

**List of Current Planning and Enforcement Appeals  
7 November 2017**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Sandip Sahota	TBA	-	<b>Appeal Withdrawn</b>

Informal Hearings

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

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/16/0429	68 Thornby Avenue, Kenilworth	Single Storey Rear Extension <b>Delegated</b>	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	Ongoing
W/16/2157	Land at the former Bryants Nursery, Station Lane, Lapworth	3 detached dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 19/5/17 Statement: 16/6/17 Comments: 30/6/17	<b>Appeal Allowed and Costs Awarded to the Appellant</b>

A consequence of the adoption of the new local plan is that the site is no longer in the Green Belt. Consequently the Council advised the Inspectorate that the first reason for refusal had been overcome. In terms of the second reason for refusal relating to the requirement for open space contributions, the Inspector stated that he had no substantive evidence before him to demonstrate that the site is located in an area that has deficiencies in open space, sport and recreational facilities. The Parish Council requested that the contribution should be used towards upgrading dated play equipment at the Lapworth Village Hall site. However, the Inspector made reference to para 031 of the Planning Practice Guidance which states that contributions should not be sought for developments of 10-units or less which have a maximum combined gross floor space of no more than 1000sqm and concluded that as the proposal was only for 3 dwellings the lack of a financial contribution towards local open space provision did not carry any weight against the appeal.

In terms of the application for costs, the appellant made the case that the Council had behaved unreasonably on three counts: 1. By not taking into account emerging policies of the Local Plan and the absence of a 5 year supply of housing at the time of the application; 2. By not responding to the appellants' appeal case and 3. By pre-judging the potential effect of the outline proposal on the openness of the Green Belt; 4. Seeking a financial contribution towards open space provision and 5. By determining the proposal inconsistently with reference to housing development within the Green Belt at Fairfield and land to the west of Mill Lane.

The Inspector considered that it was not unreasonable for the Council to rely on its Delegated Report for the purposes of the appeal. He also considered that it was not unreasonable for the Council to consider the effect of the proposal on Green Belt openness. Furthermore, he considered that the Council was neither unreasonable nor inconsistent in the way it assessed the proposal in the context of the 5 year housing land supply. However, in relation to the housing development on land to the West of Mill Lane, the officer's assessment afforded some weight to the location of the site in the emerging local plan. The Inspector therefore concluded that the Council assessed the appeal proposal differently and demonstrated unreasonable behaviour by not determining similar cases in a consistent manner.

W/16/2046	Llandreies, Church Road, Old Milverton	New Dwelling <b>Committee Decision in accordance with Officer Recommendation</b>	Dan Charles	Questionnaire: 26/6/17 Statement: 24/7/17 Comments: 7/8/17	<b>Appeal Dismissed</b>
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The Inspector agreed with the LPA that the additional volume of the proposal compared with the existing dwelling would be clearly evident and as such would impinge on the openness of the Green Belt and would be inappropriate development.

The Inspector noted that the appellant had obtained a lawful development certificate for a two storey rear extension and single storey side extension which would make the dwelling of a similar size to the appeal scheme. He was also aware that there was a planning permission for a two storey side extension and front porch.

The Inspector considered that the fall-back scheme would be unlikely to have a materially greater impact on openness than the appeal scheme and attributed only moderate weight to the fall-back position in this case.

