

**Planning Committee:** 27 November 2012

**Item Number: 7**

**Application No:** W 12 / 0307

**Town/Parish Council:** Barford

**Registration Date:** 05/09/12

**Case Officer:**

Penny Butler

**Expiry Date:** 31/10/12

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**Barford Grange, Westham Lane, Barford, Warwick, CV35 8DP**

Erection of a single storey dwelling (retrospective application) FOR Mrs Gill

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This application is being presented to Committee in order to request that enforcement action be taken.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission and authorise enforcement action to remove the dwelling and return the site to its former condition as garden land with a compliance period of six months.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the retention of a single storey dwelling within the residential curtilage of the main house. The building measures some 8.7m by 14.9m and provides two bedrooms, a kitchen and lounge/play area. It is therefore entirely self contained from the main house and capable of independent occupation. The building is of modern design with full height glazing, timber cladding, a flat roof and narrow timber deck to the front.

**THE SITE AND ITS LOCATION**

This property forms part of a small complex of dwellings converted out of the former Westham College and has a large garden and orchard area to the west and south. The house consists of a long, narrow, range of buildings and has been extended by a substantial entrance feature and side extension. There is a protected tree near the dwelling which would not be affected by the development. The southern part of the site is within Flood Zone 2, however, the proposed dwelling is sited outside this area. The nearest residential neighbour is to the north of the main house.

The site lies outside Barford village envelope, on the opposite side of the Barford Bypass. The area is in the open countryside where the rural area policies of the Local Plan apply.

**PLANNING HISTORY**

The Council was informed in March 2012 that the structure had been erected on the site. Prior to this in 2011 there is a record of a written enquiry relating to positioning a similar structure on the site, following a meeting with officers, but there is no record of any response to the enquiry.

The property was formerly known as The Long House, and gained permission for single and two storey extensions, and a detached garage, in 1999.

### **RELEVANT POLICIES**

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

### **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Joint Parish Council** - Object.  
The JPC finds the development at this site totally unsatisfactory and inappropriate for various reasons, including:-

The development is outside the **village envelope**, should not ordinarily be considered for additional developments, is visible from various locations, and out of keeping with its setting. The development is therefore contrary to **Rural Area Policies** of the current **WDC Local Plan, Barford Parish Plan** and **Barford Village Design Statement** policies which aim to maintain the rural setting of the village and parish.

The JPC considers that the style of the development is out of keeping with the local vernacular, giving the impression from the main public viewpoint that the building might be of an agricultural or equine nature rather than residential.

The JPC considers that the provision of an extra dwelling unit at this location will, in addition to the current high occupancy rate for the Barford Grange property, generate **extra traffic problems on Westham Lane**, an unadopted road, and hence cause increased and unacceptable impacts on other residents and road users.

The JPC finds the prolonged preamble and reasoning in the Design and Access Statement unconvincing and inappropriate, believing that such personal matters do not constitute "material planning considerations". The JPC also notes that the application property and the rest of the Barford Grange property is currently for sale which would appear to remove the urgency and need so strenuously stated in the D&A Statement.

If approved then an Open Space contribution is requested towards improvements to Barford Playing Fields.

**Public response:** One objection from Westham House. Development outside the village envelope and contrary to Local Plan Rural Area Policy, Parish and

Village Design Statement etc. Wooden shed-like construction with one wall mostly of floor to ceiling glass completely out of character with surroundings.

**Environment Agency:** No objection. The extreme flood plain of the River Avon (Zone 2) skirts the southern boundary of the site. The River has been modelled in sufficient detail that the risk of flooding to this development is very low, being some 20m from the southern boundary.

**Neighbourhood Services:** An Open Space contribution would be appropriate, and the matter should be referred to the Parish Council.

