

**List of Current Planning and Enforcement Appeals
March 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing

W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing Committee Decision in accordance with Officer Recommendation	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room Delegated	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Appeals Dismissed

The Inspector noted that the heritage value of the property derives from its age, character and appearance as a well-preserved example of a vernacular timber-framed cottage, typical of its period. The building also draws interest from its historic and modest L-shaped form which, despite some additions and alterations, remains legible and is illustrative of its original design and also makes a positive contribution to the character and appearance of the conservation area. The Inspector considered that owing to its scale, form and overall massing, the proposed extension would appear as an overly assertive and somewhat contrived addition to the building that would almost entirely obscure its north facing elevation. This would over complicate and harmfully detract from the building's original simple L-plan form, thereby undermining the architectural integrity.

While he accepted that the original plan form has already been compromised to a degree by the existing two-storey 20th century extension, this does not justify a further harmful addition to the property.

He also considered that there would be perceptible differences in the form and detailing of the proposed extension, such as the incorporation of an open fronted porch with cat slide style roof, a half-hipped roof feature and poorly scaled dormers, that would be

at odds with and harmfully detract from the historic character of the property. He was not persuaded that the proposal offers a less harmful alternative to the existing garage and sunroom, which clearly provide a more subservient scale and enable a greater appreciation of the architectural form and historic character of the cottage.

W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon Delegated	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells Delegated	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition. Delegated	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	Ongoing
W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling Delegated	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing

W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. Delegated	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension Delegated	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
W/20/0483	17 Gaveston Road, Leamington	Appeal against the refusal of a Lawful Development Certificate for the Use of the Property. Delegated	Andrew Tew	Questionnaire: 3/12/20 Statement: 31/12/20	Ongoing
W/20/1167	Great Pinley Barns, Nunhold Road, Shrewley	Removal of Condition Restricting Permitted Development Rights Delegated	Andrew Tew	Questionnaire: 14/12/20 Statement: 25/1/21	Appeal Dismissed

The Inspector notes that Policy BE4 generally permits the re-use of existing rural buildings provided various criteria are met including (e) where the appearance and setting of the building following conversion would protect, and where possible enhance, the character and appearance of the countryside. This reflects the guidance in paragraph 79 (c) of the Framework. Policy H14 deals with extensions to dwellings in the open countryside and sets down criteria for an acceptable form of extension. Although the policy does not expressly refer to 'barn conversions', paragraph 4.96 of the explanatory text says in the case of barn conversions in open countryside it is unlikely the Council would grant permission for any extensions which would harm the integrity of the original building. In this policy context the Inspector concluded that there is a general presumption against subsequent changes to the original form of a rural building after residential conversion where such changes would harm a building or the setting of a site.

The Inspector also noted that the buildings remain largely in their original form, each with a simple linear design sited around the three sides of the quadrangle. The roof lines are mainly unbroken, with an interesting juxtaposition of building heights, and there is a uniformity in their design when viewed from the internal space of the quadrangle and externally. Overall, he considered that the buildings are attractive and make a positive contribution to the rural character of the area.

He considered that the buildings retain this form particularly because of the restriction imposed by condition 15 and the removal of permitted development rights, where otherwise a wide array of ad-hoc alterations and extensions could have been added to the original buildings which could fundamentally harm their appearance and distinctiveness.

He therefore found that the imposition of condition 15 is justified in this case and that it serves a proper planning purpose. Overall, he was satisfied that the requirements of the condition are *reasonable* and *necessary* and that the specified tests of a condition are met in this case.

W/20/1055	Hobournes, Upper Spring Lane, Kenilworth	Two Detached Dwellings Committee Decision contrary to Officer Recommendation	Helena Obremski	Questionnaire: 14/12/20 Statement: 25/1/21	Ongoing
W/20/1275	River Studio, Old Milverton Lane, Old Milverton	Removal of Condition Restricting Permitted Development Rights Delegated	Helena Obremski	Questionnaire: 21/12/20 Statement: 1/2/21	Appeal Allowed

The Inspector noted that the building stands in a small hollow with most surrounding land rising around it. Therefore, due to the surrounding topography, the building is largely secluded and has a limited visual impact on the surrounding countryside.

