

**List of Current Planning, Enforcement and Tree Appeals  
January 2026**

**Headline:** 1 April 2025 – 12 January 2026: Proportion of Planning Appeals allowed contrary to WDC Decision: 45% (21 out of 47 decisions received – 2 of those appeals were part allowed, and part dismissed).

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
None						

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/24/1404	Land to the West of Fosse Way, Radford Semele	Solar Farm <b>Committee decision Contrary to Officer Recommendation</b>	Adam Walker	Statement due: 11/12/25	4/2/25 and 5/2/25	Ongoing

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/23/1631	103 Greenwood Court, Upper Holly Walk, Leamington	Change of Use from Dwelling House to HMO Delegated	Millie Flynn	Questionnaire: 7/5/24 Statement: 4/6/24	Ongoing
W/24/0478	Carpowell Cottage, Ludlows Lane, Hatton	Lawful Development Certificate for a Twin Unit Mobile Home <b>Delegated</b>	Jessica Lewis	Questionnaire: 17/12/24 Statement: 14/1/25	<b>Appeal Dismissed and Costs Claim Refused</b>

The crux of the matter was whether the proposal would result in the creation of a new planning unit resulting in a material change in the use of the land. Case law has established that the planning unit is the unit of occupation unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes.

The appellant argued that the caravan would be occupied by their parents. The Inspector acknowledged that there may be some level of care required, however, there was no indication as to what actual care is required in terms of the on-going medical needs of the parent and what care the appellant would provide, other than being close-to-hand if needed.

The appellant has young children, which their parents would be able to provide some childcare for if they lived on site. The appellant's brother also has significant needs, for which the appellant's parents wish to provide space in the caravan for him to come and stay on occasion so they can care for him. However, the Inspector considered this to be at odds with the need for the caravan to be used ancillary to the dwelling. Providing additional space for visitors to stay with the occupants of the caravan, rather than within the dwelling was more indicative of the use of the caravan as a separate dwelling rather than additional living space for the dwelling.

In respect of the physical relationship, the caravan would be sited in a corner on the large open grassed area to the side of the dwelling, some distance from the dwelling. The Inspector considered that such a distance could present some difficulty to the occupants in having to walk to the dwelling, having regard to their needs, particularly during inclement weather. This would likely discourage them from having their main meals within the dwelling. Whilst the occupants could walk along a hard surfaced area, this would in fact require them to exit the appeal site and walk along the lane to access the dwelling. Having to exit the site to access the host dwelling emphasises the lack of physical relationship between the caravan and the dwelling.

The Inspector acknowledged the reasoning for siting as it would be adjacent to an opening in the boundary hedge with the road that could provide direct access to the caravan. However, having its own access, separate to the dwelling, would further dilute any ancillary relationship it may have.

Overall, by reason of the degree of physical separation from the existing dwelling and the limited functional relationship between the occupants of the caravan and the dwelling, he was not satisfied that the caravan would be ancillary to the existing dwelling. As such, it would likely result in a material change of use of the land to a separate residential unit, creating a new planning unit.

COSTS:

The Inspector did not consider it to be unreasonable for the Council to have requested information regarding the intentions of the appellant and their family as part of the consideration of whether the proposed caravan would be used ancillary to the host dwelling requires an assessment of the functional relationship between them. Whilst the Council did not explicitly refer to specific relevant case law in the Officer's Report, there was nothing in its reasoning that indicated it made a decision that is contrary to the findings of either of the leading authorities on the issue.

