has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - i) Demonstration that any departure from the agreed design is in keeping with the approved principles.
 - ii) Any As-Built Drawings and accompanying photos
 - iii) Results of any performance testing undertaken as a part of the application process (if required / necessary)

- iv) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - v) Confirmation that the system is free from defects, damage and foreign objects
- 18) None of the dwellings hereby permitted shall be occupied until a detailed site specific maintenance plan for the approved surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall:
 - i) Provide the name of the party responsible, including contact name, address, email address and phone number.
 - ii) Include plans showing the locations of features requiring maintenance and how these should be accessed.
 - iii) Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
 - iv) Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance
- 19) The development hereby permitted shall be carried out in full accordance with:
 - i) The mitigation measures for badger, nesting birds and reptiles contained in section 5 of the Ecological Appraisal by EDP, report dated March 2025 (reference number edp8770_r002a).
 - ii) The mitigation measures for great crested newts contained in section 5 of the Ecological Addendum by EDP, report reference number QA:OHw/PNe_FMi/GPa_130625.
- 20) The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling / unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
- 21) The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.
- 22) Should the development hereby permitted come forward in phases, the first application for the approval of reserved matters shall be accompanied by a phasing plan for the whole site. The development shall be carried out in accordance with the approved phasing plan.
- 23) Existing trees and hedgerows to the boundaries of the site shall be retained in accordance with the approved Arboricultural Impact Assessment prepared by The Environmental Dimension Partnership Ltd (Report Reference edp8770_r003a).