

Enquiries to:  
Victoria McGuffog

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 15<sup>th</sup> May 2023

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 23<sup>rd</sup> May 2023 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillors L. Cvetkovic (Chair),  
C. Cape, M. Green, B.  
Hammersley, J. Hartshorn, S.  
Markham, B. Pandher, J.  
Sheppard (Vice-Chair), E. Shiers,  
R. Smith and K. Wilson.

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

#### 2. APOLOGIES - To receive apologies for absence from the meeting.

#### 3. MINUTES - To confirm the minutes of the meeting held on 18<sup>th</sup> April 2023, attached (**Page 5**).

#### 4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

##### Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 12**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

**Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached **(Page )**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control, attached **(Page )**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**9th May 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 9th May 2023, in the Council Chamber and was live streamed and recorded.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, S. Markham,  
B. Pandher, E. Shiers, R. Smith and K. Wilson.

Apologies: Councillor J. Sheppard

PLA54 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 18th April 2023 be confirmed and signed by the Chair.

PLA55 **Declarations of Interest**

Councillor Wilson declared that Planning Applications 039160, 039548 and 039452 are all applications from Nuneaton and Bedworth Borough Council which fall under his Portfolio as Leader of the Council. He advised that he had not had any communication with Planning Officers about the applications in question.

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

PLA56 **Declarations of Contact**

Councillor Wilson declared that he had received contact from residents regarding Planning Application 038984, but had given no indication as to how he intended to vote.

Councillor Cape also noted that all members of the Planning Applications Committee had received video footage relating to Planning Application 038984 from objector Liral Modhwadia.

Councillor Markham declared that all members of the Planning Applications Committee had received an email relating to Planning Application 039177.

**IN PUBLIC SESSION**

The meeting was adjourned for 15 minutes to allow all members of the Planning Applications Committee to read the addendum.

PLA57 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).**

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA57 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 9<sup>TH</sup> MAY 2023

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038984: The Crows Nest, Crowhill Road, Nuneaton, Warwickshire, CV11 6PJ  
Applicant: C/O Agent, Pegasus Planning Group

**Public Speakers:** Liral Modhwadia  
Councillor Tony Cooper  
Councillor Julian Gutteridge  
Chris Edge  
Andy Miles.

**DECISION**

Planning permission be granted subject to the conditions as printed in the agenda and addendum.

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039177: Site 94A004 Land Between 4 – 14 Cheveral Road, Bedworth  
Applicant: Dawn Dawson, NBBC

**Public Speakers:** Mr Ronald Harris  
Mrs S Lowe  
Councillor Martin Walsh  
Josh Maddison  
Mathew Byrne

**DECISION**

Planning permission be granted, subject to the conditions as printed in the agenda.

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**Councillor Cvetkovic moved in accordance with Council Procedure Rule 4A.21 to suspend standing orders to allow the business of the meeting to be concluded. Councillor Smith seconded the procedural motion.**

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039160: Site 51A073 – Ex Co-Op buildings and car park, Abbey Street, Nuneaton, Warwickshire, CV11 5BU  
Applicant: Nuneaton and Bedworth Borough Council

**DECISION**

Planning permission be granted, subject to the conditions as set out in the agenda.

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039458: 2Site 51A073 – Ex Co-Op buildings and car park, Abbey Street, Nuneaton, Warwickshire, CV11 5BU  
Applicant: Nuneaton and Bedworth Borough Council

**Public Speakers:** Councillor K. Kondakor

**DECISION**

It be confirmed that the proposed amendments are acceptable as a non-material amendment to Planning Permission 037658.

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039542: Site 51A074 17-23 Abbey Street  
Applicant: Nuneaton and Bedworth Borough Council

**Public Speakers:** Councillor K. Kondakor

**DECISION**

It be confirmed that the proposed amendments are acceptable as a non-material amendment to Planning Permission 038706.



## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children.</li> </ul>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> <li>Nuneaton Education Strategy Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	Governor at Ash Green School  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Nuneaton and Bedworth Sports Forum</li> <li>Warwickshire Direct Partnership</li> <li>Warwickshire Waste Partnership</li> <li>Sherbourne Asset Co Shareholder Committee</li> </ul>	
	B. Pandher		Member of Warwickshire County Council  Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Foleshill Charity Trustee – Proffitt's Charity</li> </ul>	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local.  Director of Wembrook Community Centre.  Member of Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union  Member of the Pride in Camp Hill Board.  Member of the governing board for Camp Hill Primary School.	

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			<p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• A5 Member Partnership;</li> <li>• PATROL (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• West Midlands Combined Authority and Land Delivery Board</li> </ul>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> <li>• West Midlands Combined Authority</li> </ul>	

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**Applications for Planning Permission etc.**  
**Agenda Item Index**

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	038858	BU	Weston Hill Farm, 195 Nuneaton Road, Bedworth	16

<b>Wards:</b>					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitstone		

**REFERENCE No.** 038858

**Site Address:** Weston Hill Farm 195 Nuneaton Road Bedworth Warwickshire CV12 9RY

**Description of Development:** Retrospective consent for the change of use of existing agricultural building and associated yard to Use Class E(g)(iii) for use as a timber fencing manufacturer and contractors/storage yard

**Applicant:** Mrs Jane Briggs

**Ward:** BU

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**RECOMMENDATION:**

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

**INTRODUCTION:**

This application seeks retrospective consent for the change of use of existing agricultural building and associated yard to Use Class E(g)(iii) for use as a timber fencing manufacturer and contractors/storage yard at Weston Hill Farm, 195 Nuneaton Road, Bedworth, Warwickshire, CV12 9RY.

