List of Current Planning, Enforcement and Tree Appeals
March 2025

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/24/0711	Land to the North of Henley Road, Lower Norton	Change of use of land to use as residential caravan site for 12 gypsy/traveller families **Appeal against non-determination**	LH	Statement due 15/1/25	TBC	Ongoing

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/23/1746	Land On the South Side Of Chesterton Gardens, Leamington	Outline planning application for a residential development of up to 190 dwellings	Dan Charles	Statement due: 21/10/24	27/11/24	Ongoing

		Called In Application				

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/22/1574	Leasowe House, Southam Road, Radford Semele	Lawful Development Certificate for Garden Land **Delegated**	Lucy Shorthouse	Questionnaire: 20/3/23 Statement: 17/4/23	**Appeal Dismissed**

The appeal site is a 2ha (approx.) area of open grassland associated with the 2 dwellings Leasowe House and Leasowe Cottage. The LDC application made asserted that use of the appeal site grassland for domestic garden purposes to Leasowe House and Leasowe Cottage had become lawful by the passage of time. He said the former agricultural land had been used as private amenity space in association with the 2 dwellings for more than 10 years before the application was made. The neighbour said he saw grass cutting, the regularly walking of dogs and the practising of golf on the land outlined in blue on the appeal site plan. He said the land was not used for agriculture. The appellant claimed it would be self-evident by the nature of grass cutting, kept short for the purpose of domestic activity, that the land was not in use for agriculture. The Inspector noted that when and whether any of the domestic use of the land amounted to a material change of use of the land is difficult to show or determine. Not only was the evidence of when and what occurred vague, it was not shown if or when a change in the scale of a domestic use of the land amounted to a material change of use, or whether an incidental use became a primary use, either in a separate planning unit or as a new element in a mixed, dual or composite use of all of this large area of land.

The Inspector was not persuaded that a material change of use of the appeal land from agricultural use of a domestic garden use has in fact occurred. He added that there must also be doubt, even if on the balance of probabilities, there was such a material change of use, that there has been an ongoing uninterrupted breach of planning control. Although the appellant said it was unrealistic to expect, or indeed require continuous evidence of a residential or domestic garden use of the land, in this instance of the claimed addition of more than 2ha of land to the domestic garden of Leasowe House and Leasowe Cottage, the Inspector considered it would

indeed, have been necessary to show not only that a material change of use of the whole of land had taken place, but that it had continued uninterrupted for a period of at least 10 years up to the date of the application for an LDC over the entire area. An interruption in the 10-year period can take the form of some cessation in activity or change to the character of the use or size of the planning unit. However, the break must be minor if it is not to be fatal to the possible issue of an LDC. A short suspension in activity during a change of ownership or period of illness, or non-material fluctuations in the scale of a use will not usually stop the clock. However, a break in the domestic use of the land during the winter, for example, would make it difficult for the Council to be aware of, notice or recognise an ongoing breach of planning control in the form of a new non-agricultural or domestic garden use of the land having taken place and, or was subsisting. Most of the time, it is likely that the appearance of the land would have been no different from that of an agricultural or unused field.					
W/22/0471	Leasowe House, Southam Road, Radford Semele	Erection of 2 Replacement Dwellings **Non-Determination Appeal**	Lucy Shorthouse	Questionnaire: 4/8/23 Statement: 8/9/23	**Appeal Dismissed**
The Inspector agreed with the Council that the proposal would be materially larger and therefore contrary to Local Plan Policy H13. The supporting text states - "*The purpose of this policy is to ensure that replacement dwellings do not have an adverse impact on the surrounding open countryside and are of an appropriate design and scale for their location. The policy applies with equal measure within and outside of land designated as Green Belt*'. He considered that the large 6-bedroom house part of the appeal project would fail that test. In all, this would be a large wide house sited towards the centre of a 3ha field purporting to be its extensive residential grounds. It would be a substantial and imposing building, dominating what is now an attractive field in open countryside.					
W/23/0852	15 South Terrace, Whitnash	Lawful Development Certificate for an existing roof terrace and balustrade. **Delegated**	Lucy Shorthouse	Questionnaire: 1/1/24 Statement: 22/1/24	**Split decision**
The Inspector considered that the use of the balustrade enclosed roof space as an amenity terrace in association with the residential use of the dwelling did not constitute a material change of use. It was not development and did not require planning permission. A					

