

**List of Current Planning, Enforcement and Tree Appeals  
February 2024**

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. <b>Non-Determination Appeal</b>	Dan Charles	Statement due: 2 June	Various Dates in January	Awaiting Decision

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 <b>Committee Decision in Accordance with Officer Recommendation</b>	Jonathan Gentry	Questionnaire: 10/2/22 Statement: 4/3/22	Ongoing
W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing <b>Delegated</b>	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/0834	The Haven, Rising Lane, Baddesley Clinton	2 dwellings <b>Delegated</b>	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 <b>Delegated</b>	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 <b>Delegated</b>	Michael Rowson	Questionnaire: 20/3/23 Statement: 17/4/23	Ongoing

W/22/0357	Liberty House, Stoneleigh Road, Blackdown	Lawful Development Certificate for Various Works <b>Delegated</b>	Lucy Shorthouse	Questionnaire: 23/6/23 Statement: 21/7/23	Ongoing
W/22/0471	Leasowe House, Southam Road, Radford Semele	Erection of 2 Replacement Dwellings <b>Non-Determination Appeal</b>	George Whitehouse	Questionnaire: 4/8/23 Statement: 8/9/23	Ongoing
W/22/1638	8 England Crescent, Leamington	Erection of Extensions and creation of New Dwelling <b>Delegated</b>	Millie Flynn	Questionnaire: 12/9/23 Statement: 10/10/23	<b>Appeal Dismissed</b>

The appeal site comprised a two-storey semi-detached dwelling and associated garden area and the Inspector noted that England Crescent is characterised by two storey semi-detached dwellings which are of a similar design which creates a uniform character, and the established layout creates a spacious and softer landscaped streetscene. The width of plots along England Crescent do vary, but only by a relatively small amount, meaning there is a regular and consistent pattern which contributes positively to the character and appearance of the area. The proposed two storey dwelling would be attached to the side elevation of the host dwelling and subservient in its appearance, being set back and down. The use of matching materials and fenestration would enable the proposed development to appear as an extension. However, the Inspector agreed with the LPA that the new dwelling, appearing as an extension, would not reflect the established appearance of independent dwellings along the existing streetscene undermining the prevailing uniform character. The proposed width of both the new plot and the existing plot associated with the host dwelling would be reduced and would be incongruous with the prevailing pattern of development. The proposal would also result in the intensification of the residential use at the appeal site and would also result in most of the space to the front of the appeal site being used for parking at odds with the prevailing character of the area formed by a combination of front garden space and parking area to the front of each property which provides for a more landscaped streetscene which contributes positively to the character of the area and the loss of the garden area located to the front of the host dwelling, would erode this feature. He

also considered that the intensification of the use would introduce additional domestic paraphernalia associated with an independent dwelling, as well as additional pedestrian and vehicular movements which would detract from the character and appearance of the area, by introducing further independent residential development into a more confined space than is characteristic of the area. He therefore concluded that the proposal would be harmful to the character and appearance of the area.

W/23/0101	Church Farm, Glasshouse Lane, Lapworth	Single Storey Rear Extension <b>Delegated</b>	Thomas Senior	Questionnaire: 22/9/23 Statement: 13/10/23	<b>Appeal Allowed and Costs Claim Refused</b>
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Essentially the parties disagreed as to how the terms 'original building' and 'extension' applied to the circumstances of the appeal site and consequently, their calculations differed, and there was dispute whether the proposal would represent a disproportionate addition in terms of Green Belt policy. There was no dispute that the northern barn (referred to as the former cowstalls) also existed on 1 July 1948, which is consistent with the historic mapping and the appellant accepted that a link was erected in about 2000 to connect the farmhouse to the cowstalls which in turn were converted to form a games room with a refurbished garden store and garaging. The Council did not consider that the former cowstalls formed part of the original building with the farmhouse as it was a separate entity and in assessing cumulative extensions and additions to the original building, it included the floorspace of the cowstalls, on the basis of which a further 16m<sup>2</sup> of floorspace associated with the proposed rear extension that is the subject of this appeal, would mean that the cumulative floorspace would be increased well beyond the 30% guideline.