W/16/1650	Lower Farm, Brownley Green Lane, Hatton	New Dwelling <b>Delegated</b>	Lucy Hammond	Questionnaire: 23/6/17 Statement: 21/7/17 Comments: 4/7/17	Ongoing
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W/16/2108	Park House, 6 Adcock Drive, Kenilworth	1 Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 17/7/17 Statement: 14/8/17 Comments: 28/8/17	<b>Appeal Allowed</b>
<p>The Inspector considered that views of the site from public vantage points was limited and views from adjoining gardens would also be limited taking into account the sunken and single storey height of the proposed dwelling. Making reference to the nearby development at Clements Close, the Inspector did not agree that the 'backland' location of the proposal would be contrary to the prevailing pattern of development in the locality. He also found that the resultant plot size for the both the proposed and existing house would remain larger than those in the surrounding area.</p> <p>In response to the Council's reason for refusal, the appeal was accompanied by an Arboricultural Report. The Inspector considered that with no substantive evidence to the contrary, the precautions set out in the report would ensure that the proposal would not have a harmful effect on the TPO Cedar tree.</p> <p>The proposal included a 2m high fence along the site boundary between the proposed bungalow and the existing house. The Inspector considered that this would remove the opportunity for direct views between the conservatory and lounge and would therefore preserve relative privacy and taking into account the remaining open aspect of the conservatory and the additional side window of the lounge the fence would not harm outlook.</p>					
W/16/2103	The Oaks, Chessetts Wood Road, Lapworth	Change of use of land to garden land and single storey extension <b>Delegated</b>	Holika Bungre	Questionnaire: 26/6/17 Statement: 24/7/17 Comments: 7/8/17	Ongoing

W/17/0110 and W/17/0111 /LB	19 Mill Street, Warwick	Single Storey Rear Extension <b>Delegated</b>	Emma Spandley	Questionnaire: 21/7/17 Statement: 18/8/17 Comments: 1/9/17	Ongoing
W/16/2123 /LB	Rowington Hall, Old Warwick Road, Rowington	New Slate Roof <b>Delegated</b>	Nick Corbett	Questionnaire: 21/7/17 Statement: 18/8/17 Comments: 1/9/17	Ongoing
W/16/0112	Glenthorne, Fiveways Road, Shrewley	Certificate of Lawful Use for use of land as part of curtilage <b>Delegated</b>	Sandip Sahota	Proof of Evidence: 7 August 2017	<b>Application for costs refused</b>
<p>The appellant claimed that the Council deliberately concealed evidence at both application and appeal stages but these claims related to the application and the subsequent appeal that were considered at a previous Inquiry and the Inspector therefore considered that the claims were not relevant to the costs application made subsequent to the recent Inquiry. The appellant claimed that the Council had not determined similar cases in a consistent and similar manner. However, in relation to the examples cited, the Inspector considered that the circumstances of the cases were different and each case must be determined on its individual merits and therefore the Council had not behaved unreasonably in this respect. The appellant claimed that the Council had provided information that was inaccurate or untrue. However, the 'information' was interpretation of aerial photographs and the Inspector considered that these were matters of planning judgement and the Council had not acted unreasonably in this respect. The appellant maintained that the Council acted contrary to case 1a. However, the Inspector considered that the views expressed by the Council's witness were reasonably made and he was entitled to disagree with the appellant. The Council had not disagreed on the relevance of case law and had taken on board the principle authority. The Inspector therefore concluded that unreasonable behaviour by the Council resulting in unnecessary or wasted expense had not been demonstrated.</p>					

W/17/0109	R/O 21 Dale Street Leamington	New Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 22/8/17 Statement: 19/9/17 Comments: 3/10/17	Ongoing
W/17/1022	York Barn, Pagets Lane, Bubbenhall	Removal of Condition restricting Permitted Development Rights <b>Delegated</b>	Ed Pigott	Questionnaire: 5/10/17 Statement: 2/11/17 Comments: 16/11/17	In preparation
W/16/2169	66 Radford Road, Leamington	Change of Use to HMO <b>Delegated</b>	Emma Spandley	Questionnaire: 6/10/17 Statement: 3/11/17 Comments: 24/11/17	In preparation
W/17/0581	Land to the rear of 122 Leicester Lane,	Erection Of 5 x 4 bed houses <b>Delegated</b>	Emma Spandley	Questionnaire: 11/9/17 Statement: 9/10/17 Comments: 23/10/17	Ongoing