W/24/0690	Meadows Hut, Church Lane, Stoneleigh,	Lawful Development Certificate relating to the Abandonment of the Use of a Building <b>Delegated</b>	Millie Flynn	Questionnaire: 13/2/25 Statement: 13/3/25	<b>Appeal Dismissed</b>
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The LDC application sought to confirm that the existing lawful use of the appeal building is a 'nil use'. The evidence in support of the application argued that the use of the building as a community use had been abandoned and as a result the building now has a nil use. The Council's case was that it had not been sufficiently demonstrated that the community use has been abandoned and this

was the basis on which the granting of a certificate was refused. The Inspector noted that S191(1) of the Act specifically requires there to be an “existing use”. However, the basis on which the LDC application was made is that the lawful use of the building is a ‘nil use’. Although ‘nil use’ is a well-established concept in planning law, it typically means an absence of a use, i.e. a building with a nil use has, in fact, no lawful use. Given the wording of s191(1)(a) there must be an actual existing use for a certificate to be granted. Consequently, there is no mechanism within s191(1) to grant a certificate to confirm the existing lawful use of a building is a ‘nil use’. As such, it is not necessary to consider the merits of the appeal as a certificate cannot be granted.

W/24/0831	11A Hatton Terrace, Birmingham Road, Hatton	Lawful Development Certificate relating to the Use of a Building as a Dwelling <b>Delegated</b>	Millie Flynn	Questionnaire: 11/2/25 Statement: 11/3/25	<b>Appeal Allowed</b>
<p>Based on the statements made in the statutory declarations and the fact they corroborate the appellant’s position, the Inspector considered, on the balance of probabilities, that the building was in residential occupation for approximately one week a month. Given the frequency and regularity of the appellant’s residential occupation of the building; that the building remained fully furnished with personal and domestic items during the periods when the appellant was not staying in it; that the building was fully fitted for day-to-day living; and, the building is set within its own parcel of land with its own amenity space, distinctly separate from No 11, he found that there has been a significant change in the nature of the use of the building from a garage to a dwelling. The evidence indicates that, on the balance of probabilities, this material change of use took place in September 2013 and continued without any significant interruption until at least October 2017. The Council could have successfully taken enforcement action against the use of the appeal property as a dwelling at any point during this period. The use therefore became immune from enforcement action in October 2017.</p>					
W/24/0727	Eathorpe Hall, Old Fosse Way, Eathorpe	Lawful Development Certificate for Gates <b>Delegated</b>	Sophie Lad	Questionnaire: 21/2/25 Statement: 21/3/25	Ongoing
		Detached Dwelling			

W/24/0934	Land to the Rear of Clover Hill, Old Warwick Road, Lapworth	<b>Delegated</b>	Erin Weatherstone	Questionnaire: 28/7/25 Statement: 25/8/25	<b>Appeal Dismissed and Costs Claim Refused.</b>
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The appeal site forms Allocation H32 in the Warwick District Local Plan and Policy DS11 identifies the site as allocated for 12 dwellings. The appeal proposal was for one large dwelling which would occupy the whole site. The main issue was whether or not the proposal would make an effective and efficient use of the site.

The Inspector considered that the site was capable of accommodating more than one dwelling and therefore the proposal would not make the most effective use of land in meeting the need for homes. The Framework also seeks to achieve development at appropriate densities. Paragraph 129 supports development which makes efficient use of land, taking account of a number of considerations including the desirability of maintaining an area's prevailing character and setting. Even taking into account the lower density of the existing residential properties to the west, the proposal would be at a density considerably lower than that which prevails in the area. When viewed in the context of the surrounding residential developments, he considered that it would be possible to deliver a higher housing density on this site. Consequently, he found that development of the site for only one dwelling would not represent an efficient use of land.

The Inspector also confirmed the Council's case that restrictive covenants are a matter of private law. Planning Practice Guidance states: "Land ownership, including any restrictions that may be associated with land, is not a planning matter" (Paragraph: 005 Reference ID: 13-005-20140306). Therefore, the fact that there is a restrictive covenant on the site did not alter his conclusion on the main issue of the appeal. In terms of benefits, he considered that one additional dwelling would make a limited contribution to the overall supply of housing, as would the support that the construction and future occupancy would provide to construction employment and the local economy.

