

**List of Current Planning and Enforcement Appeals
September 2019**

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/18/0554	Waverley Riding School, Coventry Road, Cubbington	16 Dwellings Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 21/5/19 Statement: 18/6/19 Comments: -		Awaiting Decision
W/18/1180	Faerie Tale Farm, Rouncil Lane, Kenilworth	Retention of Residential timber Cabin Committee Decision in accordance with Officer Recommendation	Dan Charles	Questionnaire: 17/5/19 Statement: 5/6/19 Comments: 3/7/19		Awaiting Decision

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
NEW W/19/0327	Pinners Cottage, Old Warwick Road, Lapworth, Solihull, B94 6AZ	Erection of single storey side extension Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 20/08/19 Statement: 11/09/19	Ongoing
NEW W/18/2375	Green Acres, Church Lane, Lapworth	Erection of a two storey side/rear extension Delegated	Jonathan Gentry	Questionnaire: 20/08/19 Statement: 11/09/19	Ongoing

<p>NEW W/19/0148</p>	<p>17 Stoneleigh Close, Stoneleigh</p>	<p>Increase in ridge height by 1.4 metres to provide first floor accommodation and repositioned chimney Committee Decision in accordance with Officer Recommendation</p>	<p>Jonathan Gentry</p>	<p>Questionnaire: 26/08/19 Statement: 17/09/19</p>	<p>Ongoing</p>
<p>NEW W/18/2145 & W/18/2146/LB</p>	<p>Offa House, Village Street, Offchurch, Leamington Spa</p>	<p>Refurbishment and restoration of the main property including internal alterations to provide a single residential dwelling (including change of use from retreat (Sui Generis to C3 residential), single storey extensions, window and door alterations, 2no. dormer windows, re-roofing and new roof lantern. Proposed creation of 2no. additional dwellings through detachment of the main property from later additions by demolishing the 1960's and 1980's extensions - the remaining wing will form one additional residential unit, with extensions, and the existing ancillary Coach House, with extensions, will form the second additional unit. Associated landscaping and gates. Committee Decision in accordance with Officer Recommendation</p>	<p>Helena Obremski</p>	<p>Questionnaire: 30/08/19 Statement: 27/09/19</p>	<p>Ongoing</p>
<p>NEW W/18/2177</p>	<p>Four Brothers Farm, Five Ways Road, Shrewley, Warwick</p>	<p>Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion. Delegated</p>	<p>Rebecca Compton</p>	<p>Questionnaire: 03/09/19 Statement: 01/10/19</p>	<p>Ongoing</p>

NEW W/19/0554	28 Charnwood Way, Leamington Spa	Application for an extension to the existing 2m fence along the northern boundary Delegated	Rebecca Compton	Questionnaire: 04/09/19 Statement: 26/09/19	Ongoing
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/18/2258	Roundshill Farm, Rouncil Lane, Kenilworth	Removal of Condition relating to Occupancy Delegated	Helena Obremski	Questionnaire: 20/3/19 Statement: 17/4/19 Comments: 1/5/19	Ongoing

The appeal dwelling is part of a farm surrounded by fields, approximately 1.5 miles from the service centre of Kenilworth. It is not within or adjacent to any urban area, growth village or any other settlement and so is in open countryside.

The Inspector noted that it may be the case that the site is closer to services and facilities, including schools and colleges, than some other villages hence putting its level of accessibility on par with some suburban areas. However, on his visit he noted the site is located some distance along a country lane without pavements or lighting which would not be conducive for safe walking. Nor was it within reasonable safe walking distance of a public transport interchange. In his view this would indicate residents would be likely to be reliant on the car, albeit journeys to Kenilworth would be relatively short. Hence there is conflict with WDLP Policy H1.

The Inspector accepted that two related households could live on the site and come and go independently of each other under the current arrangement, even with the site's existing limited access to services and facilities. However, having he felt that a relative occupying the dwelling is not the same as having it occupied by a completely separate, independent and unrelated household. Relatives would be more likely to share trips or undertake journeys for each other than independent occupiers. There would likely be more vehicle movements if the condition were removed, even if their number was not significant.

