

Application No: [W 18 / 2425](#)

Town/Parish Council: Barford
Case Officer: Nigel Wright
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Registration Date: 22/01/19
Expiry Date: 19/03/19

Land adjacent 21 Wellesbourne Road, Barford, Warwick, CV35 8DR

Change of use of land from a site previously approved as part of a wider development (ref: W/15/1294) to domestic garden land associated with 21 Wellsbourne Road and retention of garden shed and log store (Retrospective)
FOR Mr J Close

This application is being presented to Committee due to an objection from the Joint Parish Council.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks permission to retain the change of use of land to the side (north) of the property for use as a garden. The site has been cleared of previous established planting and scrub, although two mature trees have been retained within raised brick beds, one of which (Yew) is formally protected by Tree Preservation Orders. A timber shed and low-height log store have also been erected on the land and planning permission is also sought for their retention.

THE SITE AND ITS LOCATION

The application property is a two storey detached cottage situated on the east side of Wellesbourne Road, Barford and adjacent to a private rear access to Barford House that runs along the rear of the property and its neighbours. The application property is one in a short row of cottages with very limited residential curtilages.

The application property originally had a modest paved yard to the side (south) and rear, enclosed by a 1.4-metre-high wall. However, the yard was substantially built over by extensions in 2013, at which time the boundary wall was also removed.

A small area of land to the other side (north) of the property was enclosed by a low fence, although it is unclear whether this was ever in the applicant's ownership.

The site falls within the Barford Conservation Area, which includes areas of built development as well as significant open areas / green space which form part of its character.

The open areas to the east of the application site, between Barford House and the relatively recent residential development to the south, contributes towards the setting of the buildings within the Conservation Area, as well as to the setting to the Grade II* Listed Barford House. Although this area is within the ownership of the new dwellings, its open nature is secured by conditions of the planning permission (ref.no. W/15/1294).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)

PLANNING HISTORY

W/15/1294 – erection of 8 dwellings, landscaping and parking – Granted May 2015 (Revised)

W/13/0904 - Single-storey rear extension and two-storey side extension and part demolition of boundary wall – Granted 23.08.2013

W/13/0121 – single-storey rear extension and two-storey side extension – Refused 02.04.2013

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objects because this and surrounding land was designated as parkland in the Barford Neighbourhood Development Plan and the application does not make a compelling justification for a change

WCC Landscape: No objection

WCC Tree Officer: No comments to make

CPRE Warwickshire: Objects on the grounds that the proposal is contrary to both Barford's Neighbourhood Development plan and WDC's planning policies. Barford House, which has parkland, gardens and boundary wall, all form an essential setting for one of Barford's most significant heritage assets. CPRE

Warwickshire might normally support such a proposal but on this occasion we feel we must protect the parkland and gardens of the listed Barford House.

Warwickshire Gardens Trust: The land in question was part of the locally listed park and garden of Barford House and was undertaken to be retained as parkland in application W/15/1294. The approved landscape plan proposed an iron parkland fence along the east side of the right of way. There is now here a wooden post and rail fence against which a hedge has been planted (not on this applicant's land). This will effectively break up the openness of the parkland which was originally intended to be protected.

We therefore request that, in considering this application you:

- Investigate whether conditions 10 and 13 of permission W/15/1294 have been discharged and whether Shaba Homes are in conformity with the documentation which they submitted (if they did).
- Apply conditions to this land in order to continue to protect its openness as parkland and avoid the domestic paraphernalia to which garden land is often subjected.

Public Response – Seven representations have been received. Five are in support of the application and two are against.

Those in support are on the basis that:

- It is a small area and sensitively developed, retaining important trees
- It is clearly divided from Barford House and the parkland
- It is not accessible to public views
- It was seriously overgrown with brambles and is a visual improvement
- It is segregated from the rest of the parkland and would not set a precedent for other homeowners
- It cannot be seen from the listed Barford House

The objections are on the grounds that:

- It is within a locally listed park and garden and should be protected
- The setting of the listed Barford House should be considered
- The land is outside the village development boundary
- If allowed, the owners of neighbouring dwellings will expect to be able to extend their domestic uses

ASSESSMENT

Background

The site subject of this application fell within the application site for the larger adjacent development site (W/15/1294). The officer's report to Committee on the application states that:

'The site falls within the Barford Conservation Area, which includes areas of built development as well as significant open areas / green space which form part of its character. The open areas contribute towards the setting of the buildings within the Conservation Area, as well as enabling views within and into-out of the Conservation Area. In relation to this application site the open area provides a setting to the Grade II Listed Barford House and clearly has historic interest in relation to its close association with Barford House. The application site also includes the distinctive boundary to Wasperton Lane which reflect that surrounding Barford House and along Wellesbourne Road. This is an important part of the character of this part of the Conservation Area.*

The proposed development restricts built development to the southern area of the site retaining openness to Barford House. The open area has been included within the area to be within the ownership of future residents as this is considered to provide the best solution in ensuring the area remains managed into the future.' Whilst the open space between the development and boundary with Barford House is to be landscaped taking references from the status of the site as a historic parkland.'