The application site comprises a former agricultural barn and associated farmyard comprising an area of approximately 1050sq.m which is accessed via a private access from off Nuneaton Road.

The site is surrounded by other existing agricultural buildings operated for agricultural purposes in connection with the larger agricultural holding comprising of 170 acres of arable land plus a further 50 acres farmed locally (to the north-east and east of the site). In addition, there are surrounding residential properties including North House, The Barn, 195 and Weston Hill farmhouse, all of which utilise the access road. Weston Hill Farmhouse 195 Nuneaton Road is a Grade II Listed Building.

The site is also located within the West Midlands Green Belt.

This application seeks retrospective planning consent for the change of use of the site and building to Use Class E(g)(iii), which allows for any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The current use of the site is by a timber fencing contractors. The existing agricultural building is to be used for the manufacturing of the fencing, with the associated yard to be used as storage of bulky timber panels, posts and associated equipment. In turn, the existing timber office currently located within the existing yard is to be relocated within the barn as part of this proposal.



Although the change of use has already occurred and is occupied, this application is considering the principle of the use on the site and therefore although the site is currently occupied by a timber fence manufacturing company, several other industrial uses could be carried out on this site under the same use class if planning permission is granted.

### **BACKGROUND:**

This application is being reported to Committee due to the number of letters of support received and because the application is being recommended for refusal.

### **RELEVANT PLANNING HISTORY:**

- 037086 – Change of use from existing portal framed building to light industrial and warehousing use. Withdrawn 17/09/2020
- 037544 – Prior notification for change of use of agricultural building to business use (class use E formally known as B1). Application returned 15/12/2020
- 037811 – Retrospective application for change of use from agricultural to light industrial. Application returned 20/05/2021
- 038083 – Retrospective application from change of use from agricultural use to light industrial. Withdrawn 19/10/2021
- 038462 – Retrospective application from change of use from agricultural use to light industrial. Invalid application returned.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS3 – Development principles
  - DS7 – Green Belt
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment
  - HS2 – Strategic accessibility and sustainable transport
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Policy, WCC Highways, Warwickshire Fire & Rescue, Environment Agency

### **CONSULTATION RESPONSES:**

Objection from:  
WCC Highways

No objection subject to conditions:  
NBBC Environmental Health, Warwickshire Fire & Rescue

No objection from:  
Environment Agency

No response from:  
NBBC Policy

### **NEIGHBOURS NOTIFIED:**

209 & 210 Weston Lane, “North House”, “The Barn”, “Weston Hill Farm” 195, 196 & 197 Nuneaton Road

Neighbouring properties were sent letters notifying them of the proposed development on 12<sup>th</sup> May 2022. Additional letters were sent to selected addresses on 25<sup>th</sup> January 2023.

A site notice was erected on street furniture on 12<sup>th</sup> May 2022.

### **NEIGHBOUR RESPONSES:**

There have been 5 letters of objection from 2 addresses. The comments are summarised below:

1. The additional traffic is creating noise, dust and safety issues
2. No effective action has been taken to control the speed of commercial vehicles utilising the narrow access road
3. The use has been allowed to continue since 2020
4. The site is serviced by arctic lorries – this has been denied on the supporting information
5. Damage to the kerb and verge at the bellmouth access
6. The number of traffic generated by the use is more than stated in the supporting information
7. The dimension of the bellmouth and verge are incorrectly shown on the plans
8. The narrow width of the access is unsuitable for the proposed use

There have been 9 letters of support from 9 addresses, the comments are summarised below:

1. Brings a local business to the area
2. Creates local jobs in the area
3. The business reinvests profits into local charities
4. There is no longer a DIY store in the area so this helps to fill a local gap and invaluable service
5. The location of the business is well-located for other businesses to utilise their services
6. The business has helped to diversify the farm business
7. Extra people in the vicinity of nearby dwellings is positive in terms of safety
8. The site is well managed, clean and tidy

### **APPRAISAL:**

The key issues to assess in the determination of this application are;

1. The Principle of Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Impact on the Green Belt
6. Impact on Heritage and Listed Buildings

## 1. The Principle of Development

The National Planning Policy Framework 2021 (NPPF) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental (paragraph 8).

The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise.

The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) and states that proposals that accord with the policies in the Borough Plan will be approved without delay unless material considerations indicate otherwise.

Policy DS3 states that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within this Plan. New development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. New unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.

The site is located outside of the settlement boundary of Bulkington and as such, the uses of the land are limited to those defined above. The uses as defined in Policy DS3 do not include Use Class E(g)(iii) - industrial processes.

Furthermore, the site is located within the Green Belt. Policy DS7 of the Borough Plan states that development within the Green Belt will be restricted to only that which is considered by national planning policy as not inappropriate Green Belt development, except where very special circumstances can be demonstrated.

Some forms of development are not considered to be inappropriate within the Green Belt, provided that they preserve its openness and do not conflict with the purpose of including land within it. One of these exceptions is the re-use of buildings provided that the buildings are of permanent and substantial construction.

