

**List of Current Planning and Enforcement Appeals  
December 2022**

Public Inquiries

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

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/20/2100	22 St Mary's Terrace, Leamington	Lawful Development Certificate for Use of Garages for Commercial Storage <b>Delegated</b>	Rebecca Compton	Questionnaire: 14/10/21 Statement: 11/11/21	Ongoing
W/21/1736	Garage to the rear of 22 St Marys Terrace, Leamington	Certificate of Lawfulness Appeal: Commercial Storage <b>Delegated</b>	Emma Booker	Questionnaire: 30/1/22 Statement: 28/2/22	Ongoing
W/21/1518	8 Offa Road, Leamington	One and Two Storey Extensions <b>Delegated</b>	Millie Flynn	Questionnaire: 7/3/22 Statement: 28/3/22	Ongoing
W/22/0047	Fernwood Barn, Fernwood Farm, Council Lane, Beausale	Single Storey Annexe <b>Delegated</b>	George Whitehouse	Questionnaire: 13/5/22 Statement: 3/6/22	<b>Appeal dismissed</b>

The appellant considered it unreasonable to assess the proposal as purely an addition to the replacement barn when this building is now attached to the brick barn conversion by a glazed link. The appellant then goes on to consider the 'original building' to also

comprise the brick barn conversion plus the livestock pens as they are pre-1948 structures. The previously approved glazed link and the proposed annexe the subject of this appeal would be the additions for the purposes of Framework paragraph 149c) The appellant calculated these two additions would amount to an 18% increase of the original building and hence numerically would fall well below the threshold guide of 30% set out in Policy H14.

However, the Inspector considered that while the livestock pens may well have once formed part of the overall pre-1948 larger farm complex and may be 'original' in terms of the Framework glossary definition based on date alone, they are located some distance from the brick barn and separate from the replacement barn, and in his view should not be included as part of original building for the purposes of paragraph 149c) calculations. Nonetheless, removing the livestock pens from the appellant's calculation of original floorspace would make little numerical difference to the calculations.

The Inspector agreed that the brick barn conversion is an original building and that the storage barn that was replaced (now the replacement barn) is an original building – it was a separate building and did not form part of the brick barn conversion but was a later project that sought to replace a previous stand-alone outbuilding. Therefore, he considered there are two original buildings. However, he pointed out that this does not mean that different original buildings can be added together to create a 'super-sized' original building based on their pre-1948 credentials, even if those buildings are now joined by a glazed link and the two buildings are being used as part of the same dwelling unit. They remain separate building entities for the purposes of Green Belt policies. The proposed annexe is an extension to the far end of the replacement barn – it is clearly not an extension to the brick barn and is significantly distanced from it. There was nothing substantive before him to suggest it was within the same curtilage as the converted barn at the relevant date. He therefore agreed with the Council that the starting point is to consider the replacement barn (198sqm) as the original building that is being extended for the purposes of this appeal and Framework exception 149c).

The Inspector considered that the combined form, bulk, and massing of the proposed annexe, tenuously linked to the replacement barn by a narrow link corridor so as to place the proposed annexe off centre to the replacement barn, represents a very sizeable addition and he found the proposed annexe amounts to a disproportionate addition to the replacement barn, the original building.

Openness is one of the essential characteristics of the Green Belt. Whilst there is no definition of openness in the Framework or the development plan, the courts have held that it requires consideration of both spatial and visual aspects. Regardless of whether the proposed development is visible from public vantage points, it is still capable of affecting openness.

Regardless of whether assessing openness for exception 149c) or 149g) the proposed annexe would result in a reduction of openness of the Green Belt.

From his reading of Policy BE4 it does not cease to be relevant once the main building has been converted. Subsequent proposals to extend rural buildings as part of their conversions are also relevant. Nonetheless, the proposed annexe, which utilises the location of the livestock pens, is part of the ongoing conversion of the brick barn as a residential property. The livestock pens cannot be considered, by any stretch of the imagination, to be of a permanent and substantial construction, or of a condition suitable for re-use or adaptation, or can accommodate the proposed use without extensive re-building or alterations to its external appearance. Furthermore, the proposed annexe is not essential to secure the retention of the barn and livestock pens. In addition, Policy H14 refers to any extensions to barn conversions being unlikely. It would be an addition to the already extended brick barn conversion and replacement barn and would further disrupt the form and massing and significantly elongate the now created 'L' shape form. As a result, the simple linear form of the brick barn would be lost, and it would become an even more subservient part of Fernwood Barn.

W/21/2077	2 Lilac Grove, Warwick	Remodelling of Dwelling <b>Delegated</b>	James Moulding	Questionnaire: 17/5/22 Statement: 7/6/22	Ongoing
W/20/1975	6 Lower Ladyes Hills, Kenilworth	Formation of Driveway <b>Committee Decision in Accordance with Officer Recommendation</b>	Jonathan Gentry	Questionnaire: 10/2/22 Statement: 4/3/22	Ongoing
W/21/1622	1 The Chancies, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing <b>Delegated</b>	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/1572	25 Burns Avenue, Warwick	New dwelling <b>Delegated</b>	George Whitehouse	Questionnaire: 31/5/22	Ongoing

