

**List of Current Planning, Enforcement and Tree Appeals
December 2023**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/22/1877	Land at Warwickshire Police Headquarters	Outline planning application for 83 dwellings. Non-Determination Appeal	Dan Charles	Statement due: 2 June	Inquiry adjourned until 5 January 2024.	Ongoing

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position

W/20/1975	6 Lower Ladies Hills, Kenilworth	Formation of Driveway Committee Decision in Accordance with Officer Recommendation	Jonathan Gentry	Questionnaire: 10/2/22 Statement: 4/3/22	Ongoing
W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing Delegated	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/0834	The Haven, Rising Lane, Baddesley Clinton	2 dwellings Delegated	Dan Charles	Questionnaire: 26/7/22 Statement: 23/8/22	Ongoing
W/21/1852	West Hill, West Hill Road, Cubbington	Detached Garage; Maintenance Store with Walled Courtyard Delegated	George Whitehouse	Questionnaire: 1/3/23 Statement: 22/2/23	Ongoing
W/22/1574	Leasowe House, Southam Road, Radford Semele	Lawful Development Certificate for Garden Land Delegated	Michael Rowson	Questionnaire: 20/3/23 Statement: 17/4/23	Ongoing

W/22/1332 W/22/1333/LB	17 Bridge Street, Barford	Single Storey Rear Extension and Other Alterations Delegated	James Moulding	Questionnaire: 8/6/23 Statement: 6/7/23	Appeals Dismissed
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The Inspector pointed out that list descriptions are primarily for identification purposes only and do not provide an exhaustive or complete description of the special interest of those buildings. Therefore, proposed alterations to elevations or features not mentioned in the list description does not mean that there would be no effect on the building's special interest/significance.

From the list description and his observations, he considered that the special interest and significance of the listed building, insofar as it relates to these appeals, is predominantly derived from its age, plan form, fabric, function, and its architectural features. A key feature is the active frontage of the dwelling with its main windows and entrance addressing the street and relatively few openings to the rear. The appeal building and listed barn alongside are prominently viewed along Bridge Street, and contribute positively to the character and appearance of the CA.

He considered that the proposed addition of a large, flat-roofed extension would radically transform the appearance of the existing relatively blank rear elevation with minimal openings. It would introduce a large expanse of glazing, disrupting the appearance of this façade and fail to reflect the smaller openings present on the building. The extension would also be of a substantial massing and be of a very different form and appearance to the surrounding traditional buildings with pitched roofs. Its overall height would also be higher than the eaves of the existing single storey wings of the building which would further emphasise its dominance. It would appear as a large, discordant element which would fail to harmonise with the form and character of the dwelling and distort the visual relationship with the single storey buildings within this small courtyard. Whilst the use of matching brickwork would help the extension assimilate with the walling of the existing building it would not address the harm arising from the inappropriate form, scale and design of the proposal and the extent of the brickwork would emphasise its bulky form. It would therefore erode the ability to appreciate the special interest/significance of the listed buildings from the rear garden. The contemporary design would further exacerbate the inappropriateness of the appeal proposal and harm the building's significance/special interest. The creation of the two large openings in the historic rear wall would result in the loss of a sizeable amount of historic fabric. Moreover, it would disrupt the historic floorplan of the dwelling which is characterised by small rooms in a linear plan. The removal of the walling to create a more open-plan arrangement is distinctly at odds with the character of these historic spaces, distorting the historic identity and legibility of the building. Although the extension would be largely hidden from public view, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are available.

With regard to double glazing proposed, he considered it would have the potential to significantly alter the construction, detail and appearance of windows. Joinery details would be required to allow proper consideration of the proposed new window opening in the rear elevation. The information available did not offer sufficient clarity and robustness for the Inspector to be able to conclude that this element of the proposal would not cause harm to the building's special interest/significance.

