

**Planning Committee:** 08 October 2019

**Item Number:** 11

**Application No:** [W 19 / 1254](#)

**Registration Date:** 23/08/19

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall  
18/10/19

**Expiry Date:**

**Case Officer:**

George Whitehouse

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**Old Folly Barn, Kites Nest Lane, Beausale, Warwick, CV35 7PB**

Retention of carport and shed outbuilding within the curtilage FOR Mr & Mrs  
Rawden

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This application has been requested to be presented to Committee by Councillor Illingworth and has the support of Beausale, Haseley, Honiley & Wroxall Parish Council.

**RECOMMENDATION**

It is recommended Planning Committee refuse this planning application for the reasons set out in this report

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the retention of carport and shed outbuilding forward of the principal elevation of the dwelling within the curtilage.

**THE SITE AND ITS LOCATION**

The application site occupies an open countryside location, in the West Midlands Green Belt. Access is taken off Kites Nest Lane. The property is a converted barn.

Through the permission for its conversion the barn had permitted development rights removed for Parts 1 and 2 of Schedule 2 of the GPDO 2015 since the consideration was made that any further development carried out could detract from the appearance of the rural conversion.

**PLANNING HISTORY**

W/12/1424 - Planning permission granted to convert the existing agricultural building to a dwelling, including lowering the ground floor inside the building in order to increase the head height in the building with some excavation around the building such that the undercroft would be set within a basin with a sunken terrace infilling the 'L' shaped footprint of the building.

W/13/1442 - Planning permission granted to convert the existing agricultural building (amendment to W/12/1424 to include a basement level for storage

purposes). The basement was designed such that externally it would not be apparent that there was a basement level.

W/14/1263 - Conversion of barn to a single residential dwelling (amendment to previously approved application ref: W/13/1442 to make alterations to the basement level): Granted 18/11/14

W/16/0839 - Removal of condition 7 under W/14/1263 to allow slim line matt black metal frames instead of timber.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley & Wroxall Parish Council:** Support

**CLlr Illingworth:** Application should be decided by the Committee

**Public:** Two letters of public support, making the following points:

- no impact on openness;
- not visible from the road;
- complies with 30% limit;
- essential facility for security reasons;
- in keeping with character of the area; and
- has been designed to a high standard.

### **ASSESSMENT**

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that new buildings in the Green Belt are inappropriate.

The applicants argue that due to the closeness of the outbuildings to the dwelling they should be treated as extensions to the dwelling. However, although the applicants maintain that the car port is 6m from the dwelling, by measuring the

shortest distance to the buildings on the plan provided they sit at 7.2m and 22.1m for the car port and shed respectively.

The applicants have provided some appeals to support this case as well as making reference to DAWES judgement which details "that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a 'normal domestic adjunct'"

However, in the current case the proposed outbuildings are detached, forward of the principal elevation of this dwelling and outside of the area that could be considered a normal domestic adjunct where extensions to the dwellings would usually be found. Therefore visually, physically and functionally both outbuildings are clearly separate buildings that cannot be considered to be extensions.

Therefore these must be treated as new buildings within the Greenbelt and that comprise inappropriate development by definition.

The applicants raise the fact that due to the boundary treatment that surrounds the site the outbuildings are not visible from the road and therefore the proposals do not harm the openness of the Green Belt, since they cannot be easily viewed in the street scene. However, whether the proposed outbuildings can be seen or not from the street is not relevant to considering harm to openness and in any case the NPPF details that new buildings in the green belt are inappropriate. The buildings are not insubstantial structures that would result in a reduction in the openness of the Green Belt.

In addition to this the Council recently challenged an appeal decision where an inspector allowed a 4 bay car garage on the grounds that it could be considered as an extension to the dwelling. The courts quashed the Inspector's decision and also awarded costs to Warwick District Council as it considered the inspector had misinterpreted NPPF paragraph 145 (c). This related to application no. W/18/1550.

In conclusion on this issue, the proposals constitute as inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances have been presented which would outweigh the harm identified.

#### Design and Impact on the streetscene

In the planning statement the applicants detail that the development is screened by a 2m close boarded fence and hedges.

There is no evidence of the close boarded fence ever being granted planning permission. The most recently approved landscaping plans under application W/14/1263 do not explicitly refer to any hard fencing surrounding the application site however it shows an annotated brown line which is clearly the post and wire fence at the height of 0.95m which is detailed on the approved site plan.

Although the hedgerow is mature the two timber outbuildings would be visible in front of the dwelling and in front of the general building line of this part of Kites

Nest Lane if the unauthorised close boarded fence is discounted. This is harmful to the street scene, adds clutter forward of the principal elevation of the dwelling and general building line of the lane and is therefore contrary to local plan policy BE1.

#### Other matters

The buildings are far enough from neighbouring dwellings to ensure no adverse neighbour impact.

#### Summary

The outbuildings are considered to be new buildings in the Greenbelt since they are visually, physically and functionally sperate from the dwelling. In addition to this the proposed outbuildings are forward of the general building line and harmful to the street scene. It is considered the proposed outbuildings do not comply with the NPPF or Local Plan Policy BE1

Therefore it is recommended that the Committee refuse planning permission.

### **REFUSAL REASONS**

- 1 In the opinion of the Local Planning Authority, the proposed development represents the erection of two new buildings and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework

- 2 Policies BE1 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposals include the erection of two new buildings forward of the principal elevation of the dwelling and the general building line of this part of Kites Nest Lane. In this position the buildings is not in keeping with the established pattern of development in the locality. Consequently the proposals harm the character and appearance of the area.

The development is thereby considered to be contrary to the aforementioned policies.