

**List of Current Planning and Enforcement Appeals  
January 2019**

Public Inquiries

| Reference | Address                          | Proposal and Decision Type   | Officer   | Key Deadlines  | Date of Hearing/Inquiry | Current Position |
|-----------|----------------------------------|--|-----------|--|-------------------------|------------------|
| W/17/1470 | Land at Leamington Shopping Park | 3 x A1 retail units<br><b>Committee Decision in accordance with Officer Recommendation</b> | Rob Young | Questionnaire: 11/7/18<br>Statement: 8/8/18<br>Comments: | 12-14 Feb 2019          | Ongoing          |

Informal Hearings

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

| Reference | Address                              | Proposal and Decision Type  | Officer            | Key Deadlines  | Current Position        |
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| W/18/0361 | 14 Bakers Mews,<br>Baddesley Clinton | Installation of Dropped Kerb<br><b>Delegated</b>  | Rebecca<br>Compton | Questionnaire:<br>3/9/18<br>Statement:<br>25/9/18<br>Comments:               | Ongoing                 |
| W/18/0130 | Hillcroft, Red Lane,<br>Burton Green | New dwelling<br><b>Committee Decision in accordance<br/>with Officer Recommendation</b> | Dan<br>Charles     | Questionnaire:<br>11/10/18<br>Statement:<br>8/11/18<br>Comments:<br>22/11/18 | <b>Appeal Dismissed</b> |

The Inspector considered that as the site was not within the boundaries of a limited infill village it could not meet the limited infilling exception and that whilst there was no definition of 'village' he considered the Policy was consistent with the aims of the Framework. He also considered that the introduction of a house on this site could not be regarded as an infill as the site is not a small gap in an otherwise built up front age as defined by the policy.

The Inspector noted that the proposed house has a modern design incorporating a flat roof and significant amounts of glazing but Red Lane is primarily comprised of more traditional pitched roof dwellings. Nevertheless he noted that there is some variety in the street scene with different types of dwelling sizes and design. Furthermore, the proposed dwelling would be set well back from the road with a hedgerow on a higher level than the highway to the front boundary. In these circumstances he found that the presence of a modern designed house would not be incongruous or overly prominent.

The Inspector acknowledged that the proposal would result in vehicles passing the front of the existing dwelling in close proximity where there are windows serving habitable rooms. However, as there is only a single dwelling proposed and therefore the frequency of vehicles driving past the front of the dwelling would likely be a low number per day. Therefore the effect of noise and headlamps would not result in significant disturbance.

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| W/18/0575               | R/O 21 Dale Street,<br>Leamington      | New dwelling<br><b>Delegated</b>                             | Helena<br>Obremski | Questionnaire:<br>22/10/18<br>Statement:<br>19/11/18<br>Comments:<br>3/12/18 | Ongoing  |
| W/18/0991 and<br>0992LB | Church Farm. Church<br>Lane, Budbrooke | First Floor extension to Barn conversion<br><b>Delegated</b> | Helena<br>Obremski | Questionnaire:<br>22/10/18<br>Statement:<br>19/11/18<br>Comments:<br>3/12/18 | <b>Appeals<br/>Dismissed and<br/>Application for<br/>Award of Costs<br/>Refused.</b> |

The Inspector considered that proposed loss of the lean-to structure which forms part of the original construction and which is clearly a utilitarian structure on a prominent elevation that contributes to the ancillary, agricultural character of the building and to the variety of roofs within the group. Although the lean-to materials would be reused in the extension, he considered that the proposal would obscure the ventilation holes at first floor level in that elevation and would result in the loss of the lean-to roof. The Inspector considered that these features contribute to the character of the building and the group and in turn to the significance of the listed farmhouse.

Whilst the harm was less than substantial, the Inspector considered that it was not outweighed by any public benefits.