COSTS:

The reason for refusal did not cite any Local Plan policies but did identify conflict with the National Planning Policy Framework. The Framework is an important material consideration and the reason for refusal was justified. The Inspector therefore considered that the Council did not act unreasonably in this regard. In addition, the Inspector confirmed that the Council is entitled to rely on its Officer's report for the appeal and he did not find the contents of the Statement of Case to be obstructive nor their approach to rely

on the Officer's report, unreasonable. The application also alleged that the Council withheld legal advice which it had sought in relation to the restrictive covenant on the site. However, the Council has provided evidence that a summary of that advice was communicated to the applicant by email prior to the determination of the application. He therefore found that the Council did not act unreasonably in this regard. The Officer's report includes a section on the covenant, concluding that it is not a material planning consideration which was consistent with the PPG. Therefore, the Council did not act unreasonably in relation to this matter.

W/25/0229	Land to the south of the Tan House, Old Warwick Road, Lapworth	Permission in Principle for up to 3 Dwellings <b>Delegated</b>	Erin Weatherstone	Questionnaire: 16/7/25 Statement: 13/8/25	<b>Appeal Dismissed and Costs Claim Partially Allowed</b>
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The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted. Taking account of the site's location in relation to existing built development, its relationship with the surrounding predominantly undeveloped land, and the distinct change in character between the built up part of the village and the adjacent countryside, the Inspector found that the site was not within the village and therefore the proposal would not constitute limited infilling in villages and would not meet the exception in paragraph 154e) of the Framework.

The Council agreed that the site was Grey Belt. However, to be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework. The Inspector considered that the proposal would introduce built development onto land which is currently free from development. As such, the proposal would result in encroachment into the countryside and thus would fundamentally undermine purpose c). Consequently, the proposal would fail to meet the requirements of criterion a).

The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area. The Inspector found the proposal would be inappropriate development in the Green Belt and would cause harm to its openness. This constitutes a strong reason for refusing the proposal and, therefore, the presumption in favour of sustainable development did not apply in this case.

The Council's reason for refusal stated that the site would not have a safe and suitable access and the Council's case was that this would mean the site is not in a sustainable location in the context of paragraph 115 of the Framework. The Inspector noted that while Paragraph 115 does require safe and suitable access for all users, the scope of PiP is limited to principle matters only. Details such as speed surveys and visibility splays which may be needed to demonstrate that a safe and suitable access can be achieved would be matters for a TDC application.

COSTS:

The Inspector found that although the Council did not directly reference relevant case law in respect of limited infilling, their assessment of the proposal did accord with the principles established by it. However, the Inspector did consider that the Council went beyond the scope of what can be considered for an application for Permission in Principle (PiP) by including a failure to demonstrate a safe and secure access as part of the reason for refusal. Whilst Paragraph 115 does require safe and secure access, the technical evidence required to demonstrate this would be a matter for the Technical Details Consent (TDC) stage.

W/25/0776	House 3 & 4, 151 Leam Terrace, Leamington	Variation of approved Plans relating to Extensions and Alterations <b>Delegated</b>	James Moulding	Questionnaire: 11/9/25 Statement: 9/10/25	<b>Appeal Allowed</b>
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The Inspector agreed with the Council that replacing the permitted pitched roof with a flat roof and raising the eaves height for most of the side and rear extensions would increase their visual bulk. The flat-roofed side extension would appear less harmonious with the host dwelling and make the rear extension more noticeable. Large flat roofed extensions, especially along the boundary, are not a common feature in the immediate area, so the proposed amendments would make the extensions slightly at odds with the character and appearance of the RLSCA. However, he considered that the extensions are discreetly positioned between the host dwelling and No. 153 Leam Terrace, set back behind the existing lean-to and well away from the highway and views of the extensions from Leam Terrace are therefore limited and would not appear obtrusive or disrupt the uniform frontage of the terrace. Overall, while the amendments would make the extensions less retiring than those permitted, their visual bulk would be broadly comparable to the side and rear additions to the neighbouring property.