W/22/0357	Liberty House, Stoneleigh Road, Blackdown	Lawful Development Certificate for Various Works Delegated	Lucy Shorthouse	Questionnaire: 23/6/23 Statement: 21/7/23	Ongoing
W/22/0941	Land South of Banner Hill Farm, Kenilworth	Proposed Energy Storage Facility Delegated	George Whitehouse	Questionnaire: 17/7/23 Statement: 14/8/23	Ongoing
W/22/0367	Clinton House, Old Warwick Road, Rowington	Single Storey Dwelling Committee Decision in Accordance with Officer Recommendation	Millie Flynn	Questionnaire: 30/6/23 Statement: 28/7/23	Appeal Allowed

In terms of Green Belt assessment, the appeal site lies outside the defined settlement boundary of Kingswood. However, case law suggests that an assessment of the situation on the ground should also be undertaken to ascertain whether the scheme would meet the Framework policy of being limited infill in a village. The Inspector considered that the appeal site and neighbouring front garden, combined with the adjoining agricultural land and field opposite create a gap in visible built form which reinforces the openness of the area. Taking all circumstances together, because of the gap in linear development, the agricultural land and the rural characteristics of this part of Old Warwick Road, he considered that the appeal site has a greater affinity and association with the surrounding countryside than with the village. Therefore, the appeal site, when experienced on the ground, falls outside the village for the purposes of considering exceptions under paragraphs 149 (e) of the Framework. However, the appeal site forms part of the residential garden of Clinton House and residential gardens which are not in built-up areas are not excluded from the

definition of previously developed land contained within the Framework. Whilst not infilling, paragraph 149 (g) of the Framework refers to the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development. Therefore, it was necessary for him to consider openness. The garden is currently devoid of any buildings or structures. As such, the introduction of a dwelling, and associated infrastructure, would unavoidably reduce the openness of the Green Belt in both spatial and visual terms. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt.

The proposal would lie outside the settlement boundary, which would be contrary to the strategy of the development plan. It would conflict with LP Policy H1 which seeks, amongst other things, to focus development to defined settlements boundaries. The appeal site lies outside of, but close to, the defined settlement boundary of Kingswood. A railway station is within the settlement along with a GP surgery, a post office, a public house, and a school. Although there is no footpath directly outside of the site linking to the village, there is one from the public house into the village and the Inspector considered that the site is within walking distance. He gave moderate weight to the accessible location of the site. Additionally, whilst the Council can demonstrate a 5-year supply of housing, the Officer Report details that a recent Housing Needs Survey highlights a need in the area for two-bedroom bungalows, which is proposed in the appeal scheme, and he gave moderate weight to this need. The appeal site is not within a built-up area and as it forms a private residential garden would be categorised as previously developed land in accordance with the definition within the Framework and he gave this consideration moderate weight.

There is a certificate of lawfulness for a single storey outbuilding on the appeal site located in the same location as the proposed dwelling with the same dimensions. He considered this to be a fall back that has a more than theoretical prospect of being developed and attached this significant weight.

The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful. To this must be added further moderate harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. Paragraph 148 of the Framework indicates that any harm to the Green Belt should be given substantial weight. However, he gave significant weight to the potential fallback position which may be implemented and would have the same effect on openness as the appeal scheme.

The Council is disappointed by the outcome of this appeal as it goes against the principles of Policy H1. Furthermore, the weight given to the fallback of a pd outbuilding is considered to be too high and would set a very undesirable precedent. It is also considered that appropriate consideration has not been given to the potential to construct outbuildings under permitted development in addition to the dwelling. The LPA is considering a legal challenge and is currently seeking Counsel's opinion on

this.					
W/22/0471	Leasowe House, Southam Road, Radford Semele	Erection of 2 Replacement Dwellings Non-Determination Appeal	George Whitehouse	Questionnaire: 4/8/23 Statement: 8/9/23	Ongoing
W/22/1672 and 1673	Hay Wood Grange, Birmingham Road, Wroxall	Removal of Condition restricting Permitted Development Rights Delegated	George Whitehouse	Questionnaire: 25/7/23 Statement: 22/8/23	Appeals Allowed
<p>While the Inspector allowed the appeals, the effect of his decision was not to remove the conditions in dispute in their entirety. He has amended the conditions such that permitted development rights for extensions, alterations and outbuildings continue to be withdrawn but for the reasons given, permitted development rights for other types of development and minor operations have in effect been reinstated. Following this decision, Officers have amended the standard removal of permitted development rights for barn conversions condition such that removal is limited to Part 1 Classes A-E and G rather than a wholesale removal of Part 1 and 2 PD rights as on reflection this approach was considered to be contrary to The Planning Practice Guidance (PPG) sets out that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity and advises that the scope of such conditions need to be precisely defined by reference to the GPDO and that a blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. As amended, this would satisfy the purpose of the condition which is to is to protect the rural character and appearance of barns.</p>					
W/22/1508	Land at Sherbourne Priors, Vicarage Lane,	2 Dwellings	Jack Lynch	Questionnaire: 8/9/23	Appeal Dismissed

