

Planning Committee: 02 July 2013

Item Number: 8

Application No: W 13 / 0517

Town/Parish Council: Bishops Tachbrook

Case Officer:

Rob Young

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Registration Date: 30/04/13

Expiry Date: 25/06/13

**Greys Mallory, Banbury Road, Bishops Tachbrook, Leamington Spa, CV34
6SX**

Retention of the summer house as a residential dwelling for a temporary period of
two years FOR Mr Holton

This application is being presented to Committee due to an objection from the
Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to
conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the retention and continued use of a summer house as a
dwelling, on a temporary basis. The summer house incorporates a pool plant
building and poolside leisure building that were the subject of an Enforcement
Notice issued in 2009. An extension has been constructed to link these two
buildings and form a single larger building.

The applicant advises that the building has been occupied as a temporary dwelling
because a major fire in December 2010 left the main house uninhabitable. The
applicant has occupied the summer house in order to safeguard the main house and
to supervise repair and reconstruction works that are now underway.

The application seeks planning permission to occupy the summerhouse for a
temporary period of two years. This is the period of time that the applicant
considers may be necessary to complete the very extensive repairs and
reconstruction works that will be necessary to fully restore the building.

THE SITE AND ITS LOCATION

The application relates to the grounds of a Grade II Listed Edwardian country house
situated in open countryside on the western side of Banbury Road. The property
was damaged by a fire in December 2010 and is currently undergoing repair and

reconstruction. The application specifically relates to a summer house to the rear of the main house.

PLANNING HISTORY

In November 2009 an Enforcement Notice was issued to require the removal of a raised ornamental pond, timber decking with swimming pool, pool plant building and poolside leisure building. The requirement to demolish the swimming pool and timber decking was deleted by an Inspector at appeal, but all other requirements of the notice were upheld. The compliance period for this Enforcement Notice has now expired.

In 2011 listed building consent was granted for "Renovation of building due to fire damage including reconstruction of part of roof (part-retrospective application)" (Ref. W11/0137LB).

There have been many other planning applications and Enforcement Notices relating to the application property and associated land. However, none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Parish Council: Object since there is already alternative accommodation on site which is in the ownership of the applicant.

ASSESSMENT

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

- the principle of permitting a new dwelling in this location; and
- the impact on the setting of the Listed Building.

Principle of permitting a new dwelling in this location

A new dwelling in this open countryside location would normally be contrary to Local Plan Policy RAP1 and the NPPF. However, the particular circumstances of this case suggest that an exception should be made to these normal restrictions. The recent fire has rendered the main house uninhabitable and has left this Grade II Listed Building in a vulnerable state. It is clearly desirable for the applicant to be able to remain on site to safeguard the house and to oversee the repair and renovation works. In sustainability terms, the proposals do not involve any increase in the residential occupation of the site, since the summer house is only being occupied while the main house is vacant.

The concerns of the Parish Council regarding the availability of other dwellings at Greys Mallory are noted. However, the applicant advises that none of the other dwellings are available to the applicant because they are all occupied by tenants that have the security of tenancy agreements. The same tenants have occupied the dwellings for a number of years. Therefore it is accepted that there are no other dwellings available to meet the applicants needs.

In any case, when renovation works are taking place on a property, it is not uncommon for the owner to occupy a temporary dwelling or caravan in the grounds without requiring planning permission. The only difference here is that the temporary dwelling is of more substantial construction and has previously been the subject of an Enforcement Notice. However, given the significance of the main house, a building of this size and substantial construction is considered to be appropriate on a temporary basis. With regard to the Enforcement Notice, as the current proposals are for the temporary retention and use of the building, the Enforcement Notice will remain in force and will require the building to be removed once the temporary period is over.

The only other matter to consider in relation to the principle of development is the length of time that the applicant is seeking to retain the building for. The applicant has stated that a period of three years is necessary due to the extensive repairs and reconstruction that are required. However, it is already two and a half years since the fire took place and two years since listed building consent was granted for the reconstruction works. Therefore three years seems rather excessive. It is considered that two years would give adequate time for the works to be completed.

