

**Planning Committee:** 01 December 2020

**Item Number: 9**

**Application No:** [W 20 / 1264](#)

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall  
07/10/20

**Registration Date:** 12/08/20

**Expiry Date:**

**Case Officer:** Andrew Tew  
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**The Lodge, Wattcote Farm, Manor Lane, Wroxall, Warwick, CV35 7NH**  
Change of use from residential dwelling (C3) to pilates studio (D2).  
Retrospective application. FOR H Parkin

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This application is being presented to Planning Committee because it is recommended for refusal and is supported by the Parish Council.

### **RECOMMENDATION**

Planning Committee is recommended to refuse planning permission.

### **DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for change of use of an dwelling (use class C3) to a pilates studio (use class D2). During the site visit undertaken by the Case Officer, it was noted that the change of use had already been carried out at the site. The application is therefore retrospective. There are no physical external alterations proposed to the building. Parking for the use is provided on site.

### **THE SITE AND ITS LOCATION**

The application relates to a detached two storey building, with integral garages to the ground floor and residential accommodation to part of the ground and formerly to first floor. The application building historically appeared to be an ancillary building serving the main farmhouse and was described previously as an "implement barn". This application specifically relates to a self-contained residential unit which was confirmed as being lawful in 2017 within the first floor of the building. The wider context is a large farm complex which is accessed from Manor Lane and is located within the Green Belt.

### **PLANNING HISTORY**

**W/80/0822** - application granted for the conversion of loft space over implement store to form service accommodation.

**W/17/0547** - Application for a certificate of lawfulness approved for existing use of the flat above garage as an independent unit of permanent residential accommodation continuously for more than four years.

**W/20/0166** - Change of use from C3 residential to D2 pilates studio.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas
- EC2 - Farm Diversification
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- DS18 - Green Belt
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Beusale, Haseley, Honiley & Wroxall Parish Council:** Support, diversification of a farm income should be encouraged.

#### Principle of the Development

A pilates studio is classed as a leisure facility. Local Plan policy CT1 states that new leisure development will be permitted in the town centres in accordance with the town centre policies. Where suitable sites are not available in town centres, sites in edge-of-centre locations will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered. Where edge-of-centre or out-of-centre sites are considered, preference will be given within each category to accessible sites that are well connected with the town centre.

In all other cases, new leisure development will be permitted where it can be demonstrated that:

- a) There are no sequentially preferable sites or buildings and the development is easily accessible using sustainable forms of transport such as walking, cycling and public transport; or
- b) The facility is of a type and scale that will mean it primarily serves a local community who can access it by means other than the private car.

The application site is located in the open countryside, being isolated in terms of access to other facilities and services, apart from two other residential properties which form part of the farm complex. There has been no sequential assessment provided by the applicant which addresses whether there are any suitable town centre, edge of town centre, or out of centre sites which are connected to the town centre.

The only means of access to the site is by use of a car. There are no footpaths which would allow pedestrians to walk to the site and there are no public transport facilities which would allow access to the site. It therefore cannot be considered that the site can be accessed using sustainable forms of transport. Furthermore, the site is not within close proximity to, or the type of facility which would serve a local community, nor has there been any evidence presented of local community need by the applicant. Further, the site cannot be accessed by means other than the private car.

The submitted planning statement argues that "*the inherent geography of farms mean that they are unlikely to ever 'pass' a sequential test and is not a sound basis from which to refuse an application*" and "*given the small-scale nature of the proposals, it is most likely to serve local people from surrounding villages (such as Chadwick End, Wroxall, Haseley Knob, Beausale and Meer End) or isolated dwellings*". However, there is no evidence submitted to support these statements. As this is a retrospective application (as was W/20/0166), it appears that the application site has and is being used as a pilates studio, therefore evidence to back these claims would be available.

Notably, Local Plan policy CT4 also states that extensions to or intensification of leisure facilities in rural areas will be permitted where these do not:

- a) establish new uses which are not ancillary to the normal business of the operation;
- b) generate significant volumes of additional traffic; and
- c) harm the character of the area.

Whilst the supporting statement states "*The Committee Report also references policy CT4 to support their decision, despite acknowledging that the policy is not relevant since it refers to extensions to existing facilities.*" However, it would be asserted that the granting of permission would lead to an intensification of the leisure facilities in rural areas.

The supporting letter submitted with the application argues that the development should be considered under Policy EC2 Farm Diversification as it is not uncommon for larger farms to have separate dwellings located at the same site. The submission notes "*as a separate dwelling, it allowed diversification in its own right, perhaps through the ability to rent the dwelling and to generate additional revenue in this way*". However, planning ref; W/17/0547 was application for a certificate of lawfulness approved for existing use of the flat above garage as an independent unit of permanent residential accommodation continuously for more than four years, rather than a planning application that was assessed and granted.

Whilst it is argued that the proposal meets the following criteria;

- a) Best and most versatile agricultural land is protected
- b) The scale and nature of the proposals are appropriate to their rural location so that they can be satisfactorily integrated into the landscape without being detrimental to its character
- c) Existing buildings are used in preference to new buildings

The policy explicitly states "*Proposals for the diversification of agricultural and land-based rural businesses will be permitted in line with the following criteria:*" The fact that diversification has already taken place and that the application site is now a C3 dwelling, brings into question whether the site is an agricultural or land based business, therefore only limited weight can be given to the argument for assessment under Policy EC2.

Additionally, supporting text 3.25 states: "*In assessing proposals the Council will seek to ensure that the scale and nature of the development would not lead to a dispersal of activity likely to increase reliance on the private car, compromise sustainability objectives or affect the vitality of nearby towns.*" Similarly, to the reasons set out in relation to CT1 above, the proposal will lead to increased reliance on private car and compromise sustainability objectives.

The Parish Council have supported the application, stating that diversification of a farm income should be encouraged. In addition to the reasons set out above, diversification of rural a business is not a relevant consideration in this instance. Whilst the building most likely served formerly as part of the wider farm complex, it was established under the Certificate of Lawfulness issued in 2017, that the first floor of the application property is an entirely separate residential planning unit, that is in no way associated to the business operation of the farm. Therefore, the proposal does not represent the diversification of a rural business.

For the reasons set out above, the application is contrary to Policies CT1, CT4 and EC2 and the principle of development is not acceptable.

#### Impact on Neighbouring Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or the creation of visual intrusion.

There are no proposed physical alterations to the property which would result in loss of amenity to neighbouring properties. The proposed use is unlikely to generate noise and disturbance to neighbouring properties.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

#### Access and Parking

The access arrangements to the site would remain the same as the existing.

There is ample space in front of the existing building to accommodate the parking requirement in accordance with the Vehicle Parking Standards guidance for the proposed use.

The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

## Other Matters

For the avoidance of doubt, there are no physical alterations to the property which would result in a change in the external appearance of the building.

There are no ecological concerns identified as a result of the change of use.

## **Conclusion**

The proposal is considered to provide an unsustainable form of development within the open countryside and is therefore considered to be contrary to Local Plan Policies CT1, CT4 and EC2. The change of use is therefore recommended for refusal.

## **REFUSAL REASONS**

- 1 Local Plan policy CT1 sets out a sequential approach to the location of new leisure development, with the preference being town centre locations and sites that are accessible by modes of transport other than the private car.

There has been no sequential assessment of the availability of existing town centre sites which could accommodate the proposed use. Furthermore, it has not been demonstrated that the site can be accessed using sustainable forms of transport, or that the proposal is of a type and scale that would serve an identified community need.

The proposal is therefore considered to provide an unsustainable form of development which is contrary to Local Plan policy CT1.

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