

Planning Committee: 10th July 2007

Item Number:

Investigation Number: ENF 478/45/06

Town/Parish Council: Beausale

Case Officer: Martin Perry
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Land at Oak Cottage, Rouncil Lane, Beausale, Warwick, CV35 7NZ

Change of use of land from agricultural land to garden land.

Property Owner Mr T Byrne

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

SUMMARY OF REPRESENTATIONS

In November 2006, it was reported to the Enforcement Section that agricultural land outside the established curtilage of the property was being used as garden land. The grass was cut short giving the appearance of a lawned garden and domestic style timber bench and seating placed on the grass.

In addition a timber building had been erected and leisure/sport equipment placed on the grass including goal posts and netting.

The result of this is that visually the land has the appearance of a domestic garden. The property is presently being offered for sale and in the sales literature a photograph of the area in question describes it as garden/grounds.

RELEVANT POLICIES

[DW] ENV1 Green Belt [Warwick District Local Plan 1995]
DAP 1 Protecting the Green Belt [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

PLANNING HISTORY

W02/1110 Permission refused for erection of front wall and gates.
W03/0076 Permission was granted for conversion of part of stable block to ancillary accommodation.
W03/1345 Permission was granted for the erection of a replacement dwelling.
W05/1629 Permission granted for replacement of collapsed roof on existing building.

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 Lane.

Justification for Enforcement Action

Extensive contact has been made with the property owner and agent acting on his behalf but the grass continues to be close cut and the property marketed with this area photographed and described as garden/grounds.

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.