However, the material change in the use of the land is limited to changes for outdoor sport or recreation, cemeteries or burial grounds only. Therefore, the proposed use of the site as outdoor storage would be considered as inappropriate development. This is discussed further within the impact on Green Belt section of this report.

It has not been adequately demonstrated by the applicant why this location has been chosen over any other site within the Borough or the surrounding Boroughs including Rugby and Coventry. Without such information, the Council do not consider that it has been adequately demonstrated that this location is required for the intended use. The proposal therefore fails to demonstrate that there would be any very special circumstances to justify why the proposal would require a location within the Green Belt and outside of the settlement boundary.

The principle of the development, which is retrospective, fails to comply with policies DS3 and DS7 of the Borough Plan (2019) as well as the relevant policies contained within the NPPF (2021).

## **2. Impact on Residential Amenity**

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

The proposal is for Use Class E(g)(iii), which allows for any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

The existing building, which was previously used for agricultural purposes, is being used for timber fence manufacturing. The outside courtyard is being used as storage for materials including bulky timber panels, posts and equipment associated with the use.

The Council's Environmental Health team were consulted on this application and submitted a neutral comment. Concerns in relation to noise were raised, in particular, noise from the manufacturing processes. There are residential properties within close proximity to the site.

North House, for example, is close to the site however it is separated by a further building (presumably in agricultural use), forming a barrier between the subject building and residential property. No comments were raised on the impact on the other residential properties close to the site.

It was concluded by the officer that, subject to the manufacturing operations being limited to only taking place within the building, this would alleviate concerns in relation to noise. This could be conditioned as such on the decision notice.

Given the previous use of the site as agricultural, which still appears to be existing in some capacity, it can be expected that some noise and disturbance could be expected. It is not known the exact agricultural use of the building prior to it being used by the timber manufacturing company so it is not clear how much noise could have been generated.

On balance, it is considered that the industrial use could be carried out within this residential area without detriment to the residential amenity of the area in terms of noise, vibration, smell, fumes, smoke, soot, ash, dirt or grit.

## **3. Impact on Visual Amenity**

Policy DS3 of the Borough Plan states that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within this Plan.

The proposal is for the change of use of the site and it has not been described that any buildings or any other development has been erected or is proposed as a result of the change of use.

Therefore, it is not considered that the change of use would have a detrimental impact on the visual amenities of the area above and beyond the previous use of the site.

#### **4. Impact on Highway Safety**

The access to the site is off Nuneaton Road via a private access road. This access road is used by multiple residential properties, as well as agricultural operatives and more recently the fencing manufacturers.

The Highway Authority have been consulted on the application and submit a response of objection.

Initially, the application proposed Use Class E and did not further define which subcategory the proposal would fall under. There were concerns with the site becoming a E use class, as under permitted development, the site can change to any other use falling under the same use class. Such uses include shop, café or restaurant, creche, day nursery or day centre, office etc.

The Highway Authority stated that if the site could be converted under permitted development, it could result in a significant increase in vehicular movements. Further, there could be concerns with pedestrian access to the site. There is no footway on the eastern side of Nuneaton Road and no pedestrian crossing is provided. If the site could be converted into a different use such as retail or restaurant, then pedestrian footfall to the site is likely to increase. In order for pedestrians to enter the site they would be required to cross Nuneaton Road and walk within the carriageway to enter the site using the vehicular access which would not be supported. They stated that if the number of pedestrians travelling to the site is likely to increase the Highway Authority would require improvements to be made such as a pedestrian crossing and a footway into the site on the Eastern side of Nuneaton Road. It was on this basis that the Use Class was narrowed down to Class E(g)(iii).

The transport statement originally submitted with the application suggested that the level of trip generation would have a negligible effect. However, this statement has not been supported by evidence. Section 4 states the TRICS database has been used however, the results of this have not been provided and it has not been shown what use class has been used to determine the trip rates. Clarification on this matter was requested and put forward to the applicant.

Although the applicant may operate the site at present as described in the provided details, the use class must be the main consideration. The Highways Authority stated there were concerns with HGV access to the site.

As an industrial use is proposed, it is likely that the use could attract HGV movements to the site, even if the current users of the site are not using HGVs in their business. If in the future at any time an increased number of HGVs are to access the site, the access may need to be widened further to allow the swept path of the vehicle and to allow an HGV to pass a car waiting at the give-way line. Based on the information originally submitted, it was not clear whether this would be achievable.

The Highway Authority state that they have been informed that the proposed use is already operating on site and that HGVs (visiting the fencing company) are manoeuvring on Nuneaton Road in order to reverse down the access road or they are waiting within Nuneaton Road to unload. The Highway Authority would not support

either of these practices. HGVs should be able to enter the site and manoeuvre on site in order to re-enter the highway in a forward gear.

The Highway Authority required full swept path analysis to show that a HGV can enter the site from either direction, whilst another vehicle is waiting at the give way line and manoeuvre on site to re-enter the highway in a forward gear.

During the site visit undertaken by the Highway Officer, it was noted that the access is in poor condition. There are multiple potholes present and the kerbs on the southern side of the access are damaged. The HA would require the access to be resurfaced with a bound material, in order to prevent the spread of exogenous material on the highway.

