

Application No: [W 19 / 0059](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

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The Castle Pavilion, Castle Road, Kenilworth

Proposed change of use from stables and paddock, to agriculture with new poly tunnel, and replacement building to provide farm shop and cafe. FOR Mr & Mrs Parry

This application is being presented to Committee as there have been 5 or more letters of support received for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed change of use from stables and paddock, to agriculture with new poly tunnel. The application is part retrospective as the poly tunnel and planting beds shown on the proposed drawings have been installed on site. The poly tunnels and beds would be used for horticulture to grow flowers which would be sold on site.

The proposal also includes the replacement of the existing building known as "Castle Pavilion", a former stable building now in a dilapidated condition, with a farm shop which would include a sales area for local produce, including the flowers grown on site and a cafe. The size of the building has been reduced so that it would be the same size as the existing building. Previously there was to be an increase in size by 35% of the original footprint. The Design and Access Statement confirms that the cafe would provide cold food and drinks and the farm shop would sell produce manufactured on site and homewares.

Parking would be provided on site for a total of 13 cars on an existing area of hardstanding, with two electric vehicle charging points and 1 disabled bay. There would be an area for cycle storage and the access has been amended to provide a two way access from Castle Road. Previously the site was to have a one-way system in and out of the site next to Brays Car Park near to Kenilworth Castle, however, this has been omitted following concern which was expressed by English Heritage. The existing track from Castle Road to Castle Pavilion would be tarmacked and widened, and would provide passing places.

A footpath would be provided through the wildflower meadow and fruit trees are proposed to the west of the site.

THE SITE AND ITS LOCATION

The application site relates to a detached stable building located to the west of Castle Road and accessed via an existing long unmade track. The site is located within the Green Belt with fields extending to the south. Immediately to the northern boundary is a Scheduled Ancient Monument (Kenilworth Castle outer defensive works) and the Kenilworth Conservation Area. Kenilworth Castle also has a Grade II* Registered Park and Garden. The site falls outside of the urban area of Kenilworth.

PLANNING HISTORY

W/17/0971 - Resubmission of W/16/0702: Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage: Withdrawn.

W/16/0702 - Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage: Refused and dismissed at appeal because: 'the proposal would result in unsatisfactory living conditions for future occupiers by way of an unacceptable level of outdoor amenity space and lack of adequate outlook'.

W/15/2169 - Proposed refurbishment of existing building to form dwelling: Refused because of 'harm to the openness of the Green Belt and, the residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area.'

W/14/0522 - Change of use of existing building to a dwelling (Use Class C3): Refused and appeal dismissed because of: 'the intrinsic harm that arises from inappropriateness, the loss of rural character and the harm to the setting of the ancient monument, registered park and garden and the conservation area'.

W/05/1464 - Change of use to stables: Granted.

W/99/1069 - Change of use from agriculture to office (B1a): Refused.

W/96/0691 - Change of use from farm shop to storage for contract lawn mower equipment: Refused.

W/95/0896 - Erection of dwelling and garage: Refused.

W/95/0345 - Change of use from farm shop to tea room: Refused.

W/91/0993 - Erection of bungalow and garage to replace existing timber framed building: Refused.

W/90/1252 - Erection of dwelling and double garage: Refused.

W/90/0191 - Erection of 2 bungalows and garages: Refused.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC18 - Farm Shops (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection:

- The amended access is not considered to provide safe access to the site, nor alleviate serious road safety concerns;
- The lane is unsuitable for heavy traffic and HGVs and there would be highway and pedestrian safety issues;
- Inappropriate commercial intrusion into the Green Belt in a sensitive area of the town adjoining a scheduled monument;
- The proposed farm shop does not relate to an existing farm;
- The proposed building is considerably larger than the existing, which represents a disproportionate addition to the original building and inappropriate development within the Green Belt, with no very special circumstances;
- The polytunnel sits next to the Castle, affecting views both ways and has a significant impact on the scheduled monument;
- The proposal is in breach of KP10 of the KNDP and will contain visitors to this area; and,

- The proposal is in breach of policy KP13 as the development is inconsistent with the Conservation Area, uniformly residential in character and introduces a higher intensification of the use into the area.

Conservation Area Forum (CAF): Objection, the increased height and footprint results in a detrimental increase of the massing on the site. The overall scheme is detrimental to the landscape, harmful to the setting of the Grade I listed Kenilworth Castle and Grade II* listed Registered Park and Garden with no sufficient public benefit which outweighs this harm.

