

Planning Committee: 11th January 2006 **Item Number:** 26
Investigation Number: ENF 389/32/05
Town/Parish Council: Beausale, Haseley, Honiley and Wroxall Joint Parish Council
Case Officer: Martin Perry
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Lyon Barn, Lyon Farm, Beausale, CV35 7NZ

Unauthorised erection of a steel balcony and railings with supporting stanchions to first floor level without planning permission.

SUMMARY OF REPRESENTATIONS

In August 2005 it was brought to our attention that an externally mounted steel balcony with railings had been installed on the rear elevation of the building approximately 3 years previously and since installation the property had changed ownership.

The present owner, who was not responsible for the erection of the balcony, was contacted and informed that Planning Permission was required as the Permitted Development Rights had been removed and that a retrospective application to retain the present structure would not be supported by the planning department and was therefore unlikely to receive permission.

RELEVANT POLICIES

[DW] ENV3 Development Principles [Warwick District Local Plan 1995]
DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 First Deposit Version]
DP2 Amenity [Warwick District Local Plan 1996 – 2011 First deposit version]
[DW] C3 Criteria for the Conversion of Rural Buildings [Warwick District Local Plan 1995]
RAP8 Converting Rural Buildings [Warwick District 1996 – 2011 First deposit Version]

PLANNING HISTORY

Planning permission was granted in February 2000 for the conversion of barns to 3 dwellings, erection of extensions to the existing cottage, erection of detached garage for the farmhouse and erection of stables for use by unit 3 [W991554 refers]. Condition [15] removed the Permitted Development rights.

A planning application for an extension to the property to include a timber balcony to replace the existing unauthorised balcony was made on 18th July 2005 [W05/1147 refers]. Planning permission was refused under delegated powers on 12th September 2005 as the development as a whole, including the revised balcony, did not meet the design criteria and eroded the character and appearance of the converted building and the countryside to the detriment of the wider Green Belt and Special landscape Area.

KEY ISSUES

The site and its Location

The property forms part of a complex of converted former agricultural buildings in the Green Belt and Special Landscape Area.

Assessment

The development involves the installation of a fully glazed door and an external steel balcony and support stanchions. In the opinion of the District Planning Authority, the existing balcony by reason of its siting, design and material disrupts the simple form of the converted barn and detracts from the original character and appearance of the complex of buildings. Moreover, the balcony has detrimentally affected the adjoining neighbour in terms of loss of privacy.

Justification for Enforcement Action

The owner has accepted that the present structure is out of character and by including a revised balcony design in his application W05/1147 has sought to address the problem. The application as a whole was found not to meet the design and policy criteria and having been refused leaves the present situation unresolved. The owner is in discussion concerning a revised application, which may result in the present balcony being removed.

From the evidence available the unauthorised structure was erected in July 2002. The property owner has undertaken to remove the balcony but if it is not removed and enforcement action is not taken before July 2006 the structure would become lawful by reason of the 4 year rule, Section 171 b Town and Country Planning Act 1990.

The request for authority to take enforcement action does not reflect on the integrity and commitment of the property owner to remove the structure but will ensure that the Council discharges its duty.

RECOMMENDATION

That enforcement action be authorised to ensure that the fully glazed door, balcony, supporting beams, stanchions and fixings be removed in their entirety. The brickwork to be made good and a window with timber panel below, as originally approved, inserted. The period of compliance to be six months.