The presence of potholes could result in a highway safety concern, as the extra time it takes vehicles to manoeuvre around the potholes can result in an increased chance of collision occurring. The damage to the kerbs could indicate that vehicles are overrunning onto the verge, which could show that the access is not suitable as existing. Intensifying the use and the access by larger vehicles may result in further damage being caused.

Initial plans show swept path analysis of a ford transit van. The details provided suggest that this is the largest vehicle entering the site. However, as mentioned above, the Highway Authority has previously been informed that HGVs are visiting the site and during the site visit a flatbed vehicle was observed visiting the site. This appeared to be a 3.5 tonne flatbed which appeared to be larger than the transit van that has been tracked. The flatbed vehicle was observed overrunning the kerbs to the south of the access when entering the site. The details provided then state that panels are delivered by transit or similar type vehicle dependent on scale of the job. However, if a large order is placed, it is not clear how the panels transported. A 'similar vehicle' does not necessarily indicate a same sized vehicle.

Following their initial comments, the applicant submitted a technical note from a highway engineer. The technical note confirms that a minor alteration is proposed to the existing access bellmouth. The plans (ref: IMA-22-062\_700 and IMA-22-061\_TR02) show an easing of the radius on the southern side of the bellmouth into the existing grassed verge and also show the swept path of a 40-tonne articulated lorry entering and leaving the site to demonstrate that such a vehicle will now be able to do this without mounting the kerb. It goes on to state that "There is no need to alter the northern radius of the bellmouth, the change to the southern radius is sufficient. The change does not materially affect the operation of the access or the safety of the arrangements. "

In response to this, the Highway Authority state that the proposed development/use would result in a significant intensified use and so the access should be suitable for that purpose. The changes to the kerb line are partly improving the access, however, further changes are still needed. The use of the site would result in increased numbers of HGVs and therefore an increase in the chance of conflict with HGVs, particularly with the farm also attracting HGV movements. In order to be considered acceptable, the applicant was informed that the access needs to be at least 5.5 metres in width for the first 20 metres to allow larger vehicles to pass each other within the site.

The technical note also addressed at the request of Warwickshire County Council the TRICS model which has been run to establish a forecast of traffic generation from the new unit, based on a GFA of 375m<sup>2</sup>. The results indicated that a unit of this size might

generate a total of 47 trips two-way over a 16-hour day – that is an average of 3 an hour two-way. The vast majority of these are cars and light goods vehicles – vehicles under 3.5 tonnes MGW. Only nine vehicles a day are forecast to be OGV, a category covering all vehicles over 3.5 tonnes.

However, it has not been demonstrated what filters have been used in the TRICS model. Furthermore, the updated note suggests around 47 movements per day with 9 of those being HGVs, whereas the original note suggested below 5 trips per day.

Clarification was requested from the applicant as to what filters have been changed resulting in the significant difference.

In order to overcome the objections from the Highway Authority, it was suggested by the applicant that the site be conditioned so that no deliveries to or from the application site shall take place using articulated lorries at any time.

It is considered that such a condition would be unlikely to meet the tests for planning conditions set out within the NPPF (2021).

Paragraph 55 of the NPPF (2021) states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56 of the NPPF (2021) states in part that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The application is for the change of use to Class E (g)(iii). This application does not grant planning consent for the business which currently occupies the site. The Council therefore must consider this application in a “worse case scenario” position.

The change of use allows for the site to be used for any industrial process (so long as it does not cause detriment to residential amenity). By this very definition, it would not be unreasonable to assume that future users of the site may require access to the site using HGVs. It is therefore considered that such a condition would neither be reasonable or enforceable.

No further plans have been submitted by the applicant which amend the access to provide a passing point. In addition, no further information or points of clarification have been provided regarding the TRICS information which was provided both in the initial note as well as the updated transport note. The applicant does not agree with the Highway Authority in that the additional use of the site would result in an intensified use. They have also stated that the requests made by the Highway Authority are unreasonable and as such, request that a decision is made based upon the information which has previously been submitted.

It is therefore concluded that although there is some loss of agricultural use on the site, an additional industrial use is now present on the site. The Highway Authority state that this change of use would result in the intensification of the access, although the exact modelling of this remains unclear.

Furthermore, the mix of the uses which use this access, which in this case are agricultural, residential and industrial processes, have a greater likelihood of 2-way vehicular movements. It has not been demonstrated that there is space for 2-way movements within 20m of the access from Nuneaton Road, nor any passing points on the access road. This could result in large vehicles, including HGVs, potentially having to wait on Nuneaton Road, or reverse out on to Nuneaton Road. The resultant impact would be severe harm to the road network.

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As such, it has not been adequately demonstrated that the intensification of the access would not result in a severe impact on the road network and it has not been adequately demonstrated that there is space for 2-way movement within 20m of the access from Nuneaton Road, nor any passing points on the access road which would result in an acceptable impact on highway safety.

## **5. Impact on Green Belt**

The site is located within an area of washed over Green Belt. The NPPF (2021) states the following with regards to this - The Government attached great importance to Green Belts. The fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Paragraph 137). The Green Belt serves five purposes (Paragraph 138):

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances (Paragraph 147).

When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (Paragraph 148).