Historic England: Objection, the rebuilding of the existing structure will change its character considerably and impact on the significance of the heritage assets by the change to their setting. No heritage benefits are to be derived from the scheme and the overall level of harm is potentially sufficient to merit a refusal in heritage terms.

English Heritage (Operator of Kenilworth Castle): Objection, concern regarding the proposed access arrangements relating to the access past the Brays Car Park, particularly the safety of visitors to the Castle; congestion; impact on the public bridleway/footpath which runs along same route through Castle grounds. No objection if the plans were amended to clearly show no use of the road through the Castle grounds and past the Brays Car Park to Castle Road.

Environmental Health: No objection, subject to conditions.

WCC Archaeology: No objection, subject to conditions.

WCC Ecology: No objection, subject to the inclusion of a condition relating to hand-stripping of roofing materials and informative notes relating to protected species.

WCC Landscape: Objection, the proposal is considered to be harmful to the Green Belt, historic Arden Parkland landscape character and setting of heritage assets.

WCC Highways: No objection, however, further comments expected prior to the committee meeting.

148 Public Support Comments:

- The proposed development would be an asset to Kenilworth and the District;
- It is important to support small businesses;
- The shop is much needed;
- The plans are in keeping with the area;
- The impact will be low;
- The development will encourage healthy living and become a community hub;
- It will enhance the walker and cycle routes;
- The development may provide additional employment opportunities;
- The proposal will add to the character of the rural area;
- The cafe will provide a service to users of public footpaths and the bridle path;
- The business will encourage visitors to Kenilworth to stay longer;
- Soon the site will be surrounded by the Sports Complex so the site context has already changed;

- The development would have very little impact on nearby residents and promotes healthy lifestyles;
- The wildflower meadow will encourage wildlife;
- Support for the use of electric charging points and disabled facilities; and,
- Extra traffic will not add to the volume of noise already heard by nearby residents.

1 Neutral Comment: The extraction stack is out of keeping.

91 Objections:

- Concern regarding the sustainability of the site, impact on the nearby town centre and ability to ensure that 70% of produce is farmed locally;
- Concern regarding use of the site for residential purposes in the future;
- The site is not allocated in the Local or Neighbourhood Development Plan for use as a farm shop;
- Harm to the openness of the Green Belt and there are no very special circumstances which outweigh the harm;
- The proposal does not represent a farm shop as there is no farm;
- Inadequate access to the site, the existing roads are in poor condition and the development would exacerbate this;
- Traffic management and highway and pedestrian safety impacts; inadequate parking;
- Detrimental impact on the character of the area and setting of the Conservation Area;
- Detrimental impact on nearby heritage assets including damage to property;
- Will be invasive to the local community;
- Impact on nearby businesses;
- Impact on neighbouring residential amenity (increase in traffic / noise disturbance / loss of privacy);
- Impact on protected species;
- Impact on the rural character of the area;
- Extraction equipment will damage air quality;
- Impact on wildlife and ecology;
- Impact on neighbouring farm / stables;
- The proposal is contrary to Kenilworth Neighbourhood Development Plan;
- Lack of genuine support for the proposal on the Facebook support page;
- No details provided regarding heating;
- The overdevelopment of the site;
- Increased risk of crime and anti-social behaviour; and,
- The applicant has located bee hives such that they are likely to become a nuisance to neighbours.

Castle Farm Action Group: Objection, harm to the openness of the Green Belt and Kenilworth Castle, danger and nuisance from increased traffic outweighs any likely benefits to the community, impact on local wildlife, views from public footpaths spoilt, will result in a vacant unit in the town centre.

Campaign to Protect Rural England (CPRE): Inappropriate development within the Green Belt; it is simply a shop in the field beyond the envelope of the town; no evidence that the shop will sell produce from a farm of the owner; the proposed building is larger and made of materials which will be far more conspicuous on this rural site; the road to the site is inadequate for the amount of traffic likely to use the cafe and shop.

ASSESSMENT

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

- The principle of development;
- The impact upon landscape/heritage assets;
- The impact on the living conditions of nearby dwellings;
- Highway Safety;
- Drainage and Flood Risk;
- Ecological Impact;
- Archaeology;
- Other Matters.

The Principle of the Development

Members of the public raise concern that the application site is not allocated in the Local or Neighbourhood Development Plan for use as a farm shop; there would be harm to the openness of the Green Belt and there are no very special circumstances which outweigh this harm. There are also concerns that the proposal does not represent a farm shop as there is no existing farm; and that it would have a detrimental impact on nearby businesses.