	Sherbourne.	Delegated		Statement: 6/10/23	
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The Inspector noted that gaps around the village and the trees he saw give the CA a verdant and spacious character and appearance and considered that the presence of mature trees around the appeal site, the site's open nature and lack of built form positively contributes to the spacious and verdant character and appearance of the CA and its significance as an estate village. Whilst most of the roadside trees would be retained, a number would be removed to facilitate the creation of a new shared vehicular access for the proposed dwellings and building four relatively large, detached structures on the appeal site would materially erode its openness resulting in harm to the character of the area. While a number of trees would remain to provide screening, the houses would still be visible through gaps and particularly at the new entrance drive where some trees would be felled. Hence, he concluded that as a result of the proposed development, the contribution the appeal site makes to the heritage significance of the CA would be significantly diminished.

The Inspector noted that Listed Building's heritage significance is derived principally from its age and special architectural and historic interest as part of Sherbourne's development as an estate village and its connections with local architects and residents. The extensive lawned grounds run from these attractive elevations towards the appeal site and abut its boundary. He also noted that the appellant's photographs clearly show how the striped lawn of the house merges with the appeal site, almost as a single entity, such that the appeal site is clearly visible from the house and its windows, particularly on the western elevation, and consequently extends the landscape setting of the former vicarage. Whilst there is some remnant of a short section of estate railing there is no physical boundary between the lawned garden area of Sherbourne Priors and the rougher grass of the appeal site - the Council described the appeal site as being the former garden land to Sherbourne Priors. The Inspector considered that this was easy to imagine when seeing the site and its contiguous relationship with the adjacent landscaped garden and mowed lawn. Consequently, he considered that the open nature of the appeal site forms an integral part of the setting of the dwelling and allows an appreciation of the house, its attractive elevations and its landscaped setting, and contributes to the understanding as to its original prominence and importance in the village as a vicarage within the estate village. Hence the appeal site positively contributes to the wider setting of the listed building and its significance.

Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset can arise from its alteration or destruction, or from development within its setting. He considered that the erection of two dwellings and two detached garages on the appeal site would put substantial built form on the open land and erode the former garden land of the listed building. The effect would be to materially diminish the ability to appreciate the building's significance within the landscape and an understanding of its contribution to the estate village.

The reinstatement of estate railings and the planting of a native hedge along the boundary with the mowed lawn and rough grass would do little to negate the presence of built form on this open site, nor would the quality of the build and attention to design detailing sufficiently mitigate against the harm that would be caused. Hence the proposed development would diminish the setting of the listed building and in turn have an adverse effect on its significance.

Balanced against this there would be a number of public benefits: The provision of 2 dwellings in a village identified for small-scale development would help contribute to the housing mix, including ground floor accommodation accessible for those with impaired mobility. However, he noted that there is not a shortfall in housing delivery as the Council is able to demonstrate a 5-year supply of housing. There would also be some modest socio-economic benefits arising from the construction of the dwellings and additional spend of future residents for the local area and patronage of local services and facilities. There would also be some biodiversity gain from the planting of a native hedge along the site boundary and other planting.

Drawing all the above points together, the Inspector concluded that the public benefits of the proposal, alone or in combination, do not outweigh the harm that would be caused to the significance of the heritage assets.

W/22/0928	Third Floor Flat, 28 Clarendon Square, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 8/9/23 Statement: 6/10/23	Ongoing
W/22/1638	8 England Crescent, Leamington	Erection of Extensions and creation of New Dwelling Delegated	Millie Flynn	Questionnaire: 12/9/23 Statement: 10/10/23	Ongoing
W/23/0591	140-142 Parade, Leamington	Externally Illuminated Fascia Sign Delegated	Millie Flynn	Questionnaire: 4/9/23	Appeal Dismissed