Although the Council's RDG discourages single-storey flat roof side extensions, the Inspector considered that the permitted first-floor addition with a pitched roof would draw attention away from the flat roofs below. Moreover, the terrace that includes the host dwelling has some flat-roofed features such as dormer windows and porches, helping the proposed extensions integrate with their surroundings and reducing any sense of incongruity.

In respect of impact on amenity, he considered that the overall change in outlook would be limited and would not result in any harm to living conditions.

W/25/0222	Office Building, Emscote Old Wharf, 73 Emscote Road, Warwick	Change of Use to 4 Apartments <b>Delegated</b>	Millie Flynn	Questionnaire: 10/9/25 Statement: 8/10/25	Ongoing
W/24/0560	Lower Norton Farm, 20 Henley Road, Norton Lindsey	Erection of stable building, machinery and dry store and formation of of a menage <b>Delegated</b>	Thomas Senior	Questionnaire: 2/9/25 Statement: 30/9/25	<b>Appeal Dismissed</b>

The stable building was designed to accommodate 12 horses together with a range of associated facilities. The building is used for the private stabling of the appellant's horses, and it also incorporates a number of ancillary rooms, including feed, rug and tack rooms, together with a utility area and a washroom for staff and visitors. The building adopts a cross-shaped internal layout, with a wide central walkway and stabling bays arranged to either side, resulting in a structure of considerable width and depth.

The Inspector considered that whilst the provision of stabling for horses may not, in itself, amount to inappropriate development in the Green Belt, the building is substantial in its overall scale, height and floorspace. The inclusion of utility area, additional facilities for staff and visitors, and the wide cross-layout walkway materially increases the bulk and permanence of the structure. These elements go beyond what would normally be regarded as appropriate for private equestrian use. They contribute to the perception of the building as a large and complex facility rather than a modest stable structure.

In spatial terms, the building introduces a significant amount of built form due to its considerable footprint and volume. Visually, despite its equestrian purpose, the building is bulky in form and large in scale, and its excessive height further creates a prominent feature within the landscape. The cumulative effect of these characteristics erodes the sense of openness that the Green Belt designation seeks to protect.

The Inspector considered that that welfare requirements can be met through a range of building sizes and configurations and the appellants case in this respect carried limited weight. The appellant also argued that the storage building would help to protect the landscape by keeping hay, straw and machinery within the building. However, haylage and agricultural machinery are commonly found within the countryside. Whilst I note the need to keep hay and straw in dry condition, such materials can be adequately protected through other means, including weather-resistant coverings. The barn may be intended to store hay cut from the site, but there was no quantification of the volume of hay or straw to be stored, nor any details of floorspace required for this purpose. Likewise, the extent and type of machinery needing coverage storage had not been specified. Therefore, the Inspector was not satisfied that the size of the barn was justified or that the level of built form is the minimum necessary to support the equestrian activities on site.

W/25/0521	9 Frances Avenue, Warwick	Single Storey rear Extension <b>Delegated</b>	Jack Hemus	Questionnaire: 19/9/25 Statement: 10/10/25	Ongoing
W/24/1376	Garage area opposite entrance to 27 Eastfield Road, Leamington	Demolition of Building and Erection of Building to form 2 x Apartments <b>Delegated</b>	Millie Flynn	Questionnaire: 10/9/25 Statement: 8/10/25	<b>Appeal Dismissed</b>

The Inspector noted that the site is notably smaller than other plots on Eastfield Place, but due to its simple form and low profile, the existing garage sits comfortably in the streetscene and has a neutral impact on the CA. In contrast the proposal would appear cramped in its constrained plot and at odds with the appearance of the streetscene harming the CA. The harm would be less than substantial. The benefits of the development towards the five-year supply would be very modest and would not outweigh the harm. In respect of parking, the Inspector noted that there were no spaces available at the time of his visit. He also noted that the proposed

spaces would not meet the dimensions set out in the Council's SPD, which would result in cars overhanging onto the pavement and forcing pedestrians into the carriageway, compromising highway safety.