With respect to the Costs Applications - the appellant contended that the Council's Case Officer gave specific design advice for the proposals to be considered acceptable in April 2016 and that proposals were submitted that followed that advice. The subsequent consultation responses contradicted that advice. The Inspector agreed that pre-application advice is always given on the basis that the advice is informal, without prejudice and without the benefit of wider consultation. It does not guarantee that planning permission or listed building consent will be granted if an application is forthcoming. Furthermore, he noted that it was clear from the Case Officer's email of 12 April 2017 that the loss of the roof of the single storey element was a significant concern yet the appellant still chose to proceed with the subsequent proposals which included the loss of that element. Even if the original pre-application advice was positive, it did not preclude the Conservation Officer or another Case Officer from having a different professional judgment or the Council from refusing the applications. The Council was therefore entitled to reach a different conclusion from that of the pre-application advice of the original Case Officer.

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| W/18/0011               | Gospel Oak Farm, Rising Lane, Lapworth      | Change of Use of Outbuilding to Dwelling<br><b>Delegated</b>   | Lucy Hammond    | Questionnaire:<br>11/10/18<br>Statement:<br>8/11/18<br>Comments:<br>22/11/18 | Ongoing                  |
| W/18/0986               | Ivy Cottage, Barracks Lane, Beausale        | One and two Storey Extensions<br><b>Committee Decision in accordance with Officer Recommendation</b> | Rebecca Compton | Questionnaire:<br>23/10/18<br>Statement:<br>14/11/18<br>Comments:            | Ongoing                  |
| W/18/0042and<br>0043/LB | Manor Cottage, 3 Spencer Street, Leamington | Provision of 1 Bed flat in Basement<br><b>Delegated</b>  | Sandip Sahota   | Questionnaire:<br>22/10/18<br>Statement:<br>19/11/18<br>Comments:<br>3/12/18 | <b>Appeals Dismissed</b> |

The Inspector considered that the extension of the basement and the removal of original internal walls, including some without any retention would make it difficult to understand the original plan form. He also considered that the introduction of a new window on the front elevation which would not align with existing windows would unbalance the symmetry of the dwelling. These works would undermine the significance of the listed building.

The Inspector noted that both bedrooms would be located at the rear of the property with windows facing onto a small, north facing rear courtyard area which is surrounded on two sides by an existing 1.8m high boundary fence and the two storey and single storey projecting elements of the main dwelling and agreed with the Council that this would result in an unacceptable degree of enclosure. He concluded that the amount of light to, and the outlook from, the bedroom windows would be insufficient to provide acceptable living conditions.

The Inspector agreed that requirement for the development to remain car free is necessary and reasonable given the parking conditions in the area. In the absence of a unilateral undertaking for the property to be removed from the residents parking zone he concluded the proposal would be contrary to Policy TR3.

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| W/18/0304   | Tunnel Barn Farm,<br>Shrewley                             | 2 Holiday Cabins<br><b>Delegated</b>   | George<br>Whitehouse | Questionnaire:<br>17/10/18<br>Statement:<br>14/11/18<br>Comments:<br>28/11/18 | <b>Appeal Dismissed</b> |
| <p>The Inspector considered that as the fishery is a national attraction which also attracts people who travel long distances to fish early in the morning and late at night, to require cabins on site to provide overnight accommodation was therefore reasonable. He considered a condition could be added to ensure it wasn't just for accommodation for wider tourism.</p> <p>However, the Inspector noted that to meet exception b) in para 145 of the NPPF the development must be an appropriate facility and preserve the openness of the Green Belt. The Inspector recognised the appeal site a paddock, open in character with visual connections with open land around it and countryside. He considered that given the form and scale of the cabins and their position forward of the existing ones, the development would be visually prominent. Any associated hardstanding and paraphernalia around them would reinforce their presence and this together with recreational activities would result in openness being lost. The Inspector concluded that the development was inappropriate development in the Green Belt.</p> |   |  |                      |   |                         |
| W/17/2110   | Adjacent to 2 Church<br>Cottages, Church Road,<br>Honiley | Detached Dwelling<br><b>Committee Decision in accordance<br/>with Officer Recommendation</b> | Sandip<br>Sahota     | Questionnaire:<br>17/10/18<br>Statement:<br>14/11/18<br>Comments:<br>28/11/18 | <b>Appeal Dismissed</b> |
| <p>The appellant made the case that the proposed dwelling would meet the Green Belt exception as it was for limited affordable housing for community needs. However, the Inspector considered that for this to be the case it would have to correlate with development plan policies for such housing which would not be the case. Whilst the appellant would be willing to discount any market value of the property when sold and enter into a legal agreement to establish the principles of occupancy in perpetuity, the premise behind the development proposed is to meet private needs of the appellant. The Inspector concluded that this is not the same as meeting a local and identified need for affordable housing. The Inspector noted that the site was not within a village boundary and therefore concluded that the proposal could not meet the exception of limited infilling in a village. He concluded the development would be inappropriate development in the Green Belt harmful by definition and by</p>   |   |  |                      |   |                         |

