

**List of Current Planning, Enforcement and Tree Appeals
January 2024**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/22/1877	Land at Warwickshire Police Headquarters	Outline planning application for 83 dwellings. Non-Determination Appeal	Dan Charles	Statement due: 2 June	Various Dates in January	Ongoing

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position

W/20/1975	6 Lower Ladies Hills, Kenilworth	Formation of Driveway Committee Decision in Accordance with Officer Recommendation	Jonathan Gentry	Questionnaire: 10/2/22 Statement: 4/3/22	Ongoing
W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing Delegated	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/0834	The Haven, Rising Lane, Baddesley Clinton	2 dwellings Delegated	Dan Charles	Questionnaire: 26/7/22 Statement: 23/8/22	Ongoing
W/21/1852	West Hill, West Hill Road, Cubbington	Detached Garage; Maintenance Store with Walled Courtyard Delegated	George Whitehouse	Questionnaire: 1/3/23 Statement: 22/2/23	Ongoing
W/22/1574	Leasowe House, Southam Road, Radford Semele	Lawful Development Certificate for Garden Land Delegated	Michael Rowson	Questionnaire: 20/3/23 Statement: 17/4/23	Ongoing

W/22/0357	Liberty House, Stoneleigh Road, Blackdown	Lawful Development Certificate for Various Works Delegated	Lucy Shorthouse	Questionnaire: 23/6/23 Statement: 21/7/23	Ongoing
W/22/0941	Land South of Banner Hill Farm, Kenilworth	Proposed Energy Storage Facility Delegated	George Whitehouse	Questionnaire: 17/7/23 Statement: 14/8/23	Appeal Dismissed

The proposal constitutes the installation of a battery energy storage facility together with associated equipment, infrastructure and ancillary works. These would be standby generation and energy storage facilities to support the local energy network – this would principally through assisting in ‘balancing’ services to the National Grid and the Local Distribution Network and ‘decentralising’ the grid system. The Inspector considered that the development was inappropriate in the Green Belt and the siting of the development in what is currently an open field used for pasture, would erode the openness of the Green Belt. The proposed development would be situated in an isolated position within an open field and set away from the nearby abattoir and its associated buildings. The Inspector noted that even with the use of planting and soft landscaping, which could be secured by means of a planning condition, the proposal would introduce an industrial feature into the wider landscape. This would be at odds with its currently rural character and appearance.

The appellant made the case that ‘the visual effect of changes on site will be barely perceptible from beyond the immediate landscape. The proposals will provide sustainable energy production in a rural location without having more than moderate/ slight landscape effect on the wider rural landscape. The Inspector concurred with there being no more than a moderate / slight landscape effect if mitigation measures through the use of landscaping is taken into account. Nonetheless, he considered that the proposal would still introduce an industrial appearing feature into the countryside. As such, the proposal would have an adverse effect on the character and appearance of the area.

The Inspector concurred with the findings of the submitted LVIA and he found that the proposal would, at the very least, preserve the setting of the nearby Grade II listed building.

Whilst he found that there would be some temporary loss of BMVAL over 40 years, he did not find that this would equate to its

permanent loss, nor would the proposal constitute significant development of agricultural land.

The Inspector noted that there is a clear indication from both central and local government – expressed in terms of statements, national policy statements, and planning policy – that the move is towards sustainable energy generation and towards a low carbon / zero carbon future. Battery storage facilities will be an important component of this delivery. They can help regulate and balance the flow of electricity through the network. Whilst the proposal would not generate renewable power itself, it would contribute to decarbonising the energy sector. The Inspector afforded this factor modest weight in favour of the proposal. In terms of its location, the need for it to be located close to a substation or 132kV overhead line, and the fact that the site provides this, is a modest benefit in favour of the proposal. He noted that the Site Selection and Green Belt Assessment document provides a sequential assessment of potential alternative sites. However, this was restricted to the Warwick district, which means that its evidential basis is limited geographically. This factor was afforded little weight in favour of the proposal. In terms of the Council's performance on delivery of renewable energy projects against its declaration of a climate emergency, this was noted, however, he afforded it minimal weight given that the local authority is, in part, reliant upon other parties coming forward with proposals in order for them to be implemented. With regard to the temporary nature of the proposal, he afforded this little weight in favour of the proposal. This is because there would remain a period of at least 40 years when the harm to the Green Belt arising from inappropriateness would be in place. He concluded that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness.

W/22/0471	Leasowe House, Southam Road, Radford Semele	Erection of 2 Replacement Dwellings Non-Determination Appeal	George Whitehouse	Questionnaire: 4/8/23 Statement: 8/9/23	Ongoing
W/22/0928	Third Floor Flat, 28 Clarendon Square, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 8/9/23 Statement: 6/10/23	Appeal Allowed and Claim for Costs Refused

Criterion d) of Policy H6 requires that a proposal would not result in a continuous frontage of three or more HMOs. The evidence provided notes that 25-27 Clarendon Square inclusive have been converted to apartments and that each of these properties has

an HMO within the ground floor apartments. The appeal proposal is however to convert the upper floor apartment to an HMO, which occupies the second, third and fourth floors of the property and therefore, the basement, ground and first floors of the appeal property would remain in non-HMO use.

