

Planning Committee:

Item Number: 12

Application No: [W 18 / 2455](#)

Registration Date: 19/12/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date:

Case Officer: Emma Booker

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Wood Corner Cottage, Honiley Road, Beausale, Warwick, CV35 7NU

Variation of Condition 3 (removal of permitted development rights) of planning permission ref: W/17/2163 [Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling)], to reinstate the Schedule 2, Part 1, Class E (erection of outbuildings) permitted development rights. FOR Mr J Beaumont

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended that Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks to vary the wording of Condition 3 (removal of Permitted Development Rights) of planning permission ref: W/17/2163, in order that the Schedule 2, Part 1, Class E permitted development rights for the erection of outbuildings are reinstated.

The description of development has changed since the initial submission of the scheme where the applicant had applied to remove condition 3 entirely and to reinstate all permitted development rights.

THE SITE AND ITS LOCATION

The application relates to a replacement bungalow which was granted permission in 2012 (ref: W/12/1341). The subject dwelling replaced Rose Cottage. Previously on the site, there were a pair of similarly designed detached cottages, which were originally accessed off Barracks Lane (one of which still remains - Quince Cottage). However, the application property is now accessed off Honiley Road, via a private dirt track. The application site is located within the Green Belt.

PLANNING HISTORY

W/96/1336 - Field 2355/land between Rose Cottage and The Old Smithy, Barracks Lane retention of a driveway - granted 1997.

W/11/0978 - Demolition of two existing houses and construction of two replacement dwellings with detached garages - granted 2011.

W/12/0747 - Demolition of an existing detached house and erection of replacement bungalow with ancillary carer's accommodation in roof space. Erection of detached garage - refused 2012.

W/12/1341 - Demolition of an existing detached house and construction of a replacement bungalow - granted 2012.

W/13/0315 - Variation of condition 2 of planning permission reference W12/1341 to substitute drawing Nos. 11096 1- 3 (inclusive) Rev H with drawing Nos.11096 1-3 (inclusive) Rev I (to amend the roof design; remove a dormer and change the position of one dormer)

W/17/2163 - Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling) (Retrospective Application) - granted 2018.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Support.

ASSESSMENT

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 of the National Planning Policy Framework states that the erection of a replacement building within the Green Belt is not inappropriate development provided that it does not result in the new building being materially larger than the one it replaces. The NPPF also states with regards to extensions that the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the original building will not be considered as inappropriate development within the Green Belt. These exceptions are echoed in Policies H13 and H14 of the Warwick District Local Plan 2011-2029. Policy H13 states that proposals to replace existing dwellings must not be materially larger than the existing

dwelling and have no greater impact on the character and openness of the rural area. Policy H14 states that extensions in excess of 30% over the original floor area are likely to be considered as disproportionate.

Planning application ref: W/12/1341 (Demolition of an existing detached house and construction of a replacement bungalow) granted planning permission for the erection of a replacement dwelling which was significantly larger than the one it replaced. The original two storey detached dwelling, Rose Cottage had a floor area of 114 square metres; the replacement bungalow approved within planning application ref: W/12/1341 had a floor area of 190 square metres, which represents an increase in floor area of 66.6%. At the time it was considered reasonable to allow a replacement dwelling within the Green Belt to include the 30% allowance for extensions over the original dwelling, provided that all outbuildings at the site were demolished. It was acknowledged that the proposed dwelling would have a greater gross floor area than Rose Cottage, however, together with the removal of the existing outbuildings and the significant lowering of property to single storey level it was considered that the proposed new replacement dwelling would not have a greater impact on the openness of the Green Belt provided permitted development rights were removed. Permitted Development Rights were removed in full for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO. This was in line with Policy H13 of the Local Plan (Replacement Dwellings in the Open Countryside) which was carried forward from the previous Local Plan and which states that "*The Council will consider whether it is necessary to remove permitted development rights by condition when determining these applications*".

Since the approval of planning application ref: W/12/1341 a number of subsequent planning applications have been submitted for alternative designs. The approved amended design within planning application ref: W/17/2163 was considered acceptable on that basis that it did not lead to an increase in the overall height, bulk and mass of the dwelling. The approved design and scale of the dwelling is therefore not materially larger than the replacement dwelling granted permission within planning application ref: W/12/2163. The design changes were therefore approved on the basis that they did not result in additional harm to the openness of the Green Belt. For consistency, the conditions attached to W/12/1341 were carried forward; Permitted Development Rights were removed in full for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO.

Within this current planning application, the applicant seeks permission to vary the wording of Condition 3 (removal of Permitted Development Rights) for planning permission ref: W/17/2163, so that Schedule 2, Part 1, Class E Permitted Developments are reinstated. The applicant has confirmed that their desire is to erect a detached garage to the side of the dwelling using the Schedule 2, Part 1, Class E rights.

The replacement dwelling was granted permission on the basis of the demolition of the existing outbuildings and the removal of permitted development rights for subsequent extensions and outbuildings. Reinstating the dwelling's Class E permitted development rights would enable new buildings to be erected within the residential curtilage of the dwelling, resulting in harm to the openness of the Green Belt and going against the rationale for allowing the larger replacement

dwelling in the first place. The location of the property, with no immediate neighbours and an extensive residential curtilage, could result in numerous substantial outbuildings being built without the need for planning permission. It is therefore considered necessary, in the interests of retaining the openness and rural setting of the Green Belt, that this application is refused. To grant permission would undermine the very justification for the approved replacement dwelling, which is significantly greater in floor area in relation to the previous dwelling and was approved on the basis that all outbuildings were removed along with all the Permitted Development Rights for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO.

It is considered that the erection of the replacement dwelling was deemed to be appropriate development subject to the aforementioned caveats. To reinstate the Class E permitted development rights would by default result in inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness contrary to Policies DS18, H13 and the NPPF.

On the basis of the above, it is considered that the proposed rewording of Condition 3 to reinstate Schedule 2, Part 1, Class E Permitted Development Rights should be refused.

REFUSAL REASONS

- 1 Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse without the prior written approval of the local planning authority. With Class E Permitted Rights reinstated at the property as proposed, further development could be carried out which would be harmful to the openness and appearance of the Green Belt and would go against the very rationale for the approval of the larger replacement dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. The proposal is considered to be contrary to Policies DS18, H13 and H14 of the Warwick District Local Plan 2011 - 2029 and the National Planning Policy Framework.
