

Application No:W12 / 1631

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
Registration Date:27/12/12
Expiry Date:21/02/13
Case Officer: Jo Hogarth
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The Falcon Inn, Birmingham Road, Haseley, Warwick, CV35 7HA
Retention of canopy and enclosure to outdoor drinking and eating area FOR
Marstons PLC

This application is being presented to Committee in order to request that enforcement action be taken.

RECOMMENDATION

Planning committee are recommended to refuse planning permission and authorise enforcement action for the removal of the outdoor structure.

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to retain a covered outdoor eating and drinking area which is sited next to the main Public House at the rear on the east elevation.

THE SITE AND ITS LOCATION

The site relates to an established Public House known as The Falcon which is located off the main Birmingham Road on the east side of the road. The site is situated within the designated West Midlands Green Belt. There is a parking area to the front and side of the building with a residential property to the east of the site.

PLANNING HISTORY

There have been no recent planning applications submitted for this site.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Beausale Haseley Honiley & Wroxall Parish Council - No objection.

WDC Environmental Health: No objection subject to conditions relating to the outdoor drinking area being cleared by 11pm and no amplified music to be played in the outdoor drinking area.

Public response(s): 1 letter of objection from Falcon Barn to the rear (east of the site) on grounds that the proposal results in noise and disturbance; the design is out of keeping; conflicts with Green Belt Policy and the additional traffic causes audible disturbance.

ASSESSMENT

It is considered that the main issues relating to this application to be as follows:

- Principle of development within the Green Belt
- Impact on neighbours and noise

Principle of development within the Green Belt

The site is situated within the Green Belt wherein The National Planning Policy Framework (NPPF) 2012, paragraph 89 states that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions identified do not include commercial structures. The NPPF 2012 paragraph 87/88 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The outdoor structure was completed in April 2009 and has been constructed in timber and glazing with a canvas roof. It measures approximately 10m by 10m and is located directly at the rear of the public house on the east elevation.

The applicant's have sought to demonstrate very special circumstances on grounds that to lose the additional structure would severely cost the viability of the Public House as the additional area allows the business to concentrate on improving the services they provide to patrons which for a rural location is essential in sustaining a viable business. Furthermore, the proposed lease is subject to the agreement that the outdoor enclosure can remain in perpetuity and therefore, if the application were to fail, the present lease agreement could be compromised and cast further doubt over the future of the Public House.

Whilst the applicant's argument does provoke sympathy, it is not considered that these represent very special circumstances which would outweigh the harm to the openness of the Green Belt and indeed, no business case has been put forward to demonstrate this. Therefore, on this basis it is considered that due to the size, materials and location of this outdoor structure, it is considered that there would be conflict with the objectives of the NPPF.

Impact on neighbours and noise

In terms of impact on the nearby residents of Falcon Barn, whilst they have raised objection, the Council's Environmental Health Officer has commented on the application and raises no objection subject to conditions relating to the use

of music and hours of use of this outdoor structure. It is considered therefore that it would be unreasonable to refuse planning permission on the grounds of noise and disturbance based on the recommendation by the Council's Environmental Health Officers. Therefore, in terms of the impact on nearby neighbours it is considered that the proposal would, subject to conditions, comply with Policy DP2 in the Local Plan.

SUMMARY/CONCLUSION

That retrospective planning permission is refused on the following grounds and that Enforcement Action is authorised for the removal of the structure within 3 calendar months from the date of the decision notice.

REFUSAL REASONS

The building, subject of the application, is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the National Planning Policy Framework. The NPPF 2012, paragraph 89 states that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions identified do not include commercial structures. The NPPF 2012 paragraph 87/88. states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The onus is on the applicant to identify very special circumstances to justify the development and in the opinion of the local planning authority no very special circumstances have been submitted which would demonstrate that the retention of the outdoor structure would outweigh the harm to the openness of the Green Belt.

It is considered that the proposed development would thereby be harmful to this rural locality and results in inappropriate development, conflicting with the aims of the aforementioned NPPF.