The Inspector considered that the definition of what constitutes a continuous frontage was unclear and unambiguous within Policy H6. It is therefore for the decision-maker to decide and interpret the policy, having regard to the justification for it. Having regard to the purposes of the policy, the effects of the proposal, the proportion of the frontage it and the adjoining HMOs at Nos 25-27 occupy, together with their arrangement at different levels, he considered that they do not amount to a continuous frontage for the purposes of Policy H6, criterion d). He also noted that the appeal property is located close to a main road which is on a bus route and, is within walking distance of the town centre and other local amenities in Binswood Street. There also appears to be a high concentration of apartments within the surrounding area, therefore the appeal property is not within a particularly quiet residential area. Whilst nearby residents have raised concerns regarding the intensification of existing problems related to noise, disturbance and anti-social behaviour, he had no substantive evidence to show that the addition of a further 4-bedroom HMO in this location, would cause significant harm to the living conditions of local residents, particularly as all of the criteria within Policy H6 would be met in this instance.

COSTS:

In the Council's view the proposal would result in a continuous frontage of three or more HMO properties, due to the existence of HMOs within the ground floor of two adjacent properties. It is appreciated however that the appeal proposal does not relate to the ground floor of the property and rather relates to the upper floors of the property only. Therefore, it would not result in a continuation of three or more HMOs along the ground floor level, despite there being an HMO in three continuous buildings in a row. Policy H6 does not however define what constitutes a continuous frontage and whether or not it should apply to the whole or part of a frontage of a property. Accordingly, such consideration can be open to interpretation by the decision-maker. Therefore, the Inspector considered that the Council did not apply the policy criterion in an unreasonable manner in reaching its decision, rather it applied its own interpretation, which was at variance to its officers and the applicant.

W/22/1638	8 England Crescent, Leamington	Erection of Extensions and creation of New Dwelling Delegated	Millie Flynn	Questionnaire: 12/9/23 Statement: 10/10/23	Ongoing
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W/22/1745	3 Rai Court, Beauchamp Road, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 4/10/23 Statement: 1/11/23	Appeal Allowed
The decision was the same as summarised for 2 Rai Court below.					
W/23/0101	Church Farm, Glasshouse Lane, Lapworth	Single Storey Rear Extension Delegated	Thomas Senior	Questionnaire: 22/9/23 Statement: 13/10/23	Ongoing
W/22/0198	Highlands Farm, Long Itchington Road, Offchurch	Erection of Dwelling Delegated	Kie Farrell	Questionnaire: 20/10/23 Statement: 17/11/23	Ongoing
W/22/1728	Claywood, Clattyland Lane, Beausale	Erection of Replacement Dwelling Committee Decision in accordance with Officer Recommendation	Kie Farrell	Questionnaire: 1/11/23 Statement: 29/11/23	Ongoing
W/22/1744	2 Rai Court, Beauchamp Road, Leamington	Change of Use to HMO Committee Decision Contrary to Officer Recommendation	Millie Flynn	Questionnaire: 4/10/23 Statement: 1/11/23	Appeal Allowed

<p>The main issue was whether the proposal would provide adequate arrangements for the storage of refuse and recycling. Policy H6 of the Warwick District Local Plan (WDLP), adopted September 2017, requires amongst other things that proposals for HMOs make adequate provision for the storage of refuse containers, where they can be moved to the collection point using an external route only. In accordance with the Council's Residential Design Guide Supplementary Planning Document (SPD), dated May 2018, occupiers of the proposal as a 4-person HMO would be required to have one 240L grey bin, two recycling boxes and two recycling bags. The property has an enclosed bin store at its front. Although different bin storage arrangements have been suggested, it is proposed to keep the grey bin and the two recycling boxes in this enclosure. Accordingly, these containers would be hidden from areas accessible by the public and would have an external route to the collection point on the pavement outside, thus complying with Policy H6. The remaining containers would be kept within a bin store proposed within the rear garden. As such, they would be taken through the house for collection, thereby conflicting with Policy H6. Occupiers may seek to avoid such internal movements by leaving the containers on the pavement at all times, as has occurred elsewhere. At the appeal site, this would to some extent detract from the character and appearance of the area. It would also reduce the usable extent of the pavement, although it is fairly wide here.</p> <p>Nevertheless, the Inspector noted that the existing dwelling already has four bedrooms, whose occupiers would also generate waste and recycling regardless of the outcome of this appeal. The SPD has a higher refuse container requirement for a 4-person HMO (240L bin) than a 4-bed dwelling (180L), reflecting the greater waste generated from HMO use. However, there is no dispute that the larger size of bin could be accommodated within the existing front enclosed area, meaning that it would not need to be wheeled through the house. The other waste and recycling requirements of the SPD are no more onerous for the proposal than for the existing dwelling.</p> <p>On this basis, he concluded that the effect of the proposal in respect of waste and recycling storage on the character and appearance of the area or usage of the pavement would be no worse than at present. For the same reasons, the proposal would not have a greater adverse effect on the amenities of nearby residents or the future occupiers of the proposal. Furthermore, by proposing an additional area of external bin storage (as well as cycle storage) to the rear, the proposal would result in a moderate benefit over the current arrangement. A planning condition could also be used to require that refuse and recycling storage containers are kept within the dedicated areas other than for collection.</p> <p>The Inspector found that the proposal would partially conflict with one element of WDLP Policy H6 regarding waste transfer. However, for the reasons given, he only gave limited weight to this conflict and greater weight to the benefits of the proposal.</p>					
	17 High Street,	Subdivision of Flat to Create 2 Flats	Millie Flynn	Questionnaire:	Ongoing