The Inspector was not convinced that the floorspace calculation advanced by the Council took sufficient account that the cowstalls were also a building in existence on 1 July 1948. Moreover, the calculation is described by the supporting text of Policy H14 as a guide, expressly confirming that flexibility remains to consider each case on its merits. In the Inspector's view, the complexity of the configuration of the farmstead arrangement would be a suitable instance of where a gross floorspace calculation should not be applied too simplistically. Fundamentally, he was of the view that in considering cumulative impact arising from previous extension or alterations in this case, it cannot be irrelevant to the matter of openness that the cowstalls were in existence alongside the original building and it would therefore be inaccurate to treat the converted cowstalls building as if it were equivalent to a new built form extension, as the latter would have a much greater impact on openness than the former. Moreover, he noted that Policy H14 of the LP refers to the original 'dwelling' rather than building and so is not entirely consistent with the wording of the Green Belt policy in the Framework and he gave greater weight to the terminology of the Framework in these respects, especially as Policy DS18 of the LP confirms it will apply national Green Belt policy and Policy H14 has wider application than just proposals in

the Green Belt. He concluded that the proposal would not result in disproportionate additions over and above the size of the original building.

COSTS:

The appellant claimed that the Council behaved unreasonably because it took an illogical and unsubstantiated approach to determining whether the proposal would constitute inappropriate development in the Green Belt, and failed to identify what harm would be caused to the Green Belt. However, the Inspector noted that the Council's Delegated Decision Worksheet contained a thorough explanation of how it approached the national and local green belt policy and further set out how it made floorspace calculations with respect to the appeal proposal, which led it to conclude the proposal would be a disproportionate addition to the original building. The Inspector acknowledged that the farmstead configuration of the appeal site possesses some complexity and was therefore not straightforward or immediately obvious as to how to apply the relevant national and local green belt policies, hence the Council did present a plausible explanation and sufficient justification for its position. Therefore, he did not agree that this was a case where it was clear that the proposal should be permitted. He concluded that having explained on what basis the Council found the proposal to constitute inappropriate development, it was not unreasonable for it to find that it would by definition be harmful to the Green Belt and therefore unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

W/22/0198	Highlands Farm, Long Itchington Road, Offchurch	Erection of Dwelling <b>Delegated</b>	Kie Farrell	Questionnaire: 20/10/23 Statement: 17/11/23	Ongoing
W/22/1728	Claywood, Clattyland Lane, Beausale	Erection of Replacement Dwelling <b>Committee Decision in accordance with Officer Recommendation</b>	Kie Farrell	Questionnaire: 1/11/23 Statement: 29/11/23	Ongoing

W/23/0068	17 High Street, Cubbington	Subdivision of Flat to Create 2 Flats <b>Delegated</b>	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 <b>Delegated</b>	Millie Flynn	Questionnaire: 31/10/23 Statement: 28/11/23	Ongoing
W/22/1762 and 1763/LB	41 Portland Street, Leamington	Replacement of Windows <b>Committee Decision in accordance with Officer Recommendation</b>	Theo Collum	Questionnaire: 27/11/23 Statement: 11/12/23	<b>Appeals Dismissed</b>

The proposal was to replace the existing windows with new timber sash windows of the same profiles as existing using slimline double-glazed units. The existing windows to front and rear have finely detailed glazing bars. The appellant accepted that the upper floor windows on the front elevation were original, and the Inspector observed that they were constructed in good quality timber, of fine profile and detailing, and the wood in the sashes, cases, glazing bars and cills was generally solid and robust, albeit that there are some small and currently relatively contained areas of rot and that the windows may have been previously repaired. He considered that none of the windows are in such poor condition that they could not be renovated again, despite some minor and mostly superficial failings such as peeling paintwork and small areas of missing putty and surface mould and overall, therefore, the loss of these original windows would result in the irreplaceable loss of significant original historic fabric of fine quality and detailing, causing irreversible harm to the integrity of the historic asset.