The Castle Farm Action Group and the CPRE also consider that the proposal represents inappropriate development within the Green Belt, that the proposals would result in a vacant unit in the town centre, and that there is no evidence that the shop will sell produce from a farm of the owner. Members of the public raise concern regarding the sustainability of the site, the impact on the nearby town centre and ability to ensure that 70% of produce sold is farmed locally.

Kenilworth Town Council consider that the proposal represents an inappropriate commercial intrusion into the Green Belt in a sensitive area of the town adjoining a scheduled monument.

Supporters of the proposal state that the development would not have a harmful impact on the openness of the Green Belt, that the proposal is a much needed asset for Kenilworth and the District, and will encourage visitors to Kenilworth to stay longer.

The Principle of New Retail Development

Local Plan policy TC2 states that,

"Within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map.

Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered."

The proposal would include the provision of a retail unit (farm shop) and cafe which would also be classed as new retail development. The application site is located outside of the town centre. The applicant has not demonstrated that there are no other suitable sites within the town centre or edge of retail areas

that would be suitable for the proposed use and therefore, it is not considered that the requirements of Local Plan policy TC2 have been met.

Maintaining the shopping function of town centres is important in supporting the local economy and promoting sustainable patterns of development. It is important therefore that any new retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the viability of existing town centres through new development. The proposed farm shop and cafe are considered to have a harmful impact on the function of the town centre, diverting trade away from the main retail element of Kenilworth. The proposal could also set an undesirable precedent which Officers would seek to resist. The development is therefore considered to be contrary to Local Plan policy TC2 and not acceptable in principle.

Supporting Farm Diversification and the Provision of New Farmshops

Local Plan policy TC18 states that,

"development of new farm shops and the extension of existing farm shops will be permitted where:

- a) The proposal involves the appropriate conversion of an existing rural building or the construction of a new building at the intended location and is of a scale and nature that can be satisfactorily integrated into the landscape, and
- b) It would not have an adverse impact on existing rural shops in the local area."

Whilst the applicant states that the proposed development would provide a farm shop, the explanatory text for policy TC18 states that the role of farm shops is supported where these can assist in farm diversification projects, offer an outlet for food produced on the farm and support the local economy; and provide a source of local jobs. However, there is no evidence that the proposal would represent the diversification of an existing established farm. It is also not considered that the proposed development would be able to be satisfactorily integrated into the landscape, which is detailed further below. The proposal is not considered to meet the requirements of Local Plan policy TC18.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and buildings for agriculture, amongst other things.

Planning permission is not required for the change of use of land associated with the application from paddock / grazing land to agriculture. Horticulture, which the applicant proposes on site, can be classified as agriculture under section 336 of the Town and Country Planning Act 1990. Therefore, the broad principle of installing the raised beds and polytunnel is considered to be acceptable as they comprise appropriate development within the Green Belt.

Initially, the applicant proposed a building which was to be materially larger than the existing building by 35% of the original footprint. However, the scheme has been amended and the replacement building is now proposed to be the same size as the existing property. However, the existing use of the building is stables and the proposed use would be for retail and a cafe. Consequently, the proposal represents the provision of a replacement building which would not be in the same use as the existing building, and for that reason is considered to represent inappropriate development which is harmful by definition to the Green Belt and to which there is therefore an objection in principle.

The proposal is therefore considered to be contrary to Local Plan policies TC2 and DS18 and the NPPF.

The Impact on Landscape and Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area; heritage assets and their settings in the locality must be respected in accordance with their significance.

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development will be required to consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character; aim to either conserve, enhance or restore important landscape features in accordance with the latest local and

national guidance; and, avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset.

There have been a number of objections from members of the public, the Town Council and Castle Farm Action Group who consider that the proposal would have a harmful impact on heritage assets and the character and appearance of the rural area. The Castle Farm Action Group consider that views from public footpaths would be spoilt as a result of the proposed development. Kenilworth Town Council consider that the polytunnel affects views both to and from the Castle and has a significant impact on the scheduled monument. The Town Council also consider that the proposal is in breach of policy KP13 as the development is inconsistent with the Conservation Area, uniformly residential in character and introduce a higher intensification of the use into the area.

Supporters of the proposal consider that the development would not have a harmful impact on heritage assets and the rural landscape, stating that the plans are in keeping with the area and the impact will be low. Supporters suggest that soon the site will be surrounded by a Sports Complex, and the site context has already changed such that the development will add to the character of the rural area.