W/23/0068	Cubbington	Delegated		17/10/23 Statement: 14/11/23	
W/23/0445	Garage, 22 St Marys Terrace, Leamington	Change of Use to 1 Dwelling Delegated	Millie Flynn	Questionnaire: 31/10/23 Statement: 28/11/23	Ongoing
W/22/1762 and 1763/LB	41 Portland Street, Leamington	Replacement of Windows Committee Decision in accordance with Officer Recommendation	Theo Collum	Questionnaire: 27/11/23 Statement: 11/12/23	Ongoing
W/22/1739	26 Wathen Road, Warwick	Erection of dwelling Appeal against Non- Determination	Jack Lynch	Questionnaire: 15/12/23 Statement: 12/1/24	Ongoing
W/23/0768	Land at, Squab Hall Farm, Harbury Lane, Bishops Tachbrook	Change of use of agricultural land to dog walking field and associated boundary fencing and Gates Delegated	Jack Lynch	Questionnaire: 9/1/24 Statement: 23/1/24	Ongoing
W/23/0852	15 South Terrace, Whitnash	Lawful Development Certificate for an existing roof terrace and balustrade. Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement:	Ongoing

				22/1/24	
W/23/1019	15 South Terrace, Whitnash,	Erection of balustrade around existing flat roof rear projection (Retrospective) Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
W/21/1492	10 Meadow Close, Lillington	Lawful Development Certificate to confirm that planning permission W/80/0019 was implemented. Delegated	James Moulding	Questionnaire: 6/12/23 Statement: 3/1/24	Ongoing
W/22/0956 and W/22/0957/LB	Church Farmhouse, Woodway Lane, Budbrooke	Erection of first floor extension to residential barn Delegated	James Moulding	Questionnaire: 4/1/24 Statement: 18/1/24	Ongoing
W/23/0530	13 Hall Close, Stoneleigh	Various Extensions and Timber Cladding Delegated	Lucy Shorthouse	Questionnaire: 13/11/23 Statement: 4/12/23	Ongoing
W/19/1133	Land at Ward Hill, Warwick Road, Norton Lindsey	Erection of two replacement poultry houses and the erection of a farm manager's dwelling. Committee Decision in accordance with Officer	Dan Charles	Questionnaire: 16/10/23 Statement: 13/11/23	Ongoing

		Recommendation			
New W/23/0643	34 Leyfields Crescent, Warwick	Erection of Fence Delegated	James Moulding	Questionnaire: 11/1/24 Statement: 1/2/24	Ongoing
New W/23/1163	27 Lamintone Drive, Leamington	First Floor Side Extension and Dormer Window Delegated	James Moulding	Questionnaire: 12/1/24 Statement: 2/2/24	Ongoing
New W/23/1409	63 Kempton Drive, Warwick	Single storey rear extension Delegated	Theo Collum	Questionnaire: 12/1/24 Statement: 2/2/24	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position

ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	Will Holloway	Statement: 22/11/19	Public Inquiry 23/4/24	Ongoing
ACT 102/22	126 Cubbington Road, Lillington, Leamington Spa	Creation of further storey	Phil Hopkinso n	Statement:8 August 2023	Written Reps	Ongoing
ACT 600/18	Nova Stables, Glasshouse Lane, Lapworth	Erection of building in green belt	Will Holloway	Statement: 31 st July 2023	Hearing TBC	Ongoing
ACT 103/23	Land at Uplands Farm, Lapworth	Residential use of caravan	Will Holloway	No dates as yet	TBD	Ongoing

ACT 506/20	Hatton Arms, Hatton	Erection of covered enclosure to rear	Stephen Hewitt	No dates as yet	TBD	Ongoing

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position