roof terrace is 'incidental to the enjoyment of the dwelling house' and is ancillary to the existing residential use. It is therefore not necessary to examine whether the use of the terrace started more than 10 years before the LDC application was made. Regarding the balustrade itself, it was accepted by all parties that they had only been in place for 3 years. The Inspector agreed with the Council that fitting the appeal balustrade amounted to operational development that required planning permission, with there being no concession in the GPDO. The Inspector found it reasonable produce a 'split decision' in this case by granting an LDC in respect of the use of the roof terrace and refusing to issue an LDC for the erection of the balustrading fixed around the outer edge of the terrace.					
W/23/1019	15 South Terrace, Whitnash,	Erection of balustrade around existing flat roof rear projection (Retrospective) **Delegated**	Lucy Shorthouse	Questionnaire: 1/1/24 Statement: 22/1/24	**Appeal Dismissed**
While the Inspector concluded that the use of the balcony associated with the normal enjoyment of the dwelling at No. 15 was lawful, the balustrade facilitates its safe use and that is likely to encourage its use and allow for overlooking of close neighbours. The Inspector considered that the tall balustrading on the narrow roof terrace at No. 15 appeared intrusive and dominates the look of the outshot. It also did not preserve or enhance the otherwise pleasant Victorian appearance and character this part of the Whitnash Conservation Area as required by Policy W4 of the Whitnash Neighbourhood Plan.					
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	**Appeal Dismissed and Costs Claim Refused**

The Inspector considered that the present single storey extension at No. 10 would have been substantially completed by the constructing of the roof and making it fit for occupation and residential use. That materially different single storey extension to the 2-storey 20 February 1980 W/80/0019 planning permission extension has apparently been occupied for some years. The single-story extension was not the partial and unfinished W/80/0019 permission extension. As such, he concluded that the permission for the 1980 permission was never implemented and has lapsed. COSTS: The Council accepted that there was a delay in determining the application. However, the Inspector noted that that that pre-dated the appeal process. It was not a matter that arose because of actions by the Council in their response to the appeal. He noted that unreasonable behaviour during the planning application process can be considered, but that might only have applied here had the Council's reasons for the refusal to issue a certificate of lawfulness been hopelessly inadequate. However, he considered that the Council's case was pertinent and suitably considered.					
W/23/1177	Land fronting Leicester Lane, Cubbington	Lawful Development Certificate for the Use of the Land for Open Storage **Delegated**	Adam Walker	Questionnaire: 9/4/24 Statement: 7/5/24	Ongoing
W/23/1648	Glenthorne, Five Ways Road, Shrewley	Certificate of Lawfulness for Use of Outbuilding as Dwelling House **Delegated**	Adam Walker	Questionnaire: 9/5/24 Statement: 6/6/24	**Appeal Dismissed and Costs Claim Refused**
The appellant had to show that change of use had occurred and continued thereafter for a period of 4 years to the extent that the Council could have taken enforcement action at any time in that period. In the case of an unlawful use, if the use ceased during that period, the time up to that point would not count towards immunity. The "clock" would restart if and when the unlawful use recommenced. The Inspector considered that the question was whether the use was continuous, not whether the dwelling was continuously fitted out or intended for residential use, referring to case law - Islington LBC v SSHCLG & Maxwell Estates [2019] EWHC 2691 (Admin)). It was said that Mr and Mrs O'Flynn took separate holidays. The Inspector considered that if that was during					

