

**Planning Committee:** 06 January 2004  
**Investigation No:** ACT482/52/02

**Principal Item Number: 6**

**Town/Parish Council:** Rowington

**Case Officer:** Mike Duffett  
01926 456520 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

### **LAND AT THE STABLES, THE CUMSEY, ROWINGTON**

Condition of the land adversely affecting the amenity of the area – Section 215 Notice

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#### **SUMMARY OF REPRESENTATIONS**

The nature of the activities at the site were the subject of previous enquiries during 2001, but at this time the principal issue was the alleged residential use of the first floor area of the stables. A number of internal inspections were carried out over a period of months and the conclusion reached in June 2002 was that there was insufficient evidence to indicate a breach of planning control.

In December 2002 local concern was again expressed with regard to the general poor condition of the site, the erection of timber buildings behind the front hedge and the external storage of vehicles. The site was visited and in a letter of 15 January 2003 the land owner was requested to remove the stored vehicles and the timber buildings used as stables by 15 March 2003. A further visit was made then which confirmed that there had been no change to the situation on site. As the land owner claimed that he had not received the January 2003 letter a further two month period was granted to get the area tidied up. In May 2003 he phoned to indicate that the timber buildings would be removed by the end of June 2003. A site inspection was carried out in July 2003 which confirmed that the front area had been tidied up but that the timber buildings remained.

In November 2003 further local concern was received about the same issues and the storage of vehicles and the view expressed was that the activities represented a totally unacceptable abuse of Special Landscape and Green Belt.

#### **PLANNING HISTORY**

Planning permission for the stable building was granted back in 1976. (W1390/76) In 1991 permission was refused for the conversion of the building into a dwelling (W910522) and the appeal to the Planning Inspectorate dismissed. In 1999 permission was refused for the conversion to a holiday let, and again the appeal was dismissed. (W990643)

#### **RELEVANT POLICIES**

As the site is in the Green Belt and Special Landscape Area the relevant policies in the 1995 Warwick District Local Plan include policy (DW)ENV1 – Green Belts, (DW)ENV3 – Development Principles; (DW)C1/(DW)C2 – Protection of the character of the countryside and (DW)C8 – Protection of the Special Landscape Areas.

## **KEY ISSUES**

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

The land has a wide road frontage onto The Cumsey which is defined by a tall hedge. The rendered pitched roof stable building is set back from the road in a central location. Between the stables and the front hedge is an open area, originally grass, but now an area partly used for the external storage of materials. By the hedge is the long timber 'pens' principally used for the stabling of horses. Adjacent to the gated access into the site is a public footpath which follows the edge of the field away from the road.

A fence has been provided to create a yard area in association with the stable use, separate from the grazing land to the rear, as well as fencing to enable the separate use of the public footpath without jeopardising the security of the yard area.

### **Assessment**

Since the holiday let appeal was dismissed there has been a change in land ownership and clearly the current owner has a keen interest in horses. The keeping of horses would appear to accord with the terms of the original planning permission. However, in addition to using the land for horse grazing purposes the evidence indicates that a variety of vehicles and materials has been brought onto the land for unknown purposes, and that a long timber structure has been erected as additional stables. The condition of the land immediately adjacent to the stables has deteriorated over the last 12 months and this cannot be allowed to continue, taking into account the presence of the public footpath.

### **Amenity considerations**

The site is within the Green Belt and a Special Landscape Area. It is also in quite a prominent position in the locality because of the road frontage and presence of the public footpath. There are clear views of the stable building, field and frontage area from the footpath. The presence of a number of vehicles being stored at the site is not considered compatible to the use of land in association with the stabling of horses, especially those to the rear of the stables which have been present for many months.

The amount of miscellaneous external storage of materials, including a metal greenhouse frame and metal sheeting is also considered detrimental to the amenity of the area and unrelated to the lawful use of the land. The timber structure behind the hedge, by reason of its length and functional appearance is harmful to the rural character of the area and when viewed in addition to the other stored items represents unacceptable clutter.

### **Justification for enforcement action**

The land is highly visible in the locality because of its road frontage, and the proximity of the public footpath. Apart from the permission for the stable building there has been no other application made for building operations at the site. The owner was requested to remove the timber structure by May 2003 but has failed to co-operate.

All of the vehicles on the land have remained abandoned for in excess of twelve months. The appearance of the site from The Cumsey and the public footpath continues to be harmful to the amenity of the area because the whole area by the stables appears to be dominated by miscellaneous materials, and abandoned vehicles.

Section 215 of the Town & Country Planning Act 1990 enables a District Planning Authority to deal with any land in their area the condition of which is such that it adversely affects the amenities of any part of their area. In this instance the site is within a Conservation Area and in close proximity to a number of residential properties. The land owner has had adequate opportunity to tidy the land by removing the vehicles and miscellaneous materials but failed to respond. There are valid amenity concerns which need to be addressed.

In these circumstances, and especially because the unsatisfactory condition of the land has remained for a considerable time there is considered to be reasonable justification to now request that formal legal action be taken against the land owner by serving a Section 215 Notice. The Notice would require the removal of the timber structure, the removal of the miscellaneous materials stored in the vicinity of the stables and the stored vehicles.

Any appeal against a Section 215 Notice is to the Magistrates Court, and failure to comply within the given period would also be a matter for the Magistrates Court to consider.

### **RECOMMENDATION**

That the serving of a Section 215 Notice be authorised to protect the character and appearance of this part of the Green Belt and Special Landscape Area. The compliance period to be two calendar months.

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