				Statement: 28/6/22	
W/21/1664	Bluff Edge, Barford Road, Barford	Various Extensions and Alterations <b>Committee Decision in Accordance with Officer Recommendation</b>	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	<b>Appeal Part Allowed and Part Dismissed</b>
<p>The appellant referred to the case of Julian Wood V SSCLG and Gravesham Borough in support of the point that village boundaries do not necessarily define the physical and functional extent of villages, but rather they indicate where new housing might be acceptable in principle. In this case, the appellant considered that the appeal site is functionally and physically part of the village. However, the Inspector considered that the site is located within the more sporadic development to the north of Barford Hill, which forms a transition between the more compact built- up area of the village and the open countryside to the east. For these reasons, he concluded that for the purposes of planning policy, it is not within the village and the proposal falls to be considered against LP Policy H14.</p> <p>The Council stated that the proposals, in addition to the annexe, which is a later addition, would increase the gross floor space of the original dwelling by around 97%. The appellant did not dispute this. The Inspector concluded that the extensions in addition to the annexe would effectively double the gross floor space of the original dwelling which would substantially extend the house, and from a quantitative perspective this would result in a disproportionate addition to the original dwelling. Overall, these changes would substantially alter the scale, design, and character of the original dwelling. As a result, the proposed extensions would result in disproportionate additions to the original dwelling that would conflict with all three elements of Policy H14.</p>					
W/21/2202	29 Red Lane, Burton Green	Single Storey Extensions and Roof Canopy <b>Delegated</b>	James Moulding	Questionnaire: 21/6/22 Statement: 12/7/22	Ongoing
W/21/0834		2 dwellings	Dan Charles		Ongoing

	The Haven, Rising Lane, Baddesley Clinton	<b>Delegated</b>		Questionnaire: 26/7/22 Statement: 23/8/22	
W/21/2185	Offa House, Offchurch	Restoration of Offa House; Demolition of Extensions and 2 New Dwellings <b>Committee Decision in Accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 5/10/22 Statement: 2/11/22	Ongoing
W/21/1552	66 Montrose Avenue, Lillington	1 Detached Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 18/8/22 Statement: 15/9/22	Ongoing
W/22/0394/TC	Verge adjacent to MKM Building Supplies, Junction of Juno Drive/ Queensway, Leamington	Telecommunications Monopole and Associated Equipment <b>Delegated</b>	Jonathan Gentry	Questionnaire: 4/10/22 Statement: 1/11/22	Ongoing
W21/2180	Westham Barn Westham Lane, Barford	Conversion of Barn to Dwelling including Extensions <b>Delegated</b>	Lucy Hammond	Questionnaire: 5/10/22 Statement: 2/11/22	Ongoing

W/21/0273 and 0274/LB	Hunningham Hill Farm, Fosse Way, Hunningham	18 Panel Solar PV System <b>Delegated</b>	Rebecca Compton	Questionnaire: 25/7/22 Statement: 22/8/22	Ongoing
W/20/1251	Land on the South Side of Birmingham Road, Budbroke	Erection of 75 Bed Care Home <b>Delegated</b>	Dan Charles	Questionnaire: 21/11/22 Statement: 29/11/22	Ongoing
W/22/0538	22 Kingswood Close, Lapworth	2 Storey Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 27/10/22 Statement: 17/11/22	Ongoing
W/21/2251	Land at the Paddocks, Honiley Road, Beausale	5 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 9/11/22 Statement: 7/12/22	Ongoing
W/21/0153	Land adjacent to 1 Castle Hill, Kenilworth	Single Storey Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 3/11/22 Statement: 1/12/22	Ongoing
W/21/0464	Nexus House, 10 Coten End, Warwick	Change of Use from Residential Use to a Class E Use (Screen Printing) <b>Delegated</b>	Jonathan Gentry	Questionnaire: 1/11/22 Statement:	Ongoing

				29/11/22	
W/21/0835	Finwood Hill Farm, Mill Lane, Rowington	Conversion of Rural Building into Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 3/11/22 Statement: 1/12/22	Ongoing
W/21/1660	3-5 Mill Street, Leamington Spa	Subdivision of Dwelling into 2 Dwellings <b>Delegated</b>	Jonathan Gentry	Questionnaire: 1/11/22 Statement: 29/11/22	Ongoing
W/22/0894	70 Warwick Road, Kenilworth	Digital Matrix Display Panel <b>Delegated</b>	Jonathan Gentry	Questionnaire: 28/10/22 Statement: 18/11/22	Ongoing
W/22/0298 and W/22/0299/LB	2 Kingswood Cottages, Old Warwick Road, Lapworth	Ground Floor and First Floor Extensions <b>Delegated</b>	Lucy Shorthouse	Questionnaire: 2/11/22 Statement: 30/11/22	Ongoing
W/22/0182	Dunn Pitts Farm, Hollis Lane, Kenilworth	Agricultural Building <b>Delegated</b>	Rob Young	Questionnaire: 18/10/22 Statement: 15/11/22	Ongoing

<b>New</b> W/22/0411	Hope Barn, Dalehouse Lane, Kenilworth	Single Storey Extension <b>Committee Decision in Accordance with Officer Recommendation</b>	George Whitehouse	Questionnaire: 29/11/22 Statement: 20/12/22	Ongoing
<b>New</b> W/22/0456	28 Church Lane, Lillington	2 Storey Extension; Pitched Roof and other Alterations <b>Delegated</b>	James Moulding	Questionnaire: 16/12//22 Statement: 9/1/23	Ongoing
<b>New</b> W/21/1695	3 Earl Meadow, Warwick	First Floor Extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 16/12//22 Statement: 9/1/23	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
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ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	TBC	Statement: 22/11/19	Public Inquiry TBC	Ongoing
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Tree Appeals

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