reason of harm to openness.

In terms of character and appearance the Inspector considered that the proposed one and half storey dwelling would contrast awkwardly with the two storey height of the existing buildings. The ratio of void to brickwork would differ from the existing houses and together with the more conventional design of the house, the proposal would make little reference to the rural vernacular and would harm the character and appearance of the area.

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| W/18/0649 | 56 Leam Terrace,<br>Leamington                            | 2 storey Detached Building for Office Use<br><b>Delegated</b>                                  | Andrew<br>Thompson   | Questionnaire:<br>10/12/18<br>Statement:<br>7/1/19<br>Comments:<br>21/1/19  | Ongoing               |
| W/18/0771 | The Clangers, 28<br>Snittterfield Lane, Norton<br>Lindsay | Replacement Dwelling House<br><b>Committee Decision contrary to<br/>Officer Recommendation</b> | Angela<br>Brockett   | Questionnaire:<br>26/11/18<br>Statement:<br>24/12/18<br>Comments:<br>7/1/19 | Ongoing               |
| W/18/0675 | 130 Parade, Leamington                                    | Non Illuminated Projecting Sign<br><b>Delegated</b>  | George<br>Whitehouse | Questionnaire:<br>22/11/18<br>Statement:<br>13/12/18<br>Comments: -         | <b>Appeal Allowed</b> |

The Inspector considered that the proposed sign would be of relatively modest proportions and therefore would not give the frontage a cluttered appearance. He also noted that there had historically until very recently been a hanging sign in this location and the hanging bracket

was still in place at the time of his site visit. He considered this made the building's frontage appear incomplete without a sign attached. The Inspector concluded that the sign would not stand out as an incongruous, over-dominant or unduly prominent feature in the streetscene.

