

To: Rugby Borough Council – Local Plan Consultation Team

Subject: Formal Objection to Site 73 (Lodge Farm)

Additional Response from Willoughby Parish Council

Dear Planning Officer

Willoughby Parish Council's response to the Preferred Option consultation was approved at the council meeting held on 13 May 2025 and subsequently submitted on 15 May 2025. Since then, new information has come to light and the Parish Council wishes to make an additional response. We request that this be read in conjunction with the submission sent on 15 May 2025.

LODGE FARM: *RES JUDICATA* AND UNREASONABLE RE-INTRODUCTION

A. Inspector's 2019 Rejection – A Settled Matter

Lodge Farm was decisively rejected by the Planning Inspector in the 2019 Local Plan examination. The Inspector concluded that allocating a new settlement at Lodge Farm would have 'relatively poor accessibility, particularly by non-car modes' and 'significant adverse effects on the landscape', with consequent harm to heritage assets. Crucially, the Inspector found no overriding need for the site – without Lodge Farm the plan still had a 17% housing land oversupply, meaning 'the harm likely to be caused by development... would not be outweighed by the benefits'. He deemed Lodge Farm 'not justified as an appropriate site, nor an effective response to... Rugby's needs... nor consistent with national policy in enabling... sustainable development.' Accordingly, he ordered its complete removal from the plan. In short, Lodge Farm's unsuitability was exhaustively litigated and settled in 2019. This established planning 'record' carries the force of a *res judicata*: a matter already adjudicated upon.

Under well-established principles of planning law, such an Inspector's finding is a highly material consideration that should not be revisited absent a substantial change in circumstances. As the High Court has noted, 'like cases should be decided in a like manner so that there is consistency... important for securing public confidence'. In *North Wiltshire DC v. SSE* (1993), the court held that decision-makers must have regard to earlier relevant decisions and give clear reasons if reaching a different outcome. Failing to do so is unlawful. Indeed, where a council approved a proposal it had previously rejected without material changes or explanation, the court quashed the permission for inconsistency. The parallel with Lodge Farm is direct: the site was examined and found unsound, yet it has resurfaced in the Preferred Options with no meaningful new evidence to overturn the Inspector's judgment. The great majority of concerns raised in 2019 remain 'entirely applicable' in 2025 by the Council's own admission. Re-introducing Lodge Farm now – without addressing or remedying those fundamental flaws – flouts the principle that settled matters should not be relitigated. It is, in effect, an attempt to overturn a binding planning verdict without new justification. This is the essence of *res judicata*.

B. Unchanged and Unmitigated Failings

Every key reason for the 2019 rejection still stands. Lodge Farm's location is still remote and car-dependent – if anything more so under the current proposal for ~2,500 homes (previously 1,500). There remains 'relatively poor accessibility, particularly by non-car modes', as the Inspector described. The site has no access to rail or existing bus routes and a Public Transport Accessibility Level of 0, indicating virtually nil sustainable transport links. The new Stage 2 Site Assessment (2025) confirms that residents would face 10+ km journeys to reach secondary schools or major supermarkets, with 'no realistic alternative transport other than the car' for most trips. National Highways has consistently flagged the severe impact on the strategic road network (SRN): the 2019 Inspector noted that removing Lodge Farm 'will reduce the cumulative traffic impact on [the] strategic road network'. Those SRN concerns have not evaporated – on the contrary, with 2,500 dwellings the development would generate an extra 15,000–25,000 vehicle trips per day, overwhelming the same pinch-points (the Dunchurch crossroads and A45/M45 junction) that were already critical issues. Notably, the A45/M45 junction is

currently classified by National Highways as a location of 'High Concern' for capacity and safety. Nothing in the 2025 evidence base shows any new highway solution that would neutralize this impact.

C. Questionable 'Alternatives' in the Sustainability Appraisal

The March 2025 Interim SA, rather than firmly rejecting Lodge Farm, has strangely elevated it into two out of the five growth scenarios it tested. Lodge Farm features in Scenario 3 ('Preferred Option minus certain sites, plus Lodge Farm') and Scenario 5 ('Preferred Option plus Lodge Farm'). The SA's own scoring shows these Lodge Farm scenarios performing objectively worse on key sustainability factors. By according Lodge Farm such 'close consideration' as a reasonable alternative, the SA process has been contorted to keep a fundamentally flawed site alive. This reveals a concerning bias: a predetermined insistence on keeping Lodge Farm in play, even when the evidence shows it is an outlier of unsustainability. The heavy reliance on Lodge Farm in the SA's scenario testing – despite its known failings – undermines the legal robustness of the appraisal.

D. An Irrational and Unlawful Inclusion

Including Lodge Farm as an option in the new Local Plan – after it was conclusively deemed unsound – meets the threshold of Wednesbury unreasonableness. All the evidence since 2019 (and much of it from the Council's own studies) reconfirms the same fatal flaws: unmanageable traffic impact, no sustainable transport, landscape/heritage destruction, infrastructure and viability deficits. There has been no material change in the site's attributes or context that could begin to justify a different outcome now.

PRIMARY CARE CAPACITY IN DUNCHURCH

Dunchurch Surgery has formally confirmed that it was designed to operate at a maximum capacity of 7,500 patients. This design capacity encompasses not only GP and nursing provision but also supporting infrastructure such as car parking, waiting areas, and auxiliary services. The practice is already operating beyond its intended limits, with a current patient list of approximately 8,200 individuals.

Crucially, the surgery has made clear that it is neither willing nor able to expand its service offering. No existing GPs are prepared to open additional branches or manage multi-site operations. As such, the practice has reached its operational ceiling, with no scope for accommodating further residential growth in the area.

Should Lodge Farm be allocated, new residents would have no access to a GP surgery within a reasonable distance or, even worse, existing residents who live further away from the surgery, e.g. in Willoughby, could be removed from the surgery's patient list to make room for potential residents at Lodge Farm who live closer. This would have a major negative, and completely unacceptable, impact on existing communities and would leave existing residents without access to a GP.

Promoters may say that they will provide space for a GP surgery but GP practices are private businesses and the likelihood of them being prepared to take out large loans to be repaid over 25 - 30 years to create completely new practices or 'health facilities' (as suggested in the Lodge Farm 'Vision' document) is totally unrealistic.

CONCLUSION

For the reasons given in our initial response submitted on 15 May and for the reasons above, we urge Rugby Borough Council to ensure that Lodge Farm is not included as an allocation in the Regulation 19 Submission Plan.

Yours faithfully

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