

**Planning Committee:** 26 February 2013 **Item Number: 14**

**Investigation Number:** ENF 111/15/11

**Town/Parish Council:** Beausale, Haseley, Honiley and Wroxall

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### **Wroxall Abbey, Wroxall**

The installation and erection of hardsurfaced areas; sheds; a marquee extension; pergolas and covered walkways.

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This report is brought before committee to request that enforcement action be authorised.

### **RECOMMENDATION**

That appropriate enforcement action be authorised in respect of the following:-

1. The permanent removal in their entirety of the concrete hard standing the subject of this report and the metal shed positioned on that hardstanding and the reinstatement of that area to its former condition as a landscaped garden with a compliance period of 3 months.
2. The permanent removal in their entirety of the marquee extension; pergolas and associated hard surfaced areas and the reinstatement of the areas to their former condition as a landscaped garden with a compliance period of 3 months.
3. The permanent removal in their entirety of the covered walkways and associated hard surfaced areas and the reinstatement of the areas to their former condition as a landscaped garden with a compliance period of 3 months.
4. The permanent removal in its entirety of the shed with a compliance period of 6 months.

### **BACKGROUND**

As part of a comprehensive investigation into a number of alleged breaches of planning control at this site, unauthorised works have been identified as follows:-

1. The erection of a marquee and the subsequent extension of that marquee including the installation of an associated hard surface area.
2. The erection of pergolas on existing hard surfaced areas.

3. The erection of covered walkway structures and associated hard surfaced areas.
4. The erection of 3 sheds and a portable building. The portable building and one of the sheds were located in the kitchen garden to the rear of the main hotel building. A further shed is located on the green between the main hotel building and St Leonards Church. The 3<sup>rd</sup> shed is located on a hard surface adjacent to the Crinkle Crankle wall within the Wren Garden.
5. The creation of additional car parking between the hotel building and St. Leonards Church.
6. The boarding up of an opening in the rear elevation of the Listed Court Yard Building.
7. The laying of hard surface areas adjacent to The Crinkle Crankle Wall within The Wren Garden.
8. The creation of a terrace with feature pools to the side and rear of the main hotel building.
9. The stationing of 8 mobile homes for the purposes of employee accommodation to the rear of the kitchen garden.

As part of this on-going enforcement investigation, the responsible parties have voluntarily removed 4 mobile homes, the portable building and one of the sheds. They have also infilled the opening in the Court building in an appropriate manner.

Whilst 4 mobile homes remain at the site for the use of hotel employees, there is evidence that those vehicles have been continually stationed at the site for that purpose for in excess of 4 years such that no further action could be taken in that respect.

A Certificate of Lawfulness has been issued in respect of an existing marquee within the Wren Garden: evidence submitted with that application was sufficient to demonstrate that the marquee became lawful in 2007. There is also evidence that the creation of additional car parking by means of the laying of a hard surface was undertaken over 4 years ago such that no further action could be taken in that respect.

However the following matters remain to be resolved and are the subject of this report:-

Within the Wren Garden:

1. The creation of a concrete hard surface area and the positioning of a shed adjacent to the Crinkle Crankle Wall.
2. The erection of a substantial extension to an existing marquee and associated hard surfaced area.
3. The installation of covered walkways, pergolas and associated hard surfaced areas.

and:-

The erection of a shed on the green between the main hotel building and the church yard.

## **RELEVANT POLICIES**

### **Warwick District Local Plan 1996-2011**

- DP1-Layout and Design.
- DP3- Natural and Historic Environment and Landscape
- DP4-Archaeology
- DP8-Parking.
- DAP4- Protection of Listed Buildings
- DAP11-Protecting Historic Parks and Gardens

### **National Policy**

The National Planning Policy Framework.

## **PLANNING HISTORY**

This site has an extensive planning history both prior to and following the grant of planning permission for its conversion from a school to a hotel in 1998 which is not specifically relevant here.

