

Planning Committee: 10th July 2007

Item Number:

Investigation Number: ENF 443/42/06

Town/Parish Council: Baddesley Clinton

Case Officer: Martin Perry
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Land to rear of 11 Rising Lane, Baddesley Clinton. B93 0DA
Change of use of land from agricultural land to garden land.
Property Owner Mr Perry

This matter is being presented to Committee in order to request that enforcement action be authorised.

SUMMARY OF REPRESENTATIONS

In October 2006 it was reported to the Enforcement Section by the Parish Council that agricultural land outside the established curtilage of the property was being used as garden land.

The land in question was originally associated with a large single dwelling house known as 'Pennard' which was demolished when planning permission was granted for the erection of three houses now known as 9, 11 & 13 Rising Lane.

Each house has a curtilage/garden area to the rear with a boundary hedge between the rear gardens and the land in question which is roughly triangular in shape and lies to rear of all three houses.

A site visit established that there was direct access from the rear garden of No 11 Rising Lane to a field/paddock area which is grass with a timber stable building which appeared to have been there some years.

Recent development consists of the erection of a timber pergola with an associated hard standing area, a separate paved patio area, a childrens timber climbing/slide frame, childrens goal posts and patio style chairs. The land also has direct vehicular access by a track to the South of No 13. Rising Lane.

The property owner contends that the land was part of the established garden of 'Pennard' and has continued to be used as garden.

RELEVANT POLICIES

[DW] ENV1 Green Belt [Warwick District Local Plan 1995]

[DW] ENV3 – Development Principles, Warwick District Local Plan 1995

DAP 1 Protecting the Green Belt [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

PLANNING HISTORY

W96/1171. Erection of 3 detached houses following demolition of existing bungalow.

W97/0558. Approval of reserved matters re W96/1171.

KEY ISSUES

The Site and its Location

The site is situated in the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan state that, in these areas, the rural character of the area will be retained and wherever possible enhanced.

Assessment

The use of this agricultural land as domestic garden has a detrimental impact on the rural landscape by reason of its suburban appearance in contrast to the existing strong rural character of the area to the rear of the residential properties in Rising Lane.

Justification for Enforcement Action

Extensive contact has been made with the property owner and agent acting on his behalf. They were advised that if they wished to substantiate their claim that the land has an established use as dwelling house curtilage, evidence should be submitted in the form of an application for a Certificate of Lawfulness [Existing Use]. A formal application has not been made but some information was submitted which has been determined does not bear sufficient weight to substantiate the claim as to the historic use of the land.

In the circumstances, it is appropriate to formally control the future use of this land by the service of an Enforcement Notice to ensure that it is used for agricultural purposes.

RECOMMENDATION

That enforcement action be authorised requiring that the use of the land as domestic garden curtilage ceases and it be returned to agricultural use. The period of compliance to be one month.