				Statement: 22/9/23	
<p>He made reference to the Council's Shopfronts & Advertisements document as a material in this case as it provides guidance for such uses in the historic town centre stating that advertisements should be restricted to the name of the business and secondary sub-lettering will generally be discouraged and that if any form of illumination is to be considered it must be provided from a hidden source and all forms of external lights will not be permitted.</p> <p>He noted that while the appeal building is of individual design and appearance, it does nonetheless form part of a terrace of buildings where the principles set out in the guidance have largely been applied. This is apparent from simple, proportionate lettering to fascia advertisements and the general lack of sub-lettering and external light sources. He agreed in this regard with the Council that the nature of these advertisements and signage contributes to the character of restrained elegance of the conservation area.</p> <p>He considered that the additional sub-lettering positioned below the main lettering provides a more cluttered and less simplistic appearance to the overall advertisement, which is out of keeping with the character of the surrounding setting. This incongruous and uncharacteristic appearance is heightened by the prominence of the position of the advertisement in the street scene at a higher level than the neighbouring premises. The trough light positioned above the main lettering is not readily distinguishable as a physical feature due to the same colouring as the background to the advertisement. It does, however, stand out in relief from the fascia seen closer up. More significantly, however, it provides an external form of lighting that will be particularly uncharacteristic of its surrounds when in use, as there are no other obvious examples of similar light sources within the terrace.</p> <p>He acknowledged that the ground floor restaurant will be open at night and, as such, some form of illumination is necessary. However, specific guidance on this is in place to require a more muted form of lighting to preserve the character and appearance of the conservation area. The fact that the Inspector in a previous appeal decision at the same property did not explicitly say that trough lighting was inappropriate, is not sufficient basis to set aside the proposal.</p>					
W/23/0400	25 Blacklow Road, Warwick	2 Storey Front Extension Delegated	Theo Collum	Questionnaire: 31/8/23 Statement:	Appeal Dismissed

				21/9/23	
<p>The Inspector noted that whilst Blacklow Road includes individual varied detached properties, it also includes pairs or small groups of dwellings, which display a greater degree of uniformity of appearance, with one such group being the appeal property and the neighbouring two properties, Nos 27 and 29. The three dwellings are of similar scale with consistent design features, including a prominent front gable and a recessed two storey element to one side with a single storey garage and porch projecting forward from this. He considered that the group of dwellings makes a positive contribution to the street scene and are prominent within it due to their open frontages and position on a curve in the road, with an area of green space in front.</p> <p>The proposed two-storey extension would add a second forward-facing gable by infilling the recessed part of the dwelling's frontage. He considered that while the new element would be set back from the existing gable it would nonetheless add considerable bulk and mass to the front of the property due to its width and height. As such, it would materially alter the character and appearance of the appeal property and would be a dominant feature that would not appear subservient to the original dwelling, upsetting its proportions and original character. For the same reasons, it would also harmfully affect the current uniform design and appearance of the group of three dwellings. In particular, the current articulation, with half the front elevation recessed from the projecting gable of each of the dwellings, provides a rhythm and regularity to the appearance of the group, which would harmfully be disrupted by the proposal. Due to the prominence of the dwellings within the street scene, the harmful contrast between the original design and appearance of Nos 27 and 29 and that of the extended appeal property would be readily apparent.</p>					
W/22/1745	3 Rai Court, Beauchamp Road, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 4/10/23 Statement: 1/11/23	Ongoing
W/23/0101	Church Farm, Glasshouse Lane,	Single Storey Rear Extension Delegated	Thomas Senior	Questionnaire: 22/9/23	Ongoing

	Lapworth			Statement: 13/10/23	
W/23/0597	89 Buckley Road, Lillington	Single Storey Rear and Side Extension including Revised External Facing Materials Delegated	Thomas Senior	Questionnaire: 9/10/23 Statement: 30/10/23	Appeal Dismissed
<p>The Inspector noted that the despite some variations to the buildings in terms of form and size, there are many repeat and consistent property types creating a striking uniformity and visual cohesion to the street scene along this part of Buckley Road, assisted significantly by the common use of red facing brickwork and brown interlocking roof tiles. He found that the appeal property contributes positively to this cohesion through its conforming appearance. He agreed with the LPA that the use of white render for the existing dwelling and extension as proposed would not only be noticeably out of keeping with the appearance of the immediate group of neighbouring dwellings within the terrace of which it forms part but would also appear in stark contrast to the wider established character of the street scene, where a consistent use of red-facing brickwork is prevalent.</p> <p>He noted properties elsewhere along Buckley Road where individual properties display mixed materials, many obviously changed from their original appearance, but felt that these sit removed from the context of No 89 beyond the junction with Wellington Road to the east and along part of Buckley Road where there is a distinguishable shift in architectural style and character to the street scene. The lack of visual cohesion to the dwellings at this point is tangible and contrasts markedly with the harmony around the appeal site. Therefore, he did not share the appellant's view that a wholesale change to the appearance of No 89 would blend seamlessly into the streetscape at this point.</p> <p>The development has already commenced with the extension having been built in blocks ready for render. The matter has been passed to the Enforcement Team and the appellant is now proposing the use of brick slips to make the development more acceptable.</p>					
W/22/0198	Highlands Farm, Long Itchington Road, Offchurch	Erection of Dwelling Delegated	Kie Farrell	Questionnaire: 20/10/23 Statement:	Ongoing