W/25/0721	Racing Club Warwick FC, Hampton Road, Warwick	Freestanding 48 Digital LED Advertisement Display <b>Delegated</b>	Thomas Senior	Questionnaire: 20/9/25 Statement: 21/10/25	<b>Appeal Dismissed</b>
<p>The Inspector noted that this side of the road lies within the WCA and provides a predominantly green and open setting to Warwick's historic townscape and Warwick Castle which also fall within the designation. This setting contributes to the overall character and appearance of the WCA. It includes a wide verge adjoining Hampton Road which complements the greenery on the appeal site side. The Inspector considered that due to its scale, design, positioning and horizontal emphasis, the advert would appear intrusive and incongruous in the above context where advertisements are predominantly confined to non-illuminated boards relating to commercial, recreational and sports club uses. Whilst light levels emitted would or could be reduced overnight, it would nevertheless be a bright feature in the streetscape. The relatively straight nature of the road at this point would mean that the panel would be visible for a lengthy period when travelling along the road, particularly during nighttime hours. Furthermore, the residential character of the opposite side of the road is clearly evident and would be visible in the same context as the advertisement panel. This would compound its incongruity and would introduce a form of signage which would be alien to its surroundings.</p>					
W/25/0483	Land at Church Lane, Whitnash	2 Dwellings <b>Delegated</b>	Lucy Shorthouse	Questionnaire: 20/9/25 Statement: 21/10/25	Ongoing
W/25/0407	Land North of Bakers Lane, Knowle	Replacement Forestry Storage Building <b>Appeal against Non- Determination</b>	Dan Charles	Questionnaire: 4/12/25 Statement: 6/1/26	Ongoing

W/25/0263	Haseley House, Haseley Manor, Birmingham Road, Hatton,	Extensions <b>Delegated</b>	James Moulding	Questionnaire: 11/11/25 Statement: 2/12/25	Ongoing
W/25/1217	17 Frythe Close, Kenilworth	Replacement Windows <b>Delegated</b>	Laura Slevin	Questionnaire: 4/12/25 Statement: 25/12/25	Ongoing
W/24/0520	The Fusilier, Sydenham Drive, Leamington	Erection of 7 Apartments <b>Delegated</b>	Lucy Hammond	Questionnaire: 3/12/25 Statement: 2/1/26	Ongoing
W/25/0794	55 Warwick Road, Kenilworth	First Floor Raised Terrace <b>Delegated</b>	Millie Flynn	Questionnaire: 5/12/25 Statement: 7/1/26	Ongoing
W/25/0494	3 Moorhill Road, Whitnash	Single Storey Rear Extension <b>Delegated</b>	Sophie Lad	Questionnaire: 27/11/25 Statement: 18/12/25	Ongoing
W/25/0896	2 Wordsworth Drive, Kenilworth	Single Storey Extension and Repositioned Fence	Sophie Lad	Questionnaire: 5/12/25	Ongoing

