

**Planning Committee:** 07 February 2012  
**Application No:** ENF 109/14/11

**Item Number:** 14

**Case Officer:** Dave Fry  
01926 456522 dave.fry@warwickdc.gov.uk

**Joseph Arch, 7 Bridge Street, Barford, Warwick, CV35 8EH**

Installation of decking and fencing  
Property Owner(s) Punch Taverns

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This enforcement case is being presented to Committee to request that enforcement action be authorised.

**BACKGROUND**

In April 2011 it was brought to the attention of the Enforcement Section that construction of a timber raised patio area with balustrading and steps, was taking place in the rear car park area of 'The Joseph Arch' public house. 'The Joseph Arch' is a licensed premises, Grade II Listed and falls within the Barford Conservation Area.

Our assessment of the position was that the decking was development that required planning permission but not Listed Building Consent as no part of the construction is attached to the building. The Licensee of the premises was contacted and advised that we were unlikely to grant permission for the construction without amendment to its design. Despite letters, advice and meetings, the decking remains in place and the Licensee has failed to apply for the relevant permission.

**RELEVANT POLICIES**

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

There are a number of planning applications relating to the property, the most recent being:

W/01/1457/LB Display of internally illuminated fascia lettering and internal alterations

**KEY ISSUES**

**The Site and its Location**

The enforcement site relates to a Grade II Listed Public House situated in the Barford Conservation Area. It is on an open corner plot, with a car park to the rear, with access to the same from Mill Lane.

### **Assessment**

The main considerations are the effect of the decking and balustrades on the setting of this Listed Building and on the character and appearance of the Barford Conservation Area.

By virtue of its location on an open corner plot, the rear of the property is prominently viewed particularly from Mill Lane. It is considered that the decking creates clutter which detracts from the classical simplicity of the rear of the building and appears as an incongruous modern feature, harming its special architectural and historic interest and the character and appearance of the Conservation Area contrary to policies DP1, DAP4 and DAP8 of the Local Plan.

### **Justification for enforcement action**

While recognising the need to cater for customers in the summer months, it is considered that the decking does not strike the right balance between those benefits and the need to preserve or enhance the historic environment. Extensive contact has been made with the licensee and the situation fully explained but the matter has not been resolved. The service of an Enforcement Notice is now the only option available to require the removal of the decking.

### **RECOMMENDATION**

That appropriate enforcement action be authorised requiring the removal of the decking, balustrade and steps with a compliance period of 3 months.

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