

Planning Committee: 06 April 2011

Item Number:

Application No: W 10 / 0245

Town/Parish Council: Budbrooke

Registration Date: 03/08/10

Case Officer: Steven Wallsgrove

Expiry Date: 28/09/10

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Oaklands Farm, 357 Birmingham Road, Budbrooke, Warwick, CV35 7DZ

Outline application for replacement dwelling. FOR Mr R Butler

This application is being reported to Committee because the applicant is a former District Councillor.

The application was deferred at the meeting on 22nd September 2010 for negotiation in relation to the size of the replacement dwelling. The Committee stated, however, that they accepted that a dwelling of approx. 100 sq. m. is too small for modern circumstances on this site but that any size above 140 sq. m. would need special justification.

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: No objection.

WCC (Ecology): Request a pre-determinative bat survey, conditions to protect trees and watercourse, and notes on nesting birds and use of indigenous planting species.

RELEVANT POLICIES

- PPG2 : Green Belts
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The site has a long, and complex, history since it has a mixed use. The most relevant application is an approval for a replacement dwelling (W06/1692), which expired on 18th December 2009.

KEY ISSUES

The Site and its Location

The property consists of a bungalow with dog kennels, caravan storage, and some pasture land, and stands on a narrow strip of land between the main road and the canal. The whole area lies in the Green Belt.

Details of the Development

The proposal has been amended so that the illustrative plan with this outline application for a replacement dwelling now shows a bungalow of some 134 sq. m., with an attached office/reception/toilet wing of some 35 sq. m.

The following statement has been submitted in support of the proposal.

"I trust that you can see from the illustrative plans I have sent you, that the residential area is within the 140 square metres and the ridge line has been lowered by half a metre as agreed, when we discussed these issues on the telephone. The additional area is for the efficient and secure running of the associated business, which is made up of an office, lobby, customer reception and waiting room and staff toilet and wash facilities, as required by the licence conditions by the Local Authority in order to comply with The Animal Boarding Establishment Act 1963.

I have managed to confine this total area to a minimum 35 square metres but also having to take into account the requirements of Health & Safety and The Disabled Discrimination Act, for any premises that are open to the General Public must allow for the safe, free and unrestricted movement of disabled customers and also the same for staff employed and allow for possible employment opportunities for the disabled."

Assessment

The relevant guidance on replacement dwellings in the Green Belt is contained in PPG2: Green Belts. This states that,

"The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable."

The guidance referred to is contained in Policy RAP3 of the Warwick District Local Plan 1996-2011.

The amended plans, although they show the gross floor area reduced to some 134 sq. m., which is within the 140 sq. m. mentioned by members, still show a dwelling which is over 30% larger than the existing dwelling. This is clearly contrary to the advice in PPG2, which suggests that the development is "inappropriate" and, therefore, consent should not be granted.

The plans also now show a small office complex for the applicants business attached to the dwelling, but without any direct link to it. The statement explains that this is required for the efficient and secure running of the business, and has been designed to meet Health and Safety requirements, and disability requirements. Attaching this accommodation to the dwelling, however, is not a requirement of the legislation and it could have been provided within the kennels building instead.

I consider, therefore, that, while the opinion of members is noted, the size of the proposed dwelling is still contrary to PPG2 and no very special justification has been supplied to override the presumption against inappropriate development in the Green Belt.

RECOMMENDATION

REFUSE, for the following reason.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. The PPG contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the policy, since the replacement dwelling is materially larger than the existing and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the development plan have not been demonstrated.