The NPPF Paragraph 150 states that there are certain forms of development which are not inappropriate to the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. These are:

- a. Mineral extraction;
- b. Engineering operations;
- c. Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d. The re-use of buildings provided that the buildings are of permanent and substantial construction;
- e. Material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and



- f. Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

In this case, the application would involve the change of use of the land from agricultural as well as the re-use of an existing building.

The re-use of what was an agricultural building would be considered as a form of appropriate development. However, the intended use of the land is not acceptable. The material change in use of the land is limited to certain uses which are described in subsection (e). Furthermore, the site intends to use the yard for the storage of materials and equipment. Although the previous use as a farm building appears to have used this space for outdoor storage, this was not permitted nor controlled. The new development which is being considered would therefore fail to meet the 5 purposes of Green Belt which are described in Paragraph 138 of the NPPF (2021) subsection (c) which states that Green Belt should assist in safeguarding the countryside from encroachment.

As such, the proposal is inappropriate development which is by definition harmful to the Green Belt. Furthermore, it has not been demonstrated that any very special circumstance exist, nor do the Council consider that there are any.

Finally, it has not been demonstrated why the site chosen over any other site within the Borough or the surrounding Boroughs including Rugby and Coventry. Without such information, the Council do not consider that it has been adequately demonstrated that this location is required for the intended use.

The proposed change of use therefore fails to comply with the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence as well as the 5 purposes of including land within it. Furthermore, the proposal would represent inappropriate development within the Green Belt, which is by definition harmful to the Green Belt. No exceptions have been clearly or adequately demonstrated and there are no Very Special Circumstances which exist. As such, the development would represent inappropriate development which by its very nature is harmful to the Green Belt and openness and the purposes of including land within it.

## **6. Impact on Heritage and Listed Buildings**

Weston Hill Farmhouse 195 Nuneaton Road is a Grade II Listed Building.

The Farmhouse is an early/mid C19 with Flemish bond brick with brick cornice, slate roof; blue brick end stacks. The building is L-plan, with 2-storey wing on right to rear. 3 storeys; 5-window range and symmetrical front. Fielded 6-panelled door has fanlight and panelled reveals, C19/C20 trellis porch. Sashes have painted gauged brick flat arches. The lower second floor has 6-pane sashes and has an irregular rear wing.

Policy BE4 of the Borough Plan (2019) states that "Development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas (Appendix B), scheduled monuments (Appendix H), registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

Development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.”

Weston Hill Farmhouse does not adjoin the site and is separated from it by a further building, meaning there are no views of the site from the Listed Building. It is considered that there would be no material harm to the listed building as a result of this development.

## **7. Conclusion**

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

It is considered that the development site is located outside of the settlement boundary and is not of a use which requires a site outside of the settlement boundary. Furthermore, the site is located within an area of washed over Green Belt and would represent inappropriate development with the green belt. Finally, it has not been adequately demonstrated that a safe and suitable access to the site can be made from Nuneaton Road and it has not been demonstrated that the intensification of the access would not result in a severe impact on the road network.

For these reasons, the application is recommended for refusal.

## **REASONS FOR REFUSAL:**

1. Policy DS3 of the Borough Plan (2019) states:

All new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within this Plan.

New development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

New unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.

(i) The proposal is contrary to this policy in that the development is located outside of the defined settlement boundary and does not meet the criteria of uses to require a location outside of the settlement boundary as defined within Policy DS3 of the Borough Plan (2019).

2. Paragraphs 147, 148 & 150 of the NPPF (2021) states the following in relation to proposal affecting the Green Belt:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the

potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

Paragraph 138 of the NPPF (2021) states that The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy DS7 of the Borough Plan (2019) states (in part):

Development in the remaining Green Belt

To ensure the remaining Green Belt across the borough continues to serve its fundamental aim and purpose, and maintains its essential characteristics, it will be protected by restricting development to only that which is considered by national planning policy as not in appropriate Green belt development, except where very special circumstances can be demonstrated.

Any development proposals considered not inappropriate for locating within the Green Belt should demonstrate how their plans will retain the five key purposes of the Green Belt.

Opportunities to enhance the beneficial use of the Green Belt will be approved, including opportunities to provide access, provide outdoor sport and recreation, retain and enhance landscapes, provide visual amenity and biodiversity, or to improve damaged or derelict land

(ii) The proposal is contrary to these policies in that proposed use of the site and the presence of outdoor storage for materials and equipment would not fall within the list of development which would be considered not inappropriate as listed within Paragraph 150 of the NPPF (2021) criterion (e) or Policy DS7 of the Borough Plan (2019). As a result, the proposal would represent inappropriate development within the Green Belt, which is by definition harmful to the Green Belt. Furthermore, no exceptions have been clearly or adequately demonstrated and there are no Very Special Circumstances which exist to overcome the harm to the Green Belt. As such, the development would represent inappropriate development which by its very nature is harmful to the Green Belt and openness and the purposes of including land within it contrary to Paragraphs 138, 147, 148 and 150 of the NPPF (2021) and Policy DS7 of the Borough Plan (2019).