Furthermore, whilst the proposed windows intended to replicate the geometry of all the existing windows, he considered that the proposed double-glazed units would inevitably be deeper in profile than a single pane of glass, even though 14mm slimline units were proposed. He stated that when viewed obliquely, this would result in the glazing bars appearing to be of heavier profile than existing. The heaviness would be emphasised by the closeness of the glazing bars to each other, being separated only by small

panes of glazing. As a consequence, given that the appeal building forms just one half of the listed building, the proposed windows would jarringly contrast with the existing windows in the other half of the listed pair. The largely symmetrical appearance of the listed building as a whole would be considerably reduced. Accordingly, the proposal would not preserve the listed building. It follows that the character and appearance of the Conservation Area would also be incrementally harmed. These harms would arise even if any of the other individual windows in the listed building were found to be not original, and despite the differing approach taken by Edinburgh Council and the asserted datedness of the guidance from Warwick Council and Historic England Under the terms of the Framework, he qualified that the degree of harm would be less than substantial, but nevertheless of considerable importance and weight.

He referenced Paragraph 208 of the Framework sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. **Whilst acknowledging that energy efficiencies provided by the proposal would be a public benefit, fundamentally he considered that the weight to be given to this was reduced by the availability of alternative measures, such as secondary glazing, heavy curtains and possibly shutters, all of which could provide a high level of insulation.** Secondary glazing could be discreetly attached to the flat part of the architrave or to the staff bead, and has the benefits of being easily reversible, having simple mechanisms, and better environmental credentials, whilst retaining the historic fabric and not adversely impacting on the listed building's integrity.

He appreciated that air source heat pumps require a host property to be well insulated but was not persuaded that the margin of difference between the energy efficiency of the proposed double glazing and the potential alternative measures would be so substantial as to be determinative. The appellant's intended investment in the building was acknowledged and the overall improvement to housing stock would also be a public benefit, albeit of limited weight. The continued use of the listed building was not dependant on the proposal as the present residential use would not cease in its absence. **He concluded that even taken together, the public benefits would not outweigh the harm identified.**

W/22/1739	26 Wathen Road, Warwick	Erection of dwelling <b>Appeal against non-determination</b>	Jack Lynch	Questionnaire: 15/12/23 Statement: 12/1/24	Ongoing
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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 <b>Delegated</b>	Jack Lynch	Questionnaire: 9/1/24 Statement: 23/1/24	Ongoing
W/23/0852	15 South Terrace, Whitnash	Lawful Development Certificate for an existing roof terrace and balustrade. <b>Delegated</b>	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
W/23/1019	15 South Terrace, Whitnash,	Erection of balustrade around existing flat roof rear projection (Retrospective) <b>Delegated</b>	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
W/21/1492	10 Meadow Close, Lillington	Lawful Development Certificate to confirm that planning permission W/80/0019 was implemented. <b>Delegated</b>	James Moulding	Questionnaire: 6/12/23 Statement: 3/1/24	Ongoing
W/22/0956 and W/22/0957/LB	Church Farmhouse, Woodway Lane, Budbrooke	Erection of first floor extension to residential barn <b>Delegated</b>	James Moulding	Questionnaire: 4/1/24 Statement: 18/1/24	Ongoing
W/23/0530	13 Hall Close,	Various Extensions and Timber	Lucy	Questionnaire:	Ongoing



	Stoneleigh	Cladding <b>Delegated</b>	Shorthouse	13/11/23 Statement: 4/12/23	
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. <b>Committee Decision in accordance with Officer Recommendation</b>	Dan Charles	Questionnaire: 16/10/23 Statement: 13/11/23	Ongoing
W/23/0643	34 Leyfields Crescent, Warwick	Erection of Fence <b>Delegated</b>	James Moulding	Questionnaire: 11/1/24 Statement: 1/2/24	Ongoing
W/23/1163	27 Lamintone Drive, Leamington	First Floor Side Extension and Dormer Window <b>Delegated</b>	James Moulding	Questionnaire: 12/1/24 Statement: 2/2/24	Ongoing
W/23/1409	63 Kempton Drive, Warwick	Single storey rear extension <b>Delegated</b>	Theo Collum	Questionnaire: 12/1/24 Statement: 2/2/24	Ongoing

<b>New</b> W/23/0342/LB	Oaks Farm, Farm Road, Kenilworth	Installation of replacement Windows <b>Delegated</b>	Jane Caterall	Questionnaire: 13/2/24 Statement: 12/3/24	Ongoing
<b>New</b> W/23/0076	9 Leicester Street, Leamington	Creation of Apartment in Basement <b>Delegated</b>	Kie Farrell	Questionnaire: 7/2/24 Statement: 6/3/24	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	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 <sup>st</sup> 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/Inquiry	Current Position