The stable building is isolated from the nearest existing dwelling 'Green Bank', which stands at the end of a line of existing residential development close to the south-eastern tip of the designated area. In the previous appeal decision, the Inspector considered that as the stable building is immediately adjacent to the Castle's defensive works, the changes to the outdoor area would be damaging to the setting of the Ancient Monument, Registered Park and Garden and Conservation Area. Whilst this proposal is materially different to the previous applications (which have been for housing), the principle of making alterations to the outdoor areas would still apply.

The proposed development provides parking for 13 cars (or potentially more) in front of the application property and a seating area which has a domestic appearance. The addition of fencing, a poly tunnel and raised beds and increased hardstanding on the site, culminates in a considerable increase of massing on the site. The design of the new structure appears relatively domesticated, including a chimney and various window openings, and the use of solid materials including brickwork and steel roof does little to take account of the site's agricultural setting. The proposed fencing around the site, located on the boundary with both the Grade II* Registered Park and Garden and SAM site, severely restricts the openness of the site both to and across the Brays (remnants of major outer defensive works of the Castle which forms an important historical and now natural boundary) and views to and from the fish pond (also forming part of the SAM and II* Park and Garden). This in effect results in a significant level of harm to designated heritage assets.

Historic England have commented on the application and note that the site lies immediately beside the Brays, the major outer defensive works of Kenilworth Castle, which is encompassed by multiple heritage designations. They consider that the rebuilding of the existing structure will change its character considerably and impact on the significance of the heritage assets by the change to their setting. Historic England identifies the importance of the site, noting that the site and the wider area of open ground to the south of the Brays forms an important

part of the setting of the medieval Castle. It is the open land which the Castle commanded as a part of its defences.

Although the earthworks are now mostly wooded they are much used by walkers and there are views both inwards and outwards, particularly when the leaves are off the trees in winter. Historic England have concerns that the replacement building will be visually of more permanent form (brick instead of weather boarding), and will change its character considerably. They go on to say that the activities associated with the proposed cafe and shop could be damaging to the setting of the heritage assets.

For example, it would not be desirable to allow the expansion of the activity as is very likely with the farm shop and cafe uses. Historic England conclude that two clear impacts of the scheme can be identified. Firstly, a direct one in terms of the use of the access across the monument through the Registered Park and Garden and the Conservation Area. Even if that can be prevented by closing off the road near to Brays car park, there will be an intensification of traffic and consequential track/highway improvements. Secondly, the proposals will affect the setting of the scheduled monument, the registered park and garden and the Conservation Area to the extent that they will cause harm to their significance by the increased presence of the building.

The CAF have also objected to the proposal, stating that the overall scheme is detrimental to the landscape, harmful to the setting of the Grade I listed Kenilworth Castle and Grade II* listed Registered Park and Garden with no sufficient public benefit which outweighs this harm. WCC Landscape have also objected, and consider that the proposal would be harmful to the Green Belt, historic Arden Parkland landscape character and setting of heritage assets.

English Heritage who manage Kenilworth Castle had objected to the scheme because of the proposed access which would lead through the Castle grounds and past the Brays Car Park to Castle Road. However, the proposed access has been amended to address the concerns expressed by English Heritage.

Officers therefore consider that the existing site, comprising of a dilapidated former stable, is of no architectural or historical significance so the principle of its demolition is not objected to. However, the proposal is considered to be harmful to the setting of the Castle and registered park and garden, and rural landscape. The level of harm, whilst significant, is considered to be less than substantial. However, there are no public benefits identified which would outweigh this harm. The proposal is therefore considered to be contrary to Local Plan policies BE1, NE4, HE1 and HE2, and KNDP policy KP13.

The impact on the living conditions of nearby dwellings

Local Plan policy BE3 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/ occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on Distance Separation Standards contained within the Residential Design Guide SPG which aims to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. KNDP policy KP13 states that

impact on residential amenity of existing and future residents must be assessed and address.

Supporters of the proposal consider that the development would have very little impact on nearby residents and that extra traffic will not add to the volume of noise already heard by nearby residents.

Objectors have concerns regarding the impact on neighbouring residential amenity, particularly in relation to increase in traffic, noise disturbance and loss of privacy. The Castle Farm Action Group consider that danger and nuisance from increased traffic outweighs any likely benefits to the community.

The building is sited over 70m from the nearest residential property which lies to the eastern side of the application site. Given the separation between surrounding buildings and the proposed structures, it is not considered that the proposal would result in an unacceptable loss of neighbouring amenity. The proposed use is not incompatible with another residential use.