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| W/18/0607               | Sunnyside, Old Warwick Road, Lapworth | 2 Dwellings<br><b>Delegated</b>   | Helena Obremski | Questionnaire:<br>26/11/18<br>Statement:<br>24/12/18<br>Comments:<br>7/1/19  | Ongoing |
| W/18/0803               | 17 Gaveston Road, Leamington          | Change in Use to HMO<br><b>Committee Decision contrary to Officer Recommendation</b>  | Helena Obremski | Questionnaire:<br>29/11/18<br>Statement:<br>27/12/18<br>Comments:<br>10/1/19 | Ongoing |
| <b>New</b><br>W/18/0683 | Lime Garage, Myton Road, Warwick      | Change of use from car Showroom to Estate Agents and Sales Hub<br><b>Delegated</b>  | Andrew Thompson | Questionnaire:<br>4/1/19<br>Statement:<br>22/1/19<br>Comments:<br>5/2/19     | Ongoing |
| <b>New</b><br>W/18/1071 | 121 – 123 Warwick Road, Kenilworth    | Revised proposals adding additional bedrooms and making other changes to existing planning permission for change of use to student accommodation.<br><b>Committee Decision contrary to Officer Recommendation</b> | Andrew Thompson | Questionnaire:<br>16/1/19<br>Statement:<br>13/2/19<br>Comments:<br>27/2/19   | Ongoing |
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| <b>New</b><br>W/18/1392 | 13 Clapham Street,<br>Leamington              | Single Storey Extension<br><b>Delegated</b>   | Emma<br>Booker           | Questionnaire:<br>21/12/18<br>Statement:<br>14/1/19<br>Comments: | Ongoing |
| <b>New</b><br>W/18/1550 | West Hill, Westhill Road,<br>Cubbington       | Detached Garage and Walled Courtyard<br><b>Committee Decision in accordance<br/>with Officer Recommendation</b> | Emma<br>Booker           | Questionnaire:<br>25/12/18<br>Statement:<br>16/1/19<br>Comments: | Ongoing |
| <b>New</b><br>W/18/1676 | Glenshee, 93 Chassetts<br>Wood Road, Lapworth | Hip to Gable Roof Extension and Dormer<br>Extensions<br><b>Delegated</b>  | Emma<br>Booker           | Questionnaire:<br>11/1/19<br>Statement:<br>4/2/19<br>Comments:   | Ongoing |
| <b>New</b><br>W/18/1754 | 27 Ledbrook Road,<br>Cubbington               | Single Storey Extensions<br><b>Delegated</b>  | Emma<br>Booker           | Questionnaire:<br>9/1/19<br>Statement:<br>31/1/19<br>Comments:   | Ongoing |
| <b>New</b><br>W/18/0850 | The Stables, 92 Bridge<br>End, Warwick        | Various extensions and alterations<br><b>Delegated</b>  | George<br>Whitehou<br>se | Questionnaire:<br>25/12/18<br>Statement:<br>16/1/19<br>Comments: | Ongoing |



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| <b>New</b><br>W/18/1292 | 1 Nursery Lane,<br>Leamington         | New Dwelling<br><b>Delegated</b>  | Helena<br>Obremski | Questionnaire:<br>4/1/19<br>Statement:<br>22/1/19<br>Comments:<br>5/2/19    | Ongoing |
| <b>New</b><br>W/18/1231 | Calmonfre, Haseley KNob               | First Floor Side extension<br><b>Committee Decision in accordance<br/>with Officer Recommendation</b> | Liz<br>Galloway    | Questionnaire:<br>15/1/19<br>Statement:<br>6/2/19<br>Comments:              | Ongoing |
| <b>New</b><br>W/18/1568 | 3a Oxford Street,<br>Leamington       | Canopy and Bay Window<br><b>Delegated</b>   | Rebecca<br>Compton | Questionnaire:<br>14/1/19<br>Statement:<br>5/2/19<br>Comments:              | Ongoing |
| <b>New</b><br>W/17/1408 | 41 – 43 Clemems Street,<br>Leamington | 4 no. 1 bed flats<br><b>Delegated</b>   | Helena<br>Obremski | Questionnaire:<br>14/12/18<br>Statement:<br>11/1/19<br>Comments:<br>25/1/19 | Ongoing |
| <b>New</b><br>W/18/1953 | 22 Rouncil<br>Lane, Kenilworth        | Ground and first floor extensions<br><b>Delegated</b>   | Liz<br>Galloway    | Questionnaire:<br>23/1/19<br>Statement:<br>14/2/19<br>Comments:             | Ongoing |

Enforcement Appeals

| Reference  | Address                            | Issue                | Officer            | Key Deadlines  | Date of Hearing/Inquiry | Current Position |
|------------|------------------------------------|----------------------|--------------------|--|-------------------------|------------------|
| ACT 474/16 | 4A Wise Terrace,<br>Leamington Spa | Use of Flats as HMOs | Andrew<br>Thompson | Statement: 7/12/18<br>Final Comments:<br>28/12/18<br>Evidence: 11/2/19 | 11/3/19                 | Ongoing          |
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Tree Appeals

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