However, as a result of the current enforcement investigation the following applications have been submitted and determined:-

- W/11/0758/LB: Retrospective planning application in respect of an extension to the existing swimming pool to provide treatment rooms- Planning permission granted.
- W/12/249: Certificate of Existing Lawful Development for the erection of a marquee- Certificate of Lawfulness issued.
- W/12/250- Certificate of Existing Lawful Development for the installation of a granite patio including two pools- Certificate of Lawfulness issued.
- W/12/251- Certificate of Existing Lawful Development for the erection of a shed- Certificate of Lawfulness not issued.
- W/12/545 Retrospective planning application for the retention of the marquee extension, pergolas and covered walkway- Planning permission refused by reason of their comprising inappropriate development within the Green Belt and the impact upon the setting of a Listed Building.
- W/12/836- Certificate of Lawful Development application for the erection of a shed-.Certificate of Lawfulness not issued.

## **KEY ISSUES**

### **The Site and its Location**

The Wroxall Abbey Estate comprises 27 acres of open parkland with a collection of Listed Buildings and private grounds, the latter comprising a

Grade II Historic Park and Garden. The site is located in the open countryside and Green Belt.

The Abbey itself is a substantial Victorian mansion built in the Victorian Gothic style, which is Grade II listed. The original house, once owned by Christopher Wren was demolished in around 1870. Various alterations and improvements to the estate were carried out during Wren's ownership including the layout of what is known as 'The Wren Garden'.

This garden is enclosed to the east and north by early 18th Century brick walls. The north wall, known as the Crinkle Crankle Wall, is Grade II Listed. With the exception of the tennis court, on which a lawful marquee, is now located, the Wren Garden reflects the original outline of the garden. In 1861 the Wren garden was described as kitchen garden with the north wall being planted with fruit trees.

The Church of St Leonard which is located adjacent to main hotel building is known locally as Wren's Cathedral and is a Grade I Listed Building. The ruins of the 12th Century abbey located within the site also comprise a Scheduled Ancient Monument.

### **Assessment**

The National Planning Policy Framework (NPPF) states that the essential characteristics of the Green Belt include its openness and permanence (paragraph 79). It sets out that as with previous Green Belt Policy, inappropriate development is, by definition harmful and should not be approved except in very special circumstances (paragraph 87).

Apart from the exceptions set out at paragraph 89, new buildings comprise inappropriate development as do other forms of development which do not preserve the openness of the Green Belt.

At paragraph 131, the NPPF also sets out that in making planning decisions, local planning authorities should take account of the desirability of sustaining and enhancing historic heritage assets. Further at paragraph 133 it states that where development would lead to substantial harm to such assets, permission should be refused unless substantial public benefits outweigh that harm.

### **The Wren Garden: Hard Standing and Shed**

This concrete hard standing and corrugated metal storage shed have been constructed within the historic Wren Garden adjacent to the Grade II Listed Crinkle Crankle wall and the Ancient Monument within the site.

The hard standing extends to an area of some 100 square metres and along with the shed is considered to be unsightly, materially impacting upon the historic character and appearance of this part of the Historic Park and Garden, the setting of both the Listed wall and the Ancient Monument.

### **The Wren Garden: Extension to Marquee, Pergolas, Covered Walkways and Associated Hard Surfaced Areas.**

This extension to the existing marquee which extends to some 225 square metres in area; associated pergolas, covered walkways and related hard surfaced areas are also located within the historic Wren Garden. The structures are each permanently fixed to the ground in a manner such that they are considered to comprise development requiring planning permission.

Cumulatively, these unauthorised features are of a considerable size and bulk dominating the formal layout of the Wren Garden materially impacting upon the historic character and appearance of this part of the Historic Park and Garden, the setting of both the Listed wall and the Ancient Monument.

By reason of their extent and bulk, cumulatively, they are also considered to comprise inappropriate development in the Green Belt to which there is an objection in principle, materially impacting upon the openness and visual amenities of the Green Belt in respect of which there are no known very special circumstances.

### **The Green: Shed**

This structure is located within the green adjacent to the Listed hotel and church and the site of the Ancient Monument. It is considered to be unsightly materially impacting upon the historic character and appearance of the site including the setting of the above Heritage Assets.

### **Justification for enforcement action**

Following the absence of any voluntary resolution in respect of the matters the subject of this report, in view of the significant adverse impact of the above unauthorised development on the historic character and appearance of this site and the heritage assets located therein, and on the openness and visual amenities of the Green Belt, it is considered that formal enforcement action is now required in order to remedy these outstanding matters.

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