The appellant argued that there were scenarios in which permission could be granted irrespective of location or sustainability considerations. However, the Inspector simply stated that these scenarios are not before him. In terms of living conditions he considered that relatives of the occupiers of the farm would likely have a greater degree of tolerance of noise and smells and farming activities than unrelated occupiers. Removing the condition would therefore introduce an incompatibility that would have implications for the living conditions of future occupiers, as well as the farm business itself. While both parties were satisfied that a suitably worded condition(s) could be imposed to limit the use of nearby farm buildings to non-noisy and non-odour producing activities, the Inspector found it unreasonable that a farm, whose use runs with the land and which existed before the converted dwelling was created, should have its farming activities, uses and practices curtailed.

W/18/1733	Sowe View, Coventry Road, Stoneleigh	2 bedroomed bungalow Committee Decision in accordance with Officer Recommendation	Angela Brockett	Questionnaire: 8/5/19 Statement: 5/6/19 Comments: 19/6/19	Ongoing
W/18/2199	135 Warwick Road, Kenilworth	Amendments to Residential Planning Permission including in respect of access arrangements. Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 1/5/19 Statement: 29/5/19 Comments: 12/6/19	Ongoing
W/18/1630	The Cedars, Stoneleigh Road, Bubbenhall	Erection of Dwelling House Committee Decision in accordance with Officer Recommendation	Angela Brockett	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	Ongoing

Paragraph 145(e) of the Framework states that limiting infilling in villages is not inappropriate development. The terms 'limited' and 'infilling' are not defined in the Framework. The Inspector stated that the question of limited infilling is a matter of planning judgement and a defined village boundary is not necessarily determinative.

The Inspector noted that site is separate from the majority of built form within the settlement. He concluded that the proposal would subsequently not 'round off' or 'complete' the village envelope. He also noted that the site is also outside the defined village boundary as designated by the local plan. Therefore, considering the foregoing, the site is not within a village, defined or otherwise.

As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The openness of the Green Belt has both spatial and visual dimensions. The site is elevated from the adjacent highway preventing views from this vantage. As such visually the harm would be limited. However, spatially the increased mass and development of the site would represent a significant intrusion into the openness of the site and the surrounding Green Belt.

Despite its efforts to be subdued and appear 'barnlike', the effect of the proposal would be to reduce the rural nature of the site within the open countryside.

The proposal would also fail policies BUB1 and BUB2 of the Bubbenhall Neighbourhood Development Plan 2018 (NP) which supports new housing that would be sited and designed appropriately and sensitively so as to respect and enhance the setting of small infill sites.

Although the site is not isolated, its development would be contrary to the spatial strategy in the development plan.

Representations submitted as part of both the planning application and appeal illustrates strong support for the proposal from the local community. However, local support and the referenced merits would not outweigh the identified conflict with local and national policy.

W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/18/2324	Valley Farm, Valley Lane, Lapworth	Conversion of Barn to Dwelling Delegated	Helena Obremski	Questionnaire: 18/6/19 Statement: 16/7/19 Comments: 30/7/19	Ongoing
W/18/2287	Lapworth Farm, Spring Lane, Lapworth	Removal of a planning Condition tying the Occupancy of a Dwelling to Valley Farm Appeal against Non-Determination.	TBC	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	Ongoing

