

**Planning Committee:** 02 November 2005

**Item Number:** 02

**Application No:** W 05 / 1068

**Registration Date:** 22/09/05

**Town/Parish Council:** Lapworth

**Expiry Date:** 17/11/05

**Case Officer:** Sandip Sahota

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**26 Kingswood Close, Lapworth, B94 6JQ**

Change of use of land adjacent to No. 26 Kingswood Close from agricultural land to garden land and retention of garden shed (retrospective application).

FOR Mr Chris Roe

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This application is being presented to Committee due to an objection from the Parish Council having been received.

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**SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Object. *"The Parish Council objects to agricultural land becoming residential. It was not used by the previous owners of the property for garden or otherwise. Members note that the applicant does not own this land therefore has the landowner been correctly notified of this application".*

**Neighbours:** No representations received.

**WCC Ecology:** Recommend nesting bird & tree/ hedgerow replanting notes.

**RELEVANT POLICIES**

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

**PLANNING HISTORY**

The Enforcement section was informed in June 2005 that agricultural land had been changed to garden land and that a shed had been erected. Following a subsequent site visit by an Enforcement Officer, it was considered appropriate to request a retrospective application for the development.

## **KEY ISSUES**

### **The Site and its Location**

The application site relates to a small section of land measuring approximately 6 metres by 19 metres directly to the east of No. 56 Kingswood Close, a two storey semi detached property situated at the end of the cul de sac on the north east extremity of the village, on the boundary of the village envelope. The land the subject of this application forms the south west corner of a 2.73 acre field (field 2316) which falls outside the village envelope. The entire village and surrounding area including the land the subject of this application is washed over by Green Belt. It is also designated as a Special Landscape Area within the Local Plan.

### **Details of the Development**

The retrospective application involves the change of use of the section of land from agricultural land to garden land. The adjoining field was left virtually abandoned and overgrown. The boundary with No. 56 Kingswood Close was particularly so with an abundance of Bramble. It is assumed that for practical reasons when the owner of the land came to erect a post and wire fence to mark his boundary, he did so on the other side of the bramble instead of clearing it. The owner of No.56 subsequently cleared the area of bramble and incorporated the land as an extension to his garden. A 1 metre high close boarded timber fence was erected on the inside of the post and wire fence. A 5.7m x 4.7m shed was later erected on a concrete base at the northern end of this piece of land.

### **Assessment**

PPG2 explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is their openness.

The rear garden boundary of No. 56 Kingswood Close has basically been moved approximately 6 metres to the east along its 20 metre length. As the 'new' boundary between No.56 and the adjoining field has been established for some time with vegetation to the east largely overgrown and existing screening along the boundary with field 2109 to the south west, it does not appear as a crude extension to the garden. Moreover, the site is not visible from any public vantage points.

With regard to the shed, it could be erected towards the rear of the 'original' garden without planning permission by virtue of permitted development rights. The fact that the shed has been erected in a similar position but 6 metres to the east does not in my opinion have any greater material effect on the openness of the Green Belt.

The applicant has done everything in his power to ascertain the owner of the land. However, the Land Registry search has shown that the land is not registered and a Notice Under Article 6 of The Town & Country Planning (General Development Procedure) Order 1995 printed in the local press giving the owner 21 days notice of the intention to submit the application has not resulted in anyone coming forward.

Whilst the concerns of the Parish Council are noted, and although use as garden land does not fall into one of the appropriate uses of Green Belt land as stipulated in PPG2, as explained above, the impact of this proposal on the openness of the Green Belt is, in my opinion, very limited indeed.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions:

- 1 The development hereby permitted relates strictly with the details shown on the approved drawings and specification contained therein, submitted with the District Planning Authority on 7 September 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class E, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** To retain control over future development on the site in the interests of protecting the Green Belt in accordance with Policy ENV1 of the Warwick District Local Plan.

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