the requisite 4-year period, it was reasonable to suppose that when Mrs O'Flynn was away on holiday, she was not in occupation of the appeal building. If so, during those holiday periods the Council could not have taken enforcement action against an unlawful residential use of the appeal building as it would not have been occupied as a single-family dwelling. At those times, the "clock" would have restarted when the unlawful use recommenced. The times and dates of non-occupancy were not shown. He considered that even a few days of the appeal building being unoccupied would have meant a 4-year uninterrupted period to gain immunity was not achieved. The Council were also dealing with denials by Mr O'Flynn of an ongoing unlawful use in response to the planning contravention notice. Nevertheless, in the appeals before the claim was that there had been an unlawful use for more than 4 years. That Inspector considered that apparent contradiction much weakened the separate dwelling use case claimed. The Council's Enforcement Manager noted that a Council Tax check showed the appeal 'H' shaped building was not registered. Mr O'Flynn described that as a seemingly irrelevant fact. The Inspector did not. He considered that the failure to register could suggest an intent to conceal, where the Courts have found that in those circumstances the time limits in s.171B of the Act do not engage until the breach has been discovered. COSTS: The appellant's grounds for the cost claim were that the Council's refusal of application W/23/1648 "was not a 'normal' honest exercise of planning judgement" and that the decision was deliberately unlawful. The Inspector noted that unreasonable behaviour during the planning application process can be considered, but that might only have applied here had the Council's justification for the 2 refusals to issue a certificate of lawfulness been hopelessly inadequate or unjustified. However, he considered that the Council's reasons in support of their refusals were pertinent, properly considered and ultimately persuasive.					
W/23/1631	103 Greenwood Court, Upper Holly Walk, Leamington	Change of Use from Dwelling House to HMO **Delegated**	Millie Flynn	Questionnaire: 7/5/24 Statement: 4/6/24	Ongoing
W/24/0219	Glenthorne, Five Ways Road, Shrewley	Certificate of Lawfulness for Use of Outbuilding as Dwelling House	Adam Walker	Questionnaire: 7/6/24	**Appeal Dismissed**

		Delegated		Statement: 5/7/24	**and Costs Claim Refused**
As per W/23/1648 above.					
W/23/1175	Swallowfield Stud, Rising Lane, Lapworth	Change of use of field and 3 buildings to dog care and walking use **Delegated**	Erin Weatherstone	Questionnaire: 4/10/24 Statement: 1/11/24	Ongoing
W/23/1472	Land to the North of Bakers Lane, Knowle	Change of use to equestrian use and erection of associated stables and tack room **Delegated**	Jack Lynch	Questionnaire: 8/10/24 Statement: 5/11/24	Ongoing
W/23/1563/LB and W/1564	Whitley Elm Cottages, Case Lane, Rowington	Erection of single storey extensions, amendments to fenestration and internal alterations. **Delegated**	Millie Flynn	Questionnaire: 9/9/24 Statement: 7/10/24	Ongoing
W/24/0375	13 Damson Road, Hampton Magna	First Floor Extension **Committee Decision contrary to Officer Recommendation**	Thomas Senior	Questionnaire: 16/9/24 Statement: 8/10/24	Ongoing

W/23/0826	9 St Johns, Warwick	Change of use of Building and Field to dog care and walking use. **Delegated**	Erin Weatherstone	Questionnaire: 6/11/24 Statement: 4/12/24	Ongoing
W/24/0799	41 Radford Road, Leamington	Single Storey Rear and Side Extension **Delegated**	Laura Slevin	Questionnaire: 5/11/24 Statement: 26/11/24	Appeal Allowed
W/24/0478	Carpswell Cottage, Ludlows Lane, Hatton	Lawful Development Certificate for a Twin Unit Mobile Home **Delegated**	Jack Lynch	Questionnaire: 17/12/24 Statement: 14/1/25	Ongoing
W/24/0780	The Old Dairy, Fosse Way, Eathorpe	Single Storey Garage **Delegated**	James Moulding	Questionnaire: 22/11/24 Statement: 16/12/24	**Appeal Allowed**
The Inspector noted that for the purposes of paragraph 154 of the Framework, it has been established in case law that a residential outbuilding, which is physically separated from a dwelling, can be an extension of a dwelling. In his view, the proposed garage, domestic in scale and to be used for purposes associated with the residential use of the host dwelling, and given its siting close to it, would therefore have a close relationship with it and consequently, it would be reasonable to conclude it would be a normal domestic adjunct and therefore fall to be considered as an extension to the existing building. The proposal would increase the footprint of the dwelling by approximately 26% and would therefore not be disproportionate and appropriate in the GB.					