W/19/0281	Eversleigh House, 2-4 Clarendon Place, Leamington	Car parking and Landscaping Delegated	TBC	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	Ongoing
<p>The site is within the Royal Leamington Spa CA. It consists of the forecourt of two double-fronted villas which are linked by a recessed connecting extension. The villas face onto a small service road and garden beyond. The service road loops through the frontages of 2-12 Clarendon Place. The site, the subject of the appeal, includes both the service road and the front gardens of these properties. These gardens are mostly grassed areas with some planting. There is also a relatively thick boundary hedge adjacent to the front boundary wall. The site and its grouping make a positive contribution to the character and appearance of the conservation area.</p> <p>The proposal would remove the garden area to provide five car parking spaces and gravel beds. The limited remaining area would be landscaped including a yew hedge and 4 heavy standard trees, pathways and benches.</p> <p>The Inspector noted that the majority of the crescent retains an area of lawns. The service road is relatively subtle, and the character of the frontage therefore retains a verdant and serene impression. Although No 12 and Bethany House have frontage car parking, this has only a limited effect on the tranquillity of the crescent itself. Furthermore, No 8 includes some parking that retains around half of its original front garden. This is intrusive, to some extent, but the frontage still retains a significant area of grass between the parking area and the front boundary wall maintaining the character of the crescent.</p> <p>Subsequently, the gardens in front of the villas create a pleasant and important feature within the setting of the crescent. The appeal site's existing front garden contributes to the framing of the villas and separates them from the highway. The Inspector concluded that although proposing some landscaping, the proposal would demonstrably harm this setting and fail to adequately retain this sense of separation. As such, the loss of green space and increase of hardstanding would be demonstrably harmful. This harm would not be outweighed by the limited visual benefits of the proposed landscaping. Consequently, the proposal would not preserve or enhance the character and appearance of the CA. The proposal would harm the setting through the substantial increase in hardstanding, the visual intrusion of further cars and associated use of the car park. This increased activity and general intensification of use adjacent to the frontage of the listed building would have a significant effect on its setting. Therefore, notwithstanding the existing parking area in front of the listed building the proposal would be demonstrably harmful to the significance of the listed building.</p> <p>Costs Decision:</p> <p>The Inspector found in his main decision that the scheme is not clearly policy compliant but rather requires careful assessment of the proposal in its given context. As such, he did not consider that the proposal has been unreasonably delayed by being refused.</p>					

Furthermore, he considered that the Council's delegated officer report is relatively detailed and adequately sets out the Council's key areas of concern. He made it clear that the Council is not obliged to produce an appeal statement if it deems that one is not necessary, especially when an officer report has been prepared. The officer report identified the location of the nearest listed building (Bethany Christadelphian Home) and assessed the effect of the proposal on its setting, albeit combined with the effect on the conservation area. The extent of analysis was therefore proportionate to the scale of the proposed development.

In this case, the Council did not refuse the scheme on the basis of precedent. However, it explains that it was concerned that future schemes, that were not materially different, might be determined in an inconsistent manner if the proposal was allowed. He was unconvinced by this logic as future schemes that are not materially different should be determined in a similar way. As such, he agreed that that the Council was incorrect to refer to precedent in its decision notice.

Although he agreed that the Council was wrong to refer to precedent, he felt that this had only a limited bearing on the reason for refusal which was clearly directed towards harm to heritage assets. Accordingly, he did not consider that the Council's decision in this respect was so fundamentally flawed or without foundation as to represent unreasonable behaviour.

W/18/1652	Land adjacent to Long Close, Glasshouse Lane, Lapworth	1 x New dwelling Delegated	Dan Charles	Questionnaire: 24/6/19 Statement: 22/7/19 Comments: 5/8/19	Ongoing
W/19/0209	Asda Supermarket, Chesterton Drive, Leamington.	Replacement External Pod Delegated	Helena Obremski	Questionnaire: 2/8/19 Statement: 30/8/19 Comments: -	Ongoing
W/19/0104 and W/19/0105/LB	1 Clarendon Place, Leamington	Single Storey Extension and Alterations Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 30/7/19 Statement: 27/8/19 Comments: 10/9/19	Ongoing

W/18/2440	Bramley Cottage, Mill Lane, Little Shrewley	Single Storey Extension Delegated	Emma Booker	Questionnaire: 19/7/19 Statement: 12/8/19 Comments: -	Ongoing
W/18/1331	Land off Arras Boulevard, Hampton Magna	Residential development of 130 units Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 2/7/19 Statement: 30/7/19 Comments: 13/8/19	Ongoing
W/18/2119	1 Huddisdon Close	Erection of Fence Delegated	Rebecca Compton	Questionnaire: 23/7/19 Statement: 14/8/19 Comments: -	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RL	Start date 04/06/19 Statements 16/07/19 Final comments 06/08/19	Public inquiry over 2 days	Ongoing No confirmed date has been given for this inquiry but is expected mid Jan/Feb 2020