

Planning Committee: 05 April 2006

Item Number: 03

Application No: W 06 / 0070

Registration Date: 09/01/06

Town/Parish Council: Leek Wootton

Expiry Date: 06/03/06

Case Officer: Penny Butler

01926 456544 planning_west@warwickdc.gov.uk

2 Chesford Cottages, Ashow Road, Chesford, Kenilworth, CV8

Change of use of land from hotel car park to residential curtilage, and erection of a polytunnel FOR Mr Mark Caddick

This application was deferred at Planning Committee on the 16 March 2006, to enable a site visit to take place on 1 April 2006. The report which follows is that which was presented previously.

This application is being presented to Committee due to an objection from the Parish Council having been received, and it has also been requested by Councillor Compton.

SUMMARY OF REPRESENTATIONS

Parish Council: Object. "Can the purchase of an area of land in green belt, outside of the original property, but adjacent to it, be added to that property and therefore qualify as building land, then does the erecting of a polytunnel do this?"

Polytunnels in our opinion seem to be more in line with commercial development and believe them to be contrary to ENV1 and ENV3 of the Warwick District Local Plan, and do not preserve or enhance the appearance or character of the Green Belt.

We understand that the adjoining property has rights of access over this land and the erecting of fencing and a polytunnel will prevent this."

Neighbours: One objection from adjoining dwelling. The polytunnel would be out of place in terms of it's scale, height, form and appearance, constitute an alien feature, would fail to protect the openness and character of the countryside, and would not preserve or enhance the Green Belt. It will appear out of keeping and will have a massive detrimental visual impact on the cottages and their front gardens. Contrary to Local Plan Policies DAP1 and DAP3. The polytunnel would be more in keeping with a commercial use and concern is raised about noise in high winds. Rights of access over this land would be impeded by the existing fence and the proposed polytunnel.

WCC Museum (Ecology): Bird note and planting note recommended.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

The land in question had previously been part of the car park for the Chesford Grange hotel for some years. It adjoins the residential curtilage of 2 Chesford Cottages, which has had planning permission for several house extensions.

KEY ISSUES

The Site and its Location

The area of land measures approximately 11m by 11m, and forms the corner of the residential curtilage of 2 Chesford Cottages. The house is accessed off the B4115 (close to the junction with Kenilworth Road) down a private drive which passes in front of the semi-detached neighbour (1 Chesford Cottages). The application site is at the far end of the drive way and parking area, over 17 metres from the neighbours property. The two cottages overlook the hotel car park. The front boundary between the cottages and the car park consists of a 1.8m close boarded fence with thick leylandii evergreen hedge extending to 2.5 - 3.0m tall. The application site is currently separated from the applicant's residential curtilage and the car park by 1.8m close boarded fencing.

Details of the Development

It is proposed to change the use of the land from car park to residential curtilage. The applicant has also submitted details of five raised planting beds and a polytunnel which will be placed on the land and used for residential purposes. The polytunnel would measure 4.3m by 7.6m, and with a curved roof measuring 2.4m high at the tallest point.

Assessment

The site does not extend into the car park, but instead intrudes into the existing residential curtilage. As such the proposed change to the boundary of the curtilage would give the visual impression of extending the natural front

boundary line. The proposed polytunnel is in the front garden of the property, but as the dwelling is located at right angles to the road it would not be projecting closer to the highway or the neighbouring property. Public views of the polytunnel down the access would be partly screened by the 1.8m fencing, and against the backdrop of trees and shrubs to the east. Visually the site does not form part of the open countryside, as it is bounded on three sides by the car park and the applicant's garden.

If the change of use of the land was granted unrestricted then the land would benefit from normal residential permitted development rights, and as such the raised beds and polytunnel would not require planning permission. The removal of permitted development rights is only justified where there is a real and demonstrable harm likely to occur from the exercising of these rights. On this site, given the partial screening of the land and its siting away from the open countryside and the neighbouring property, it is not considered that removing these rights would be justified. For this reason, it would be unreasonable to refuse permission for the polytunnel, when it could be erected under these rights if the proposal was solely for the change of use of the land. The applicant has informed us that he may wish to build a garage on the land in the future, in which case this would be subject to the normal restrictions.

It is not considered that the visual amenity this neighbour currently enjoys would be severely damaged given that the polytunnel would be positioned over 17 metres from their property, and there would only be obscure views of the polytunnel from within their dwelling. Rights of access are a private matter and cannot be used to judge planning applications. The neighbour's concerns regarding wind noise from the polytunnel are noted, but it is not usual for this to be treated as a material consideration as part of the planning process.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) ('Detailed plan for change of use'; 'First Tunnels brochure detail page 16), and specification contained therein, submitted on 9 and 19 January 2006, and letter submitted 19 January 2006, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed change of use and positioning of polytunnel and raised beds does not prejudice the openness and rural character of this green belt area, nor do the proposals result in an unacceptable adverse impact on the amenity of nearby residents by reason of character or visual impact. The proposal is therefore considered to comply with the policies listed.