He considered the built form of the barn would not be directly affected by the proposal, which would not alter the shape or size of the existing building. While the garage would be seen alongside the converted barn, its modest scale means it would not be an unduly dominant feature in relation to the host property. For the same reasons it would not diminish the spacious setting of the building or erode the rural character of the surrounding area. The simple design and appearance of the garage would not be at odds with the traditional vernacular of the host dwelling. Moreover, by virtue of the scale, siting and design of the garage, it would not detract from the visual qualities of the main aspects of the barn or disrupt the traditional courtyard arrangement of the original building. As such, he concluded the proposed garage would not harm the agricultural character and appearance of the host dwelling or its setting.					
W/24/0885	The Conifers, 12 Birmingham Road, Stoneleigh	Two Storey Rear Extension **Delegated**	James Moulding	Questionnaire: 2/12/24 Statement: 24/12/24	Ongoing
W/24/0887	The Conifers, 12 Birmingham Road, Stoneleigh	Two and single Storey Rear Extensions **Delegated**	James Moulding	Questionnaire: 2/12/24 Statement: 24/12/24	Ongoing
W/24/1137	Old Barn, Mountford Farm, Church Lane, Lapworth	Permission in Principle for 2 Dwellings **Delegated**	Millie Flynn	Questionnaire: 11/12/24 Statement: 8/1/25	Ongoing
W/24/0923	43 Coriolanus Square, Warwick Gates, Warwick	Erection of a 1.27m high fence to front boundary **Delegated**	Thomas Senior	Questionnaire: 5/12/24 Statement: 26/12/24	Ongoing

W/24/1213/LB	65 Willes Road, Leamington	Adaption of Railings **Delegated**	Jane Catterall	Questionnaire: 27/12/24 Statement: 22/1/25	Ongoing
W/24/0888	5, Haseley Manor, Hatton	Erection of Pergola **Delegated**	Laura Slevin	Questionnaire: 10/1/25 Statement: 7/2/25	Ongoing
W/24/0690	Meadows Hut, Church Lane, Stoneleigh,	Lawful Development Certificate relating to the Abandonment of the Use of a Building **Delegated**	Millie Flynn	Questionnaire: 13/2/25 Statement: 13/3/25	Ongoing
W/24/0831	11A Hatton Terrace, Birmingham Road, Hatton	Lawful Development Certificate relating to the Use of a Building as a Dwelling **Delegated**	Millie Flynn	Questionnaire: 11/2/25 Statement: 11/3/25	Ongoing
W/24/0499	9 St Andrews Road, Lillington	Lawful Development Certificate relating to various works **Delegated**	Sophie Lad	Questionnaire: 6/3/25 Statement: 27/3/25	Ongoing
New W/24/0452	Norton Croft and Cotswold House,		Millie Flynn	Questionnaire: 21/2/25	Ongoing

	Wolverton Road, Norton Lindsey	Demolition and Alterations to Existing Buildings and 3 New Dwellings **Delegated**		Statement: 21/3/25	
New W/24/0848	Hammonds Barn, Purlieu Lane, Kenilworth	Application for Variation of Condition 2 of planning permission W/21/0397 to allow for an Increase in Size **Delegated**	Millie Flynn	Questionnaire: 21/2/25 Statement: 21/3/25	Ongoing
New W/24/0727	Eathorpe Hall, Old Fosse Way, Eathorpe	Lawful Development Certificate for Gates **Delegated**	Sophie lad	Questionnaire: 21/2/25 Statement: 21/3/25	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 January Hearing Postponed at the Appellants request. Dates now Fixed for 20-22 May 2025	Ongoing
ACT 506/20	Hatton Arms, Hatton	Erection of covered enclosure to rear	Stephen Hewitt	Awaiting Planning Inspector Decision	Written Reps	Ongoing
ACT 135/24	Land at Henley Road, Budbrooke	Unauthorised traveller encampment	Will Holloway	Ground G appeal now commenced following withdrawal of Ground A	Written Reps	Ongoing

ACT 182/22	Southcrest Arboretum, Crewe Lane, Kenilworth	Erection of boundary fence over 1m in height	Will Holloway	Questionnaire completed	Written Reps	Ongoing
ACT 255/24	Back Lane, Rowington	Unauthorised Traveller Site	Will Holloway	Questionnaire completed	Informal Hearing for 15th April 2025	Ongoing
ACT 812/20	11 Hatton Terrace, Warwick	Conversion of garage into living accommodation	Navjot Nijjar	Questionnaire completed	Written reps	Ongoing
ACT 0008/23	5-7 Jury Street, Warwick	Erection of balcony	Jasmin Day	Await Start Date Letter		

Tree Appeals

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