

**List of Current Planning and Enforcement Appeals
11 October 2016**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA	-	In abeyance whilst the applicant considers their position to amend s.106 agreement

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/ Inquiry	Current Position
New W/15/2154	Unit 1, Moss Street, Leamington	Erection of 46 bed HMO Delegated	Rob Young	Questionnaire: 10/10/16 Statement: 7/11/16 Comments: -	TBC	In preparation

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/14/0189	The Falcon Inn, Haseley	Retention of external canopy and enclosure Delegated	Robert Mason	Questionnaire: 12/11/14 Statement: 10/12/14	Awaiting decision
W/15/1653	Chesford Bridge House, Bericote Road, Blackdown	Installation of 200 mounted solar panels Delegated	Emma Spandley	Questionnaire: 18/5/16 Statement: 15/6/16 Comments: 29/6/16	Awaiting decision
W/16/0133	29 The Fairways	Two storey extensions (revised scheme) Delegated	Jo Hogarth	Questionnaire: 9/6/16 Statement: 1/7/16 Comments:	Awaiting decision
W/15/2148	Unit 3, Cattell Road, Cape Industrial Estate, Warwick.	Variation of condition imposed on change of use to gym regarding opening hours Delegated.	Emma Spandley	Questionnaire: 27/5/16 Statement: 24/6/16 Comments: 8/7/16	Awaiting decision
W/15/1561	Wyken Field, High Cross Lane, Rowington	Certificate of Lawful Development for Residential Use Delegated	Jo Hogarth	Questionnaire: 1/6/16 Statement: 29/6/16 Comments: 20/7/16	Awaiting decision

W/15/1810	Northbound Services, Warwick Bypass	24 hour Drive Thru Coffee Shop Delegated	Jo Hogarth	Questionnaire: 27/5/16 Statement: 24/6/16 Comments: 8/7/16	Appeal dismissed
<p>The Inspector identified that the proposals comprise inappropriate development in the Green Belt which impact on the openness of the Green Belt and to which there is therefore an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated.</p>					
W/15/1626	The Plough Inn, Old Fosse Way, Eathorpe	Change of Use of Outbuilding to dwelling with 2 storey extension. Delegated	Rob Young	Questionnaire: 12/7/16 Statement: 9/8//16 Comments: 23/8//16	Appeal and Costs Claim Allowed
<p>The Inspector agreed with the Council that the proposal formed an isolated dwelling in the countryside. However, he considered that the proposal for the repair and refurbishment of the building using original openings for windows and doors together with a well-designed subordinate extension would improve the appearance of the building. This together with the replacement of the dilapidated timber fencing and cultivation of the rear overgrown unkempt area would lead to an enhancement of the immediate setting of the building meaning that there would be special circumstances to ensure that the proposal would not conflict with Para 55 of the NPPF.</p> <p>Costs were awarded because the Inspector considered that the Council had provided no explanation as to why the proposal would not enhance the immediate setting and also because the Council made no consideration of the statutory requirement to preserve or enhance the Conservation Area.</p> <p>Whilst such awards of costs are few and far between, Officers will review practice and procedures in relation to the comments made.</p>					
W/16/0367	Arrochar, School Lane, Beasale	2 Dwellings Delegated	Jo Hogarth	Questionnaire: 7/7/16 Statement: 4/8//16 Comments: 18/8//16	Appeal Dismissed

<p>The Inspector considered that the proposals comprise appropriate infilling development within the Green Belt but concluded that the proposals and the associated loss of hedgerow would have a significant visual impact within the area to the extent that the appeal was dismissed on that ground. The Inspector also considered that the proximity of one of the plots to an agricultural smallholding would result in an inappropriate level of amenity particularly arising from noise and disturbance.</p>					
W/15/1551	Warboro Farm, Henley Road, Hampton on the Hill.	Prior Approval for change of use of agricultural building to dwelling Delegated	Liam D’Onofrio	Questionnaire: 5/7/16 Statement: 2/8//16 Comments: 16/8//16	Appeal and Costs Claim Allowed
<p>The Inspector agreed with the Council that the noise from multiple vehicle movements and activities on the farm would be harmful to the living conditions of future occupiers. However, he considered that the adverse effects could be satisfactorily mitigated through the use of an appropriately worded condition requiring the dwelling to be insulated to minimise the effects of noise from the dwelling’s surroundings and through the use of mechanical ventilation. He considered that whilst it was not possible to mitigate external noise, noise and disturbance to the garden alone, this would not have a significant adverse effect on the living conditions of future occupiers to justify a refusal solely for this reason.</p> <p>Costs were awarded because the Inspector considered that the Council failed to provide any details to explain why proximity to surrounding buildings translated into noise and odour being a potential problem and because it was considered that no evidence was presented to substantiate the Council’s reason for refusal. The Council’s EHO had stated that there was ‘potential’ for harm from noise and disturbance whereas the reason for refusal stated ‘significant potential’. No explanation had been provided for this disparity. In terms of odour specifically, the Inspector considered that the Council provided no explanation or evidence to support its claim that odour from the agricultural activity would cause harm.</p> <p>Again, whilst such awards of costs are few and far between, Officers will review practice and procedures in relation to the comments made.</p>					
W/15/1944	Valley Farm, Valley Lane, Lapworth	Prior Approval for change of use of agricultural building to dwelling Delegated	Liam D’Onofrio	Questionnaire: 28/6/16 Statement: 26/7//16 Comments: 9/8//16	Appeal Dismissed