W/17/0429	95 Clarendon Street, Leamington	Hipped roof incorporating increased ridge height and dormer windows <b>Delegated</b>	Holika Bungre	Questionnaire: 28/9/17 Statement: 20/10/17 Comments:	Ongoing
W/17/0419	The Moat House, Church Road, Honiley	Certificate of Lawfulness for Outbuilding <b>Delegated</b>	Emma Spandley	Questionnaire: 20/9/17 Statement: 18/10/17 Comments: 8/11/17	In preparation
W/16/1788	135 Warwick Road	Residential development: revised design including to access road width. <b>Committee Decision contrary to Officer Recommendation</b>	Lucy Hammond	Questionnaire: 13/9/17 Statement: 11/10/17 Comments: 25/10/17	Ongoing
<b>New</b> W/17/0643	32 Stephenson Close, Milverton	Erection of Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 17/10/17 Statement: 14/11/17 Comments: 28/11/17	In preparation
<b>New</b> W/17/0280	Chestnut Court, 4 Guys Cliffe Avenue, Leamington	New Roof with Increased Ridge Height and Dormer Windows <b>Delegated</b>	Holika Bungre	Questionnaire: 2/11/17 Statement: 30/11/17	In preparation

				Comments: 14/12/17	
<b>New</b> W/17/0354	18 Sandown Close, Lillington	Change of Use of Land to Residential Land and Erection of Boundary Wall <b>Delegated</b>	Liz Galloway	Questionnaire: 2/11/17 Statement: 30/11/17 Comments: 14/12/17	In preparation
<b>New</b> W/17/0514	Land at the Valley, Radford Semele	Residential Development of up to 20 Dwellings <b>Delegated</b>	Rob Young	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	In preparation
<b>New</b> W/17/0686	Lodge Farm House, Westwood Heath Road	Change of Use to 9 Bedroom HMO <b>Committee Decision contrary to Officer Recommendation</b>	Dan Charles	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	In preparation
<b>New</b> W/17/0432	79 Ebourne Close, Kenilworth	Single Storey Front Extension <b>Delegated</b>	Helena Obremski	Questionnaire: 27/10/17 Statement: 20/11/17 Comments: -	In preparation



<b>New</b> W/17/0632	Yew Tree House, Old Warwick Road, Lapworth	Retention of Single Storey Extension <b>Delegated</b>	Helena Obremski	Questionnaire: 31/10/17 Statement: 22/11/17 Comments: -	In preparation
<b>New</b> W/17/0517	17 Stoneleigh Close Stoneleigh	One and Two Storey Extensions <b>Delegated</b>	Holika Bungre	Questionnaire: 23/10/17 Statement: 14/11/17 Comments: -	In preparation
<b>New</b> W/17/0546	7 Keytes Lane, Barford	Two storey extension and garage <b>Delegated</b>	Holika Bungre	Questionnaire: 23/10/17 Statement: 14/11/17 Comments: -	In preparation
<b>New</b> W/17/0024	Unit 3, Just Nice House, Millers Road, Warwick	Change of Use to Personal Training Facility <b>Delegated</b>	Lucy Hammond	Questionnaire: 17/10/17 Statement: 14/11/17 Comments: 28/11/17	In preparation

### Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 340/16	Rowington Hall, Old Warwick Road, Rowington	Unlawful replacement of slate roof without listed building consent	NC	Appeal Start 01/09/17 Statement due 13/10/14 No final comments date yet	-	Ongoing
ACT 363/15	Fizzy Moon 35 Regent Street Leamington Spa	Unlawful works to listed building (painting of windows, new menu board, timber clad front steps,  installation of planter	RL	Appeal start 20/09/17 Statement due  01/11/17 Final comments 22/11/17	-	Ongoing
ACT 167/16	Flat 2, 99 Upper Holly Walk Leamington Spa	Unauthorised installation of balcony	TBC	Appeal Start 22/09/17 Statement 03/11/17 Final comments 24/11/17		Ongoing

ACT038/17	66 Radford Road Leamington Spa	Unauthorised change of use to HMO	ES	Appeal Start 22/09/17 Statement 03/11/17 Final comments 24/11/17		Ongoing
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Tree Appeals