Environmental Protection have been consulted as part of the proposal and recommend conditions relating to the development being carried out in accordance with the extraction details provided and limiting plant noise. These would be required in order to protect neighbouring residential amenity if the application were being approved.

Officers note the concerns raised by neighbours regarding the additional traffic movements. However, the site would be accessed via an already established access route which is lawful. It is unlikely that vehicles visiting the site would be travelling at high speeds and the number of additional visitors is not likely to be significant. This, coupled with the fact that the neighbours are separated from the access road by their gardens, leads Officers to conclude that there would no significant detrimental impact on neighbouring residential amenity which would warrant reason for refusal of the application.

For these reasons the proposal is considered to comply with Local Plan policy BE3, KNPD policy KP13 and the Residential Design Guide SPG.

Highway Safety

Supporters consider that the proposal will enhance the walker and cycle routes and there is a suggestion of a roundabout to aid traffic calming.

Objectors to the proposal consider that the proposal provides inadequate access to the site, comment that the existing roads are in poor condition and the development would exacerbate this problem. Objectors have concerns regarding traffic management, highway and pedestrian safety impacts, and consider that the proposal provides inadequate parking. The CPRE consider that the road to the site is inadequate for the amount of traffic likely to use the cafe and shop. Kenilworth Town Council have objected to the proposal on the basis that the amended access is not considered to provide safe access to the site, nor alleviate serious road safety concerns. The Town Council consider that the lane is unsuitable for heavy traffic and HGVs and there would be highway and pedestrian safety issues.

WCC Highways have been consulted and have no objection to the proposed access arrangements and parking provision. WCC Highways state in their response that the Council Parking Standards require an A1 use class business to provide 1 space/14sq.m and an A3 use class business to provide 1 space/20sq.m. The development is required to provide 15 parking spaces in total. The applicant states within the Design and Access statement that 11 spaces and 3 disabled parking spaces will be provided. This would mean that there would be 1 parking space short of that required. The Highway Authority do not envisage the development being detrimental to the adjoining highway on this basis. They raise no concerns regarding the proposed access arrangements.

Officers have requested that Highways Officers make a site visit to address neighbours concerns regarding the proposed amended access arrangements and highway safety as the access arrangement have been revised since their comments were made. Members will be updated on this matter prior to the meeting.

Drainage and Flood Risk

The site is located within Flood Zone 1, which has the lowest probability of flooding. As the proposed building would not be materially larger than the existing, it is unlikely that this part of the proposal would have a detrimental impact on surface water drainage. The proposed tarmacked areas may however lead to additional surface water drainage. If the application were being approved, a condition could be attached for the provision of sustainable drainage details.

Ecological Impact

Supporters of the proposal consider that the wildflower meadow will encourage wildlife. However, objectors and the Castle Farm Action Group consider that the proposal would have a detrimental impact on protected species.

WCC Ecology have assessed the application and consider that a condition requiring hand stripping of the roof materials of the existing building and notes in reference to protected species would be appropriate. They have no objection to the proposals on this basis. If the application were being approved this condition and notes are considered to be acceptable and could be added. The development is therefore considered to be in accordance with Local Plan policy NE2 and the KNDP.

Archaeology

WCC Archaeology have assessed the application and note that the proposals lie adjacent to the outer defensive works of Kenilworth Castle which form part of the scheduled monument. They consider that there is potential for the proposals to encounter archaeological deposits associated with the outer defences of Kenilworth Castle, structural remains and other archaeological deposits such as pits, associated with medieval and later occupation of this area.

WCC Archaeology recommend that a condition is attached to any approval requiring a written scheme of investigation, a programme of evaluation works and a mitigation strategy. This is considered to be reasonable and could be added if the application were being approved. The proposal is considered to be in accordance with Local Plan policy HE4 and the KNDP.

Other Matters

Kenilworth Town Council consider that the proposal conflicts with KNDP policy KP10 because it would attract visitors to the area around the castle and would hinder connectivity between the castle and town centre. However, the proposals have been amended to avoid the public footpath running along the north of the site, so would not interrupt public rights of way between the castle and town centre. It is not considered that the proposal would be contrary to policy KP10 in this regard.

Members of the public have expressed concern that the proposed extraction equipment will be damaging to air quality. However, Environmental Health Officers do not share this concern. They have however requested that a condition be attached to any approval requiring that the proposed air quality mitigation measures in reference to additional vehicular traffic are secured. The measures proposed are the installation of electric vehicle charging points which could be secured by condition if the application were being approved.