Planning permission was granted subject to Conditions removing permitted development rights for further development within the curtilages of the new dwelling (Condition 16); restricting the use of the private gardens (amenity) and parkland grass areas (seeded) for those purposes only (Condition 27); and for approval of a landscape management plan for the landscape parkland and garden plots (Condition 25).

Following the grant of planning permission for the larger site, it is understood that the land subject of the current application was then sold to the applicant.

There is some dispute as to the historic, and current, status of the land, including its precise association with the listed Barford House and the designation as parkland. Barford House is listed as a Locally Important Park and Garden in the Local Plan (para. 5.173). However, the boundary is not yet formally defined. The description in the listing states that the site is valuable at the local/parish level hence the local listing however the current condition of the landscape is poor.

The Council's records show the site (but not the dwelling) to be outside the Growth Village Envelope and therefore within countryside. It is also outside the village core in the Barford Village Design Statement.

KEY ISSUES

It is considered that the main issues relevant to the assessment of this application are as follows:

- the impact on visual amenity and heritage asset;
- the impact on neighbouring residential amenity

Impact on visual amenity and heritage asset

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to the historic character of listed buildings, Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims.

Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). It requires the significance of heritage assets to be preserved and any harm arising from development proposals to be balanced against any public benefits of the scheme (Paras 189 to 196).

Policy B6 of the Barford Neighbourhood Plan (BNP) states that development will not be permitted where it has a detrimental impact on the character of the Conservation Area, the setting of a Listed Building or the identified open spaces and views within the Conservation Area.

Policy B8 of the BNP seeks the preservation of protected views. One of these is the view of parkland surrounding Barford House from the allotment path to the east.

Although Policy B10 of the BNP seeks the protection and enhancement of ancient woodland, the application site lies outside identified area A1, so is not entirely relevant. However, para 5.53 does identify it as within an area of woodland and essential for wildlife.

The change of use to garden land does not impact on the street scene as it is not visible from Wellesbourne Road. Part of the shed roof is visible over the wall, but it is marginal and not easily noticeable. In this regard, the proposal is not considered to be harmful to the character and appearance of the street scene or to the character of the Conservation Area. With regard to the impact on the adjacent open land to the east, it is considered to be a discreet and standalone parcel of land that is more readily seen as associated with the application dwelling rather than the adjacent parkland and countryside. The site is beyond an open timber fence that encloses the parkland to the east. The fence was erected at the time of the construction of the development site, although it is noted that the submitted landscape masterplan for the development indicated 1m high Parkland style flat bar mild steel railings, painted black. Condition 13 of W/15/1294, which requires the submission of a hard and soft landscaping scheme, does not appear to have been formally discharged. This is a separate enforcement matter. Notwithstanding this, officers consider that the delineation of the boundary by a fence (whatever the material) does, together with the right of way to Barford House, represent a clear, distinct and defensible boundary

edge to the parkland, separate from the row of cottages fronting Wellesbourne Road. Despite the contrasting domestic layout and appearance of the land, therefore, it is considered that no undue harm is, or will be, caused to the open character of the remaining parkland and countryside or to the views in or out of the Conservation Area from that aspect. For similar reasons, and given the very substantial belt of trees at Barford House, it is considered that no harm is caused to the setting of the listed building.

Furthermore, given the particular set of circumstances involved, officers consider that, if permitted, it would not lead to similar proposals in the locality that the Council would then subsequently find difficult to resist.

It should be noted that no objections have been received from the County Landscape Officer and Tree Officer.

In the context of the development plan, including the Barford Neighbourhood Plan, and having regard to the above, it is considered that there is no undue harm being caused to the significance of the Conservation Area or setting of the nearby listed building, to the character of the remaining parkland or to the general visual amenities of the surrounding area. In addition, it is not considered that it fundamentally conflicts with grant of planning permission for the adjacent residential development or the intentions and reasons for the Conditions imposed on that planning permission.

Impact on neighbouring residential amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Due to the nature of the proposal and its location, there would be no material impact upon the amenity of neighbours.

Other matters

Policy NE3 of the WDC Local Plan requires the protection of biodiversity as part of development proposals. Due to the limited size of the site and taking account of the remaining woodland at Barford House and the remaining adjacent parkland, it is considered that any impact on biodiversity is minimal. As noted, protected trees have also been retained.

Whilst the change of use is considered to be acceptable for the reasons set out above, the proliferation of other structures on the site, such as other sheds, green houses etc remains a concern. In this regard, it is also acknowledged that the site is, strictly, in designated countryside. However, due to the circumstances of the site, including its size, nature and location within its surroundings, it is considered that an objection in principle could not be reasonably sustained. Even so, to limit any additional potential future harm, it is considered that any grant of permission should include a Condition removing permitted development rights to erect additional curtilage buildings within the site. This reflects the Condition imposed on the parkland to the east under ref.no. W/15/1294.

SUMMARY/CONCLUSION

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out above.

It is recommended, therefore, that planning permission be granted, subject to the Conditions as set out below.

CONDITIONS

- 1 The development hereby permitted relates strictly to the details shown on the site location plan and approved drawing no. CLOSE 01B submitted on 22 January 2019 and specification contained therein.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy B6 of the Barford Neighbourhood Plan 2016 and Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted **REASON:** That having regard to the design, layout and general nature of the land it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the setting of the Listed building or character of the Conservation Area. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029.