The Inspector agreed that the building in question was in equestrian rather than agricultural use and therefore that the permitted development right relied upon (i.e. the change the use of a former agricultural building) does not apply.					
W/16/0773	Crackley Hall Sports Field, Princess Drive, Kenilworth	Construction of Car Park Delegated	tbc	Questionnaire: 7/7/16 Statement: 4/8/16 Comments: 18/8/16	Appeal Dismissed
The Inspector considered that the creation of a car park would comprise inappropriate development in the Green Belt to which there is an objection in principle arising from the parking of up to 30 cars on the proposed car park.					
W/16/0429	68 Thornby Avenue, Kenilworth	Single Storey Rear Extension Delegated	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	Awaiting decision
W/16/0476	Ardencote Manor Hotel, The Cumsey, Pinley Green	Retention of non-illuminated canvas advertisement banner supported on metal frame. Delegated	Helena Obremski	Questionnaire: Statement: Comments:	Appeal Dismissed
The Inspector considered that the advertisement was detrimental to the amenities of the area.					
W/16/0108	37 Red Lane, Burton Green, Kenilworth	Erection of first floor rear extension. Delegated.	Liz Galloway	Questionnaire: Statement: Comments:	Appeal Dismissed
The Inspector considered that whilst the extension was well designed; not prominent from the road and caused moderate impact to					

openness, it nevertheless was a disproportionate addition to which there is an objection in principle in the Green Belt.					
W/16/0467	Land rear of 7 & 9 Beauchamp Ave, LSpa	Demolition of garages and boundary wall and construction of four dwellings fronting Trinity Street. Delegated.	Rob Young	Questionnaire: 8/9/16 Statement: 6/10/16 Comments: 20/10/16	In preparation
W/16/0702	Castle Pavilion, Castle Road, Kenilworth	Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage. Delegated.	Helena Obremski	Questionnaire: 9/9/16 Statement: 7/10/16 Comments: 21/10/16	In preparation
W/15/1737	10 Meadow Close, Lillington	Erection of first floor side and front extension and erection of 2no. pitched roof dormer windows to the rear elevation. Delegated.	Helena Obremski	Questionnaire: Statement: Comments:	Appeal Dismissed
The Inspector considered that the proposed extensions would impact upon the character and appearance of the surrounding area to an unacceptable degree. A claim for costs against the Council was dismissed.					
New W/16/0280	The Former Bull Public House, Weston Under Wetherley	Demolition of existing building and erection of 3 houses Committee Decision as per Officer recommendation	Helena Obremski	Questionnaire: 20/9/16 Statement: 18/10/16 Comments: 1/11/16	In preparation
New	Brickyard Barn,	Single Storey Extension and	Pavan Flora	Questionnaire:	In preparation

W/16/0717	Mallory Road, Bishops Tachbrook	Car Port Delegated		4/10/16 Statement: 26/10/16 Comments: -	
New W/15/2154	Unit 1, Moss Street, Leamington	Erection of 46 bed HMO Delegated	Rob Young	Questionnaire: 10/10/16 Statement: 7/11/16 Comments: -	In preparation
New W/16/0384	The Elms. 75 Chesetts Wood Road, Lapworth	Certificate of Lawfulness for new access Delegated	Helena Obremski	Questionnaire: 12/10/16 Statement: 9/11/16 Comments: 30/11/16	In preparation
New W/16/0928	Oak House, Birmingham Road, Budbrooke	Erection of 2 Dwellings Delegated	Helena Obremski	Questionnaire: 6/10/16 Statement: 3/11/16 Comments: 17/11/16	In preparation
New W/16/0838	Old Post House, Rowington Green	One Dwelling Delegated	Ian Lunn	Questionnaire: 17/10/16 Statement: 14/11/16 Comments: 28/11/16	In preparation