Supporters of the proposal consider that the development will encourage healthy living and become a community hub; that the development may provide additional employment opportunities; that the cafe will provide a service to users of public footpaths and the bridle path; that the proposal provides income from Council Tax and Business Rates to the Council.

It is not considered however that a farm shop and cafe in this location would necessarily encourage healthy living and there is no evidence to suggest that the development would be used as a community facility. It is agreed that the proposal may present additional employment opportunities and provide other economic benefits, but owing to the scale of the development, these are likely to be only modest which would not outweigh the harm identified above. Whilst it is recognised that a cafe nearby to a public footpath may be desirable to some members of the public, this is not a material planning consideration and cannot be considered as a benefit in planning terms.

Objectors to the proposal express concern regarding the potential for use of the site for residential purposes in the future; consider that the development would be invasive to the local community; express concern regarding the impact on neighbouring farm / stables; that no details have been provided regarding the proposed heating; that the development would generate an increased risk of crime and anti-social behaviour; and, that the applicant has located bee hives such that they are likely to become a nuisance to neighbours.

Officers are only able to consider the proposed use of the site, and any future applications for change of use would have to be considered based on their own merits at that time. Officers have no reason to believe that the proposed development would be invasive on the local community; as detailed above, the proposal is considered to have an acceptable impact on neighbouring residential amenity. Officers have no reason to believe that in planning terms, the proposals would have a detrimental impact on the neighbouring stables or farm. Matters raised in reference to land ownership and clauses in reference to the sale of the site represent private legal matters and cannot be assessed as part of the application. However, the applicant has been made aware of comments made by

the owners of neighbouring sites in reference to discrepancies regarding land ownership for their consideration.

All comments received in reference to the application have been taken into consideration. It would be not appropriate that Officers consider them otherwise. There would be no requirement for the applicant to provide details of the heating for the proposed building and Officers have no reason to believe that there would be increased levels of crime or anti-social behaviour associated with the proposed use of the site. The location of the bee-hives is not a material planning consideration and cannot be assessed as part of the application.

CONCLUSION

The proposal is considered to represent inappropriate development within the Green Belt, which is harmful by definition, and contrary to Local Plan policy DS18 and the NPPF. The proposal would also be unacceptable in principle by virtue of the siting of new retail development outside of the town centre, which could be harmful to the vitality of the town centre and would be contrary to Local Plan policy TC2. The proposal is considered to have a harmful impact on the rural character of the area and on the setting of heritage assets, making the development contrary to Local Plan policies BE1, NE4, HE1 and HE2, and contrary to KNDP policy KP13. The benefits identified are not considered sufficient to outweigh the harm caused as a result of the proposed development. For these reasons, it is recommended that planning permission is refused.

REFUSAL REASONS

- 1 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless the building in question is in the same use and not materially larger than the one it replaces. Warwick District Local Plan policy DS18 echoes this policy.

The proposed development would represent the provision of a new building within the Green Belt which, whilst not materially larger than the one it replaces, would not be in the same use. The proposal therefore compromises inappropriate development within the Green Belt to which is therefore an objection in principle. There are no very special circumstances identified which would outweigh this harm.

The proposed development is therefore considered to be contrary to the aforementioned policies.

- 2 Warwick District Local Plan 2011 - 2029 policy TC2 states that within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available

in any of the preferred locations, out-of-centre sites will be considered.

The proposal would include the provision of a retail unit outside of the town centre. The applicant has not demonstrated that there are not any other suitable sites within the town centre or edge of retail areas that would be suitable for the proposed use and the proposal would therefore be harmful to the vitality of Kenilworth town centre.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 3 Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area; heritage assets and their settings in the locality must be respected in accordance with their significance.

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development will be required to consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character; aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance; and, avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset.

The proposed use and intensification of activities at the site, including the parking of vehicles and use of external areas for the consumption of food, combined with the proposed operational development including new buildings and structures, fencing, raised beds and hardstanding, along with the domesticated design of the new building at the site which would create a more permanent form of development and which fails to take into account its agricultural setting, would be damaging to openness, the setting and character of the Kenilworth Castle Scheduled Ancient Monument, the Grade II* Registered Park and Garden and the Kenilworth Conservation Area.

Whilst the extent of that harm is significant, it is considered to be less

than substantial and there are no public benefits which are considered to be sufficient to outweigh that harm.

The proposal is therefore considered to be contrary to the aforementioned policies.