## **Assessment**

### **Principle of development**

New dwellings are permitted in rural areas under Policy RAP1, but the development would not comply with any of the criteria of this policy, since the site is not within the village, the housing is not affordable, for a rural worker, a conversion scheme, or a replacement dwelling. The NPPF promotes sustainable development in rural areas and requires housing to be located where it will enhance or maintain the vitality of rural communities. It states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. None of the suggested circumstances apply in this particular case. The applicant has made a case setting out their personal circumstances relating to the health of their young son whom they have to provide care for, their need to live close to their family who inhabit the main dwelling for support with the care of their son and their personal security, and their need to live with their family for religious reasons. The applicant also makes the case that the dwelling has been designed to be mobile and without foundations, and intentionally sited within the residential curtilage of the house, not the paddock.

The proposal would result in the development of a currently open part of the countryside which would harm its rural character and extend the impression of built development, whilst the development would not be for an identified local need or be plan-led, therefore the development would not comply with the NPPF or Policy RAP1. The personal circumstances of the applicant are noted and are a material consideration, however, they are not considered sufficient to outweigh the conflict with Policy RAP1 or the NPPF and the application should therefore be refused.

### **Other matters**

The proposal would lead to no significant harm to ecological interests, since the building has already been erected on site and the site is of low ecological value. There would be no direct harm to neighbouring amenity since the proposal is located some 50m from the main house. The building is connected to the main dwellings existing septic tank since there is no main sewer in the vicinity so there would be no additional load on the public system. Surface water is disposed of via a soakaway but no details of this are provided, however, this could be dealt with by condition. The applicant has confirmed they would be willing to install a 4kW pv solar panel array if the application were approved, and again this could be required by condition. There is sufficient parking within the curtilage of the existing dwelling to ensure there would be no over spill parking outside the site, and the existing access is considered capable of accommodating the additional traffic as a result of this development. The impact of the development on flooding, and the impact of flooding on the development has

been considered, but since the site of the dwelling is outside Flood Risk Zone 2, it is considered to be a low risk not requiring further mitigation. The design of the building is modern and does not utilise the facing bricks or pitched roofs which are traditional to the immediate area. On entering the site, the eastern elevation has the appearance of a large outbuilding, however, the building is small scale, of limited height, not of overbearing design, and high quality in its detailing, therefore it is not considered so harmful to the character of the area as to warrant refusal. For the above reasons the development is considered to comply with Policies DP1, DP2, DP3, DP6, DP8, DP9, DP11, DP12 and DP13.

This recommendation is made with regard to the human rights of the applicant and their child. They currently reside on the site, so if the application is refused, they would be displaced, and unable to use the land to provide a home for themselves. Protection of the countryside through the application of local and national policy is a matter of public interest and a legitimate aim. For the reasons given above, it is considered that the impact on the countryside would be significant. Taking into account all material considerations, it is considered that the protection of the countryside and the promotion of sustainable development in the rural area cannot be achieved by any other means than interfering with the applicant's human rights. The refusal of this application and consequent interference with the applicant's human rights is considered proportionate and necessary in the public interest.

An appropriate period for compliance with the requirements of an enforcement notice should be both reasonable and directly related to the actions required to be taken. In this particular case, compliance with a notice would require the occupants of the site to vacate it, remove the dwelling, and return the site to its former condition. In doing so, they would need to identify and move to alternative accommodation. In view of these matters, a compliance period of 6 months is considered to be appropriate.

### **CONCLUSION/SUMMARY OF DECISION**

In the opinion of the Local Planning Authority, the applicant has not demonstrated any special circumstances that outweigh the conflict with local and national policy relating to the erection of a new dwelling within the open countryside.

### **REFUSAL REASONS**

- 1 Policy RAP1 of the Warwick District Local Plan 1996-2011 directs new housing to previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within one of the defined Limited growth villages and adequate evidence of local need has not been submitted with the application, and the development would not comply with any of the other criteria contained within the policy. The National Planning Policy Framework (paragraph 58) promotes sustainable development in rural areas and requires housing to be located where it will enhance or maintain the vitality of rural communities. It states LPA's should avoid new isolated homes in the countryside unless there are special circumstances, but none of the suggested circumstances apply in this particular case. The applicant has made a case relating to their personal circumstances, but these are not considered sufficient to outweigh the conflict with Policy RAP1 or the NPPF.

The development is therefore contrary to the aforementioned policies.

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