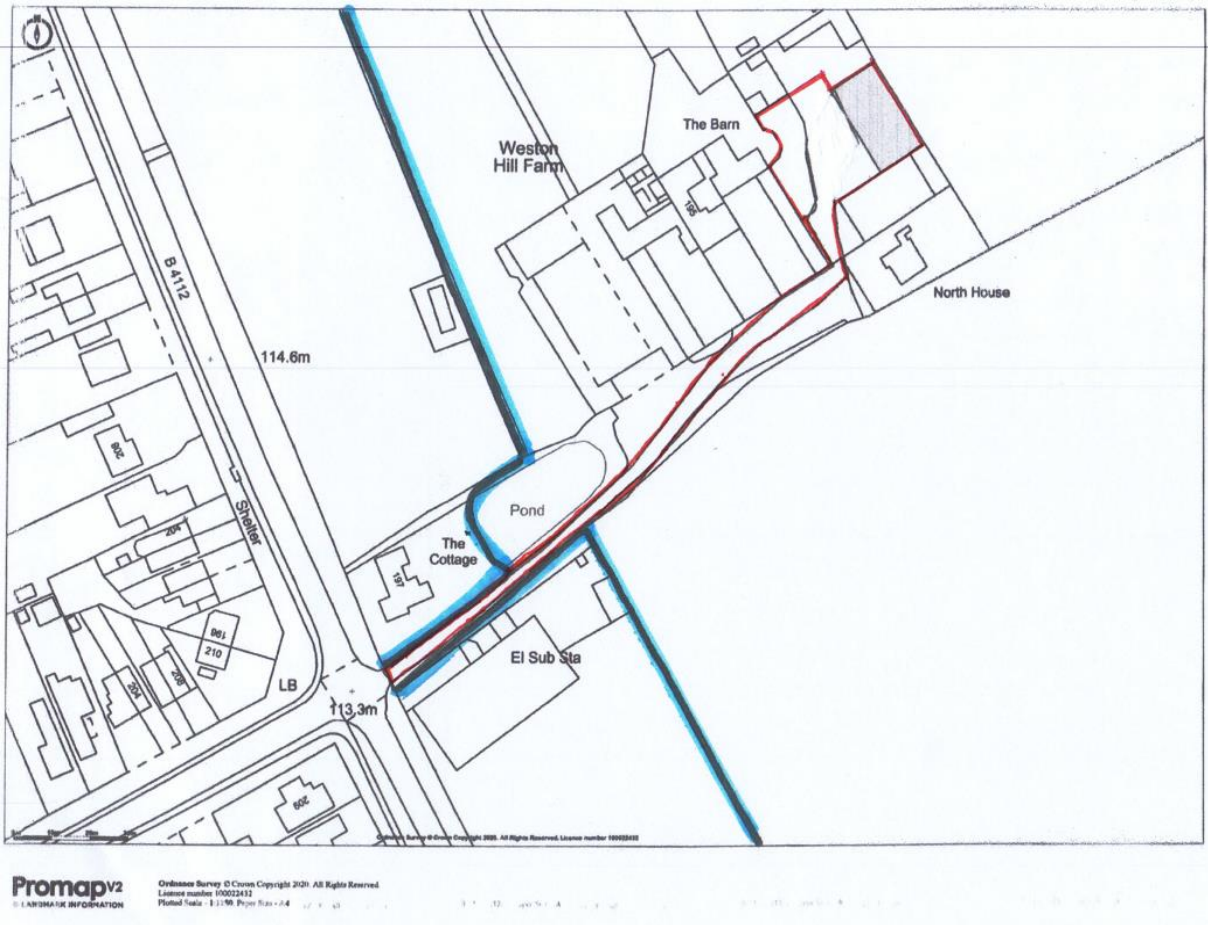
3. Policy HS2 of the Borough Plan (2019) states (in part):

Where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed: Whether the proposal will meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

Paragraph 111 of the NPPF (2021) states:

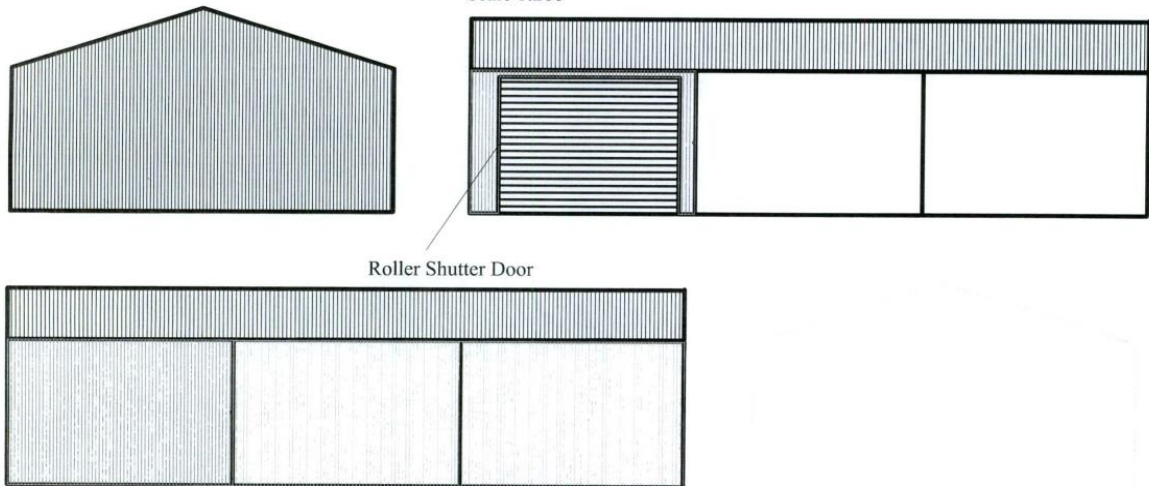
Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

(iii) The proposal is contrary to these policies in that it has not been adequately demonstrated that the intensification of the access would not result in a severe impact on the road network. Furthermore, it has not been adequately demonstrated that there is space for 2-way movement within 20m of the access from Nuneaton Road, nor any passing points on the access road which would result in an acceptable impact on highway safety contrary to Paragraph 111 of the NPPF (2021) and Policy HS2 of the Borough Plan (2019).