				17/11/23	
W/22/1728	Claywood, Clattyland Lane, Beausale	Erection of Replacement Dwelling Committee Decision in accordance with Officer Recommendation	Kie Farrell	Questionnaire: 1/11/23 Statement: 29/11/23	Ongoing
W/22/1744	2 Rai Court, Beauchamp Road, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 4/10/23 Statement: 1/11/23	Ongoing
W/23/0068	17 High Street, Cubbington	Subdivision of Flat to Create 2 Flats Delegated	Millie Flynn	Questionnaire: 17/10/23 Statement: 14/11/23	Ongoing
W/23/0445	Garage, 22 St Marys Terrace, Leamington	Change of Use to 1 Dwelling Delegated	Millie Flynn	Questionnaire: 31/10/23 Statement: 28/11/23	Ongoing
W/22/1762 and 1763/LB	41 Portland Street, Leamington	Replacement of Windows Committee Decision in accordance with Officer Recommendation	Theo Collum	Questionnaire: 27/11/23 Statement: 11/12/23	Ongoing

New W/22/1739	26 Wathen Road, Warwick	Erection of dwelling Appeal against Non-Determination	Jack Lynch	Questionnaire: 15/12/23 Statement: 12/1/24	Ongoing
New W/23/0768	Land at, Squab Hall Farm, Harbury Lane, Bishops Tachbrook	Change of use of agricultural land to dog walking field and associated boundary fencing and Gates Delegated	Jack Lynch	Questionnaire: 9/1/24 Statement: 23/1/24	Ongoing
New W/23/0852	15 South Terrace, Whitnash	Lawful Development Certificate for an existing roof terrace and balustrade. Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
New W/23/1019	15 South Terrace, Whitnash,	Erection of balustrade around existing flat roof rear projection (Retrospective) Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
New W/21/1492	10 Meadow Close, Lillington	Lawful Development Certificate to confirm that planning permission W/80/0019 was implemented. Delegated	James Moulding	Questionnaire: 6/12/23 Statement: 3/1/23	Ongoing
New	Church Farmhouse,	Erection of first floor extension to	James	Questionnaire:	Ongoing

W/22/0956 and W/22/0957/LB	Woodway Lane, Budbrooke	residential barn Delegated	Moulding	4/1/24 Statement: 18/1/24	
New W/23/0530	13 Hall Close, Stoneleigh	Various Extensions and Timber Cladding Delegated	Lucy Shorthouse	Questionnaire: 13/11/23 Statement: 4/12/23	Ongoing
New W/19/1133	Land at Ward Hill, Warwick Road, Norton Lindsey	Erection of two replacement poultry houses and the erection of a farm manager's dwelling. Committee Decision in accordance with Officer Recommendation	Dan Charles	Questionnaire: 16/10/23 Statement: 13/11/23	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
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ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	Will Holloway	Statement: 22/11/19	Public Inquiry 23/4/24	Ongoing
ACT 102/22	126 Cubbington Road, Lillington, Leamington Spa	Creation of further storey	Phil Hopkinso n	Statement:8 August 2023	Written Reps	Ongoing
ACT 600/18	Nova Stables, Glasshouse Lane, Lapworth	Erection of building in green belt	Will Holloway	Statement: 31 st July 2023	Hearing TBC	Ongoing
ACT 103/23	Land at Uplands Farm, Lapworth	Residential use of caravan	Will Holloway	No dates as yet	TBD	Ongoing

ACT 506/20	Hatton Arms, Hatton	Erection of covered enclosure to rear	Stephen Hewitt	No dates as yet	TBD	Ongoing

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position