Impact on the setting of the Listed Building

The summer house harms the setting of the Listed Building and that is the reason why the Council issued an Enforcement Notice to require its removal. However, in assessing the current proposals it is necessary to balance this with the temporary benefits to the Listed Building of allowing the applicant to remain on site to safeguard the Listed Building while it is in a vulnerable state, and to oversee the repair and renovation works. It is also important to note that any harm to the setting of the Listed Building will be temporary. Therefore, taking all these matters into account, it is concluded that the particular circumstances of this case outweigh the temporary harm to the setting of the Listed Building.

Other matters

No on-site renewable energy production is proposed. Given that the dwelling will only be occupied for temporary period, it is considered that the expense of installing any renewable energy technology equipment would not be justified in this case, in accordance with Local Plan Policy DP13.

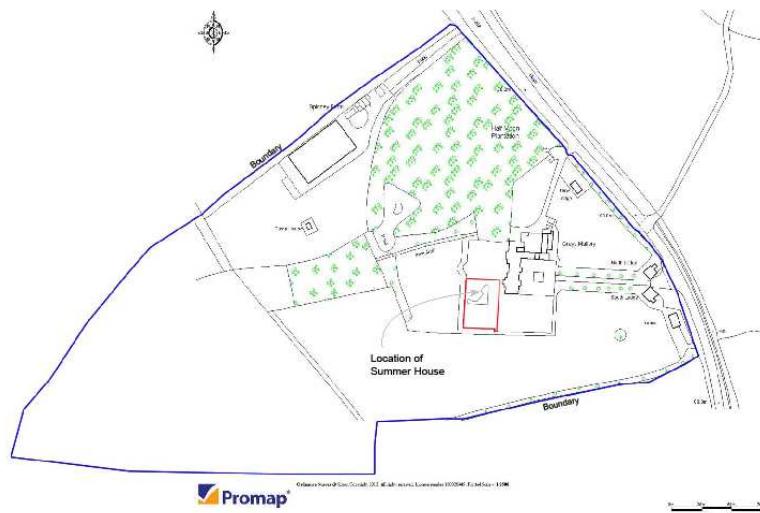
SUMMARY / CONCLUSION

The particular circumstances of this case, relating to the desirability of safeguarding the Listed Building and allowing the applicant to oversee the repair and renovation works, are considered to outweigh any conflict with policies restricting new dwellings in the open countryside or any temporary harm to the setting of the Listed Building. This is on the basis that the dwelling is approved for a temporary period of two years and thereafter is removed from the site. It is therefore recommended that planning permission is granted, subject to conditions.

CONDITIONS

- 1 This permission shall relate strictly to the details shown on the site location plan and approved drawing(s) 2152.SK1, 2152.SK4B & 2152.SK5, and specification contained therein, submitted on 19 April 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 2 This permission shall enure solely for the benefit of the applicant (Martin Holton) only and the use of the temporary dwelling hereby permitted shall be discontinued on or before 2 July 2015, or the date that the main house at Greys Mallory is re-occupied, whichever is the sooner. The building, together with any hardstanding upon which it stands, shall within one month after that date be completely removed from the site. **REASON:** A permanent dwelling in this open countryside location would be contrary to the NPPF and Policy RAP1 of the Warwick District Local Plan. Furthermore, the building harms the setting of the Listed Building. Planning permission has only been granted due to the temporary circumstances cited by the applicant.



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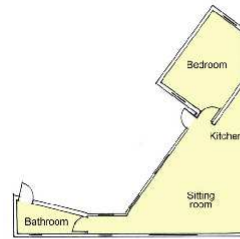
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LOCATION PLAN 1:2500

SUMMER HOUSE AT GREYS MALLORY, BANBURY ROAD, WARWICK
MR M HOLTON



04.13 2152.3K 1



Floor Plan

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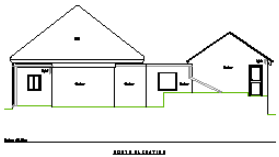
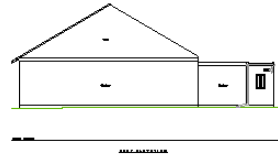
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SITE / PLANS
SUMMER HOUSE AT GREYS MALLORY, BANBURY ROAD, WARWICK
MR M HOLTON

scale 1:200 @ A3





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ELEVATIONS
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