

Planning Committee: 09 December 2003
Investigation No: ACT96/12/03

Principal Item Number: 8

Town/Parish Council: Radford Semele

Case Officer: Mike Duffet
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Cedar Tree Farm, Fosse Way, Radford Semele
The unauthorised construction of a detached garage
FOR Mr T Alexander

SUMMARY OF REPRESENTATIONS

In March 2003 it was brought to our attention that the implementation of the permission for the barn conversion and detached garage granted in 2000 had not taken place in strict accordance with the approved plans. The site was visited by the Enforcement Officer and measurements of the detached garage indicated that although the general site of the garage had not been changed its width and height had been substantially increased. Instead of being a modest single vehicle width pitched roof garage the structure was of a double garage size with a steeply pitched roof of very similar ridge height and front elevation appearance as the principal converted barn.

The developer's agent was contacted and in June 2003 a retrospective planning application for the "as built" garage was submitted. (Application W20031069). The retrospective application was refused on visual amenity grounds in August 2003. Since this decision the developer has neither made an appeal to the Planning Inspectorate nor made contact to clarify his intentions.

PLANNING HISTORY

In September 2000 planning permission subject to conditions was granted for the conversion of the barn to a dwelling and for the erection of a detached single garage. (Application W20000826)

In August 2003 an application to retain the detached "as built" garage was refused under delegated powers because of the scale and appearance of the structure when viewed in the context of the proportions of the associated residential converted barn.(W20031069) The decision notice included the following statement:

"...the detached garage ... by reason of its size and design is wholly disproportional in scale and appearance to the original barn conversion which it is intended to serve and has a detrimental effect on the open rural aspect of the locality, thus constituting inappropriate development conflicting with the aims of Local Planning policy and Supplementary Planning Guidance."
(Agricultural Buildings and conversion)

RELEVANT POLICIES

The site is located in an area of open countryside. Local plan policy **(DW) C1** – Countryside seeks to protect and enhance the character and appearance of the rural landscape and policy **(DW) C3** provides guidance with regard to the sympathetic conversion of rural buildings. This policy is supported by a SPG on ‘Agricultural Buildings and Conversions’.

KEY ISSUES

The Site and its Location

The Cedar Tree Farm development consists of a loose-knit group of residential development located adjacent to the Fosse Way in an area of open countryside, close to the roundabout junction for Radford Semele and Southam. There remains a parcel of open land between the terrace of traditional cottages that front Fosse Way and the vehicular access into the shared parking/garage area associated with the principal residential complex, and the land the subject of this report is to the rear of this land, adjacent to a detached barn which has been converted into a dwelling. Access to the converted dwelling and associated garage is from the shared drive which currently serves residential properties including West Cottage and East Cottage.

Details of the Development

The alleged breach of planning control is the unauthorised construction of a detached pitched roof garage without the benefit of planning permission.

Assessment

The appropriate siting and size of new buildings in the rural area is important in order to ensure that the character and appearance of the countryside is adequately protected. The issue in this case is the difference in the visual impact between the approved garage and the garage “as built” taking into account the setting of the locality and the relationship with existing buildings.

1. What evidence is there of a breach of planning control?

The “as built” garage is 6.0 metres wide, 5.0 metres deep with an eaves height of 3.0 metres and a prominent front to back gable with a ridge height of 5.8 metres. The garage approved as part of application W20000826 should be 2.8 metres wide 5.0 metres deep with a pitched roof incorporating a front to back gable. The changes are significant and the “as built” structure required being the subject of a separate planning application which was refused on visual amenity grounds.

2. Amenity considerations

The site of the garage is in some respects more prominent in the local scene compared to the converted barn because there are unrestricted views of the structure from the Fosse Way frontage, especially from the shared vehicular access that serves the development. The increase in the roof height and the overall bulk of the building appears unduly prominent; especially as approved the garage would have been a much lower, more modest form of development.

3. Justification for enforcement action

It is considered that as the structure has been built and the retrospective application has been refused that the service of an Enforcement Notice is the only option available to resolve the current breach of planning control. The compliance requirements will provide the developer with two different alternatives; either totally demolish the “as built” garage, or demolish a significant part of the structure and adapt the structure into a single vehicle width garage which accords with the details approved as part of application W20000826.

RECOMMENDATION

That enforcement action be authorised to ensure that the garage is either totally demolished or partially demolished and adapted to accord with the approved details of W20000826 to protect the character and appearance of this part of the open countryside. The period for compliance to be four months.

Background papers Planning application W20000826