Condition 15 removes PD rights, with respect to minor development, and in connection with PD rights associated with industrial, warehouse and office development. The condition was imposed to ensure that the character and appearance of the building would not be affected by further development. The Inspector noted that the NPPF advises that conditions should not be used to restrict PD

rights unless there is clear justification to do so. Tests set out in paragraph 55 include the requirement for conditions to be necessary and reasonable. Furthermore, the Planning Practice Guidance states that conditions that restrict the future use of PD rights are unlikely to pass the tests of reasonableness and necessity.

The Inspector considered that the condition essentially prevents relatively modest alterations to the property. Consequently, such changes to the property would have limited scope to substantially alter the appearance of the building. Accordingly, the limitations and function of PD rights would be sufficient to protect the character and appearance of the building. Moreover, due to its moderately secluded location and local screening, such changes to the building and site would have a minimal effect on the surrounding countryside. As such, he concluded that the property does not present a situation where such circumstances exist that render it necessary for these rights to be removed.

W/20/0774	1 Beaurevoir Way, Warwick	Erection of a Dwelling Delegated	Rebecca Compton	Questionnaire: 21/12/20 Statement: 1/2/21	Appeal Allowed
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The Inspector noted that the application site is a gap at the end of a row of dwellings and adjacent to the railway embankment. He considers that while it is visible to users of the footpath it is of lesser importance to the surrounding open character due to its discrete location. He therefore considered that it makes only a moderate contribution towards the open character of the estate.

The proposed dwelling would result in the infilling of this gap and the reduction of the space to the railway line embankment. However, as he considered that the site is not a substantive component of the principal open spaces arranged throughout the estate and makes only a limited contribution to the secondary spaces identified this would not be harmful. Furthermore, he also noted that the site was previously poorly maintained and made only a limited contribution to the main and secondary areas of open spaces within the estate. He concluded that the site was not integral to the openness of the estate and wider area.

Furthermore, he noted that the proposal would extend the existing row of dwellings consistent with the established building line, would consist of a development plot that would be of comparable size to its neighbours and would therefore make a positive contribution to the linear character of built form within the estate. As a result, development of the site would have a positive impact on the character and appearance of the wider estate

W/20/1264	The Lodge, Wattcote Farm, Manor Lane, Wroxall	Change of Use to Pilates Studio Committee Decision in Accordance with officer Recommendation	Andrew Tew	Questionnaire: 19/1/21 Statement: 16/2/21	Ongoing
W/20/0987	Grist Mill, Chesterton Drive, Leamington	Change of use of first Floor to HMO Delegated	Dan Charles	Questionnaire: 18/1/21 Statement: 15/2/21	Ongoing
W/20/0974	1 Edmondes Close, Woodloes Park, Warwick	Revisions to previously granted planning permission for domestic extensions Delegated	George Whitehouse	Questionnaire: 8/1/21 Statement: 1/2/21	Ongoing
W/20/1170	2 Adelaide Road, Leamington	Infill of Service Wing Roof Delegated	Rebecca Compton	Questionnaire: 8/1/21 Statement: 1/2/21	Ongoing
W/20/1321 and 1337	39 Northumberland Road, Leamington	i. Rear stair Tower and ii. One and two storey Extensions Delegated	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	Ongoing
New		Single storey extensions			Ongoing

W/20/1384	11 Edmondscote Road, Leamington Spa	Delegated	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Both Appeals dismissed and Enforcement Notices Upheld.

Grounds of Appeal

The steps to comply with the notice are excessive
The Notice compliance period is too short.

The Inspector did not consider that the steps set out in the Notice were excessive and that the appellant hadn't sufficiently supported their appeal in respect of the compliance period which therefore fell.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Appeal Dismissed. Enforcement Notice Upheld with revisions
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Grounds of Appeal

That the alleged works haven't taken place.
That the alleged works (if they occurred) do not constitute a breach of planning control.
That the steps to comply with the notice are excessive.

The Inspector considered that the alleged works had occurred and that there was a breach of planning control. The requirements of the Notice were amended to require that the means of enclosure did not exceed 1 metre in height (below which the structure would be permitted development).

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due: 5/8/20	Written Representations	Appeal Dismissed. Enforcement Notice Upheld with revisions
That planning permission should be granted. The Notice compliance period is too short.						
The Inspector considered that the development comprises inappropriate development in the Green Belt and that the period for compliance with the Notice was appropriate.						

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position