		<b>Appeal against Non-Determination</b>		Statement: 7/1/26	
W/25/1153	Comptons Garage, Rugby Road, Cubbington	Illuminated Sign <b>Delegated</b>	Thomas Senior	Questionnaire: 3/12/25 Statement: 24/12/25	Ongoing
<b>New</b> W/24/0350	4 Asps Cottages, Banbury Road, Warwick	Single Storey Extensions <b>Committee Decision in accordance with Officer Recommendation</b>	James Moulding	Questionnaire: 22/12/25 Statement: 22/1/26	Ongoing
<b>New</b> W/25/0145	54 Kenilworth Road, Leamington	3 Storey Extension to provide 7 Apartments and 2 Offices. <b>Committee Decision in accordance with Officer Recommendation</b>	Lucy Hammond	Questionnaire: 29/12/25 Statement: 27/1/26	Ongoing
<b>New</b> W/24/1480	Annexe at Yew Tree Cottage, Old Warwick Road, Lapworth.	2 Dwellings <b>Delegated</b>	Lucy Shorthouse	Questionnaire: 24/12/25 Statement: 26/1/26	Ongoing
<b>New</b> W/25/0629	Yew Tree Croft, 180 Bakers Lane, Knowle	1 Dwelling <b>Delegated</b>	Millie Flynn	Questionnaire: 24/12/25 Statement: 26/1/26	Ongoing

<b>New</b> W/25/1180	7 Ilmington Close, Hatton	Repositioning of Boundary Fence <b>Appeal against Non-Determination</b>	Sophie Lad	Questionnaire: 24/12/25 Statement: 9/2/26	Ongoing
<b>New</b> W/25/0470	14 Warwick Place, Leamington	Demolition of front garden wall, proposed below ground car lift to lowered basement and replacement swinging garden wall. <b>Delegated</b>	Thomas Senior	Questionnaire: 9/1/26 Statement: 30/1/26	Ongoing

### Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	Will Holloway	Statement: 22/11/19	Public Inquiry  January 2025 Hearing Postponed at the Appellants request.	Inspector Site Visit scheduled 15 December 2025  Visit cancelled and rearranged

					20-22 May 2025 Hearing postponed at the Appellants request  Format changed to written reps following repeated cancellations	for 8 <sup>th</sup> January 2026. This too was cancelled by the Inspector due to the weather
ACT 506/20	Hatton Arms, Hatton	Erection of covered enclosure to rear	Stephen Hewitt	Awaiting Planning Inspector Decision	Written Reps	Ongoing
ACT 812/20	11 Hatton Terrace, Warwick	Conversion of garage into living accommodation	Navjot Nijjar	Awaiting Planning Inspector Decision	Written reps	<b>Appeal Allowed and Enforcement Notice Quashed</b>

This case is linked to the refused planning application W/24/0831 with the Notice being served following the refusal. Based on the statements made in the statutory declarations and the fact they corroborate the appellant's position, the Inspector considered, on the balance of probabilities, that the building was in residential occupation for approximately one week a month. Given the frequency and regularity of the appellant's residential occupation of the building; that the building remained fully furnished with personal and domestic items during the periods when the appellant was not staying in it; that the building was fully fitted for day-to-day living; and, the building is set within its own parcel of land with its own amenity space, distinctly separate from No 11, he found that there has been a significant change in the nature of the use of the building from a garage to a dwelling. The evidence indicates that, on the balance of probabilities, this material change of use took place in September 2013 and continued without any significant interruption until at least October 2017. The Council could have successfully taken enforcement action against the use of the appeal property as a dwelling at any point during this period. The use therefore became immune from enforcement action in October 2017.

ACT 169/23	48 Willes Road, Leamington	Erection of timber fence over 2m high fronting a highway	Jasmin Day	Awaiting Planning Inspector Decision	Written Reps	Ongoing
ACT 0008/23	5-7 Jury Street, Warwick, CV34 4EH	The erection of a balcony area to the existing rear roof	Jasmin Day	Await Planning Inspector Decision	Written Reps	Ongoing
ACT 0216/25	Worms Seven Farm, Bakers Lane, Knowle	Mobile Caravan has an LDC to be used in conjunction with the agricultural use of land but owner is now living there with his children, COU to mixed use	Kal Birk	Await Planning Inspector Decision	Written Reps	Ongoing
ACT 0153/25	Land South west of Providence Lodge, Bakers Lane, Knowle	Caravan placed on land	Kal Birk	Await Planning Inspector Decision	Written Reps	Ongoing

Tree Appeals

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