

Planning Committee: 26 March 2019

Item Number: 15

Town/Parish Council: Kenilworth

Case Officer: Debbie Prince
01926 456529 debbie.prince@warwickdc.gov.uk

Land at New Kingswood Farm, Dalehouse Lane, Kenilworth, CV8 2JZ

Application for a Certificate of Appropriate Alternative Development

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

**Conversion of roof space and garage of existing farmhouse and
internal alterations to achieve 7 bedrooms and 4 bathrooms.**

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This application has been made by Mr Guy Minshull, the owner of New Kingswood Farm, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations and in this case the Permitted

Development Rights conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015.

THE SITE AND ITS LOCATION

The application property is the existing farmhouse surrounded by arable farmland on the south side of Dalehouse Lane in the Green Belt. The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

DETAILS OF THE DEVELOPMENT

This is an application for a Certificate of Alternative Appropriate Development for conversion of a garage and a roof space to habitable accommodation, insertion of roof lights, windows and doors and construction or movement of internal partition walls. The application is submitted on the basis that these works would be permitted development under Schedule 2 Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

RELEVANT POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- whether the property benefits from permitted development rights; and
- whether the proposals comply with the limitations of Schedule 2, Part 1 Classes A, B and C of the GPDO.

The property benefits from full permitted development rights. These have not been removed by planning condition or an Article 4 Direction.

The proposed alterations would comply with all of the limitations of Schedule 2, Part 1, Classes A, B and C of the GPDO. This comprises principally the volume and height limitations in Class B for roof enlargements, but also all other limitations as set out in these classes.

CONCLUSION

It is therefore concluded that for the conversion of the garage and roof space to habitable accommodation, insertion of roof lights, windows and doors and construction or movement of internal partition walls to form a 7 bedroom 4 bathroom dwelling would be permitted development. As such, these works would not require planning permission. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.