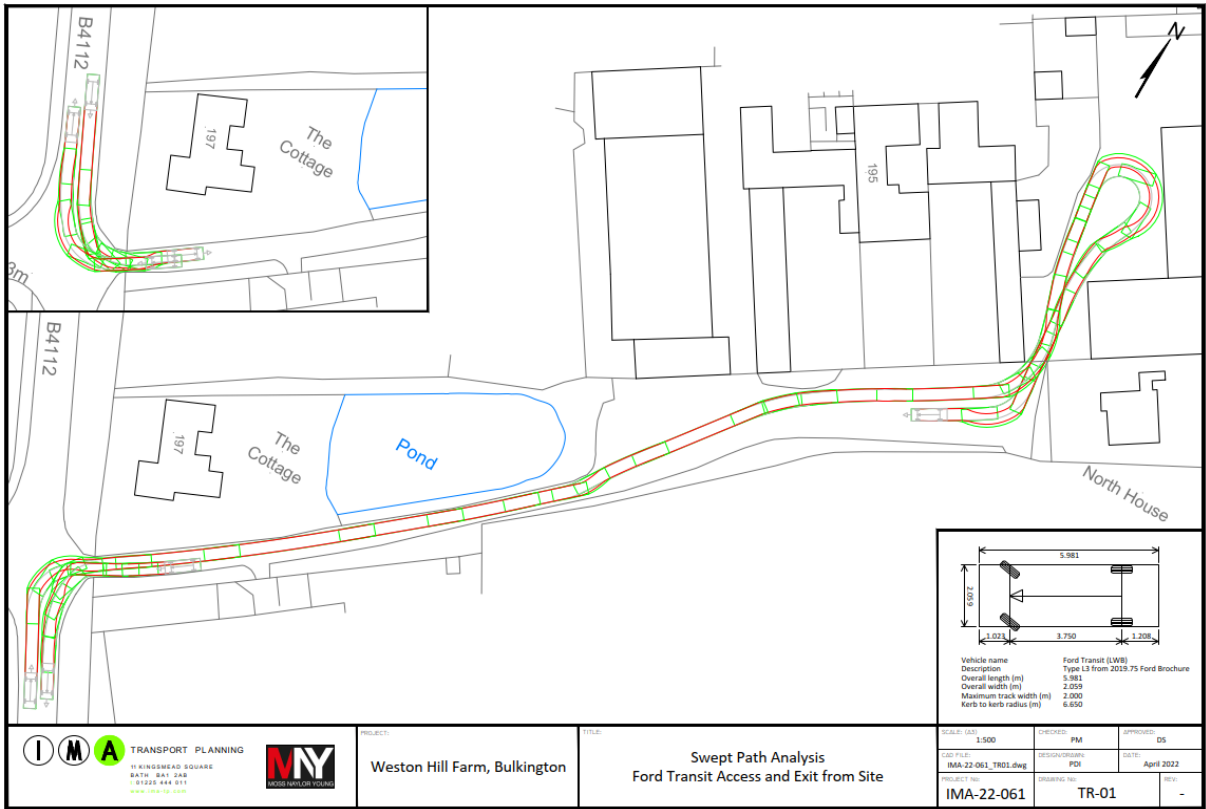


**Location plan**

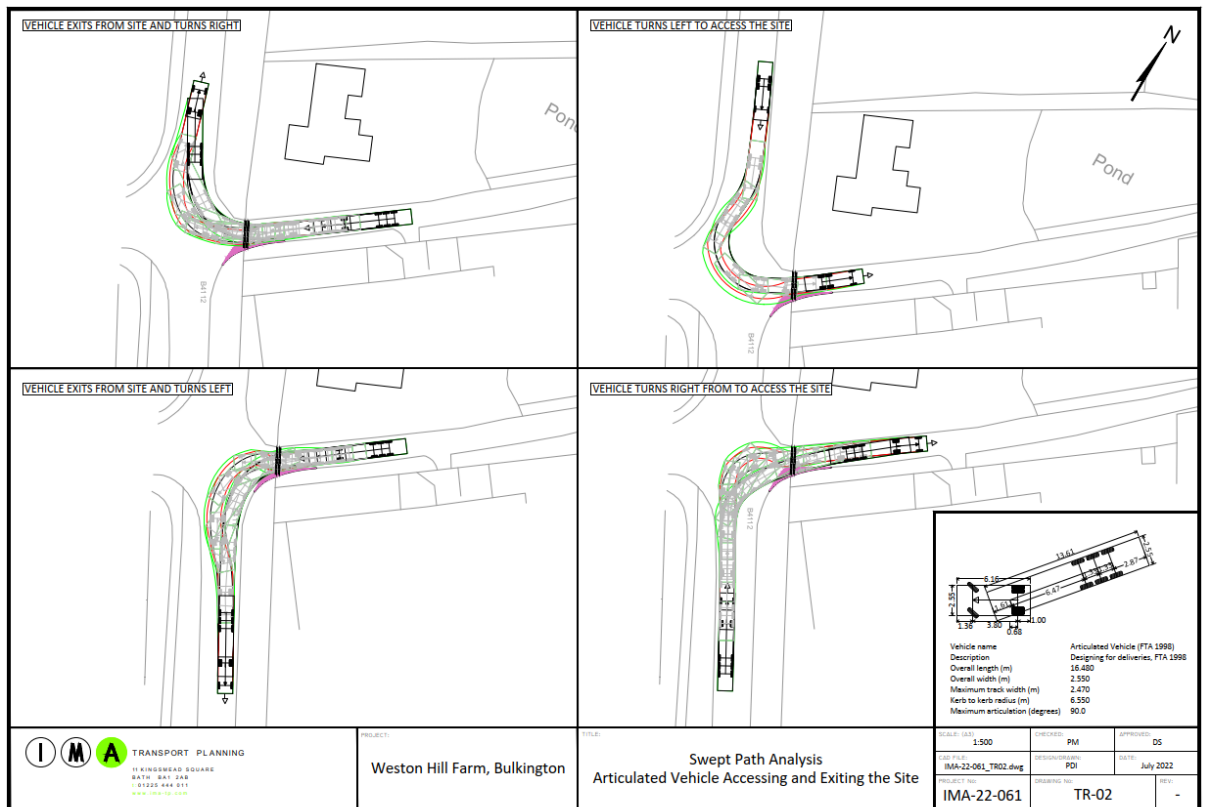
Proposed Change of use  
Weston Hill Farm,  
Bulkington  
Scale 1:200



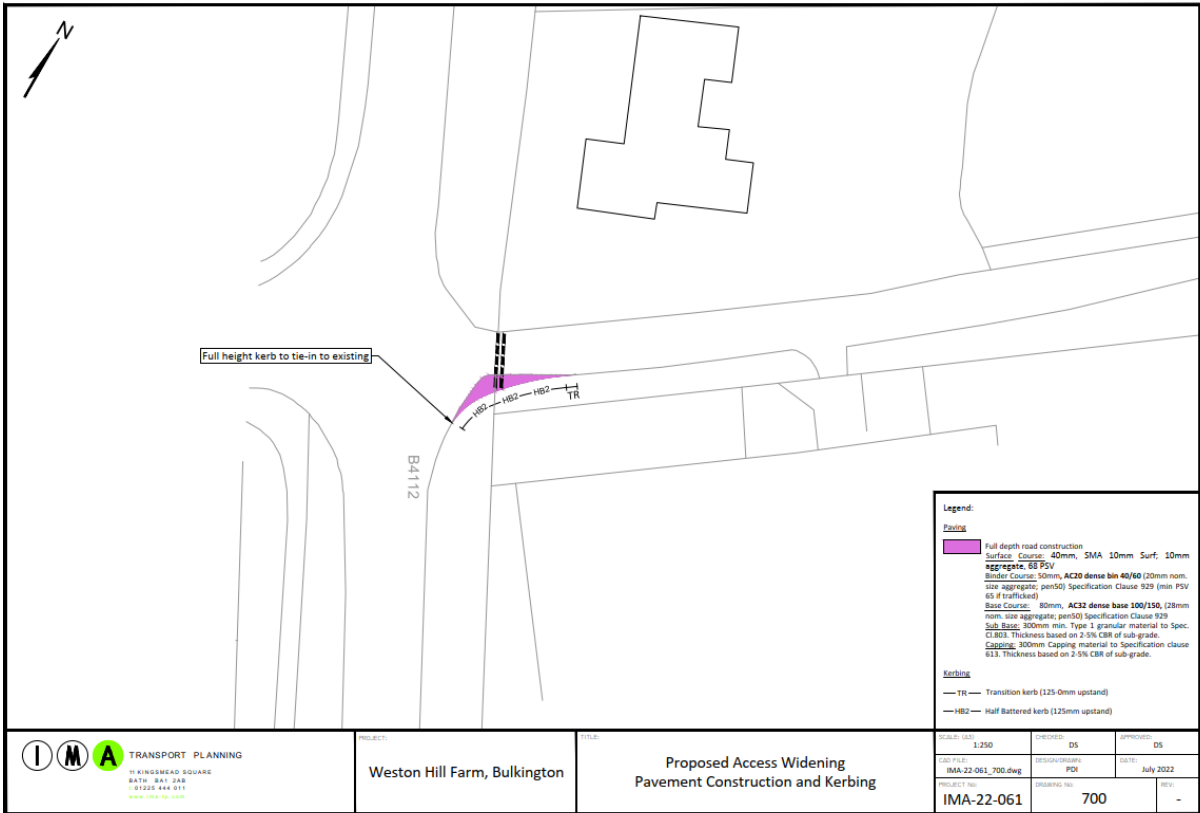
**Elevations**



### Swept path analysis for Ford Transit van



### Swept path for articulated vehicle



**Proposed access widening**

## Glossary

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the



environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system.

Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either

through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

**Class E (Commercial, business and service uses),**

**Class F.1 (Learning and non-residential institutions)**

**Class F.2 (Local community uses)**