Planning Committee: 16th October 2012 **Item Number: 12**

Investigation Number: ENF 181/18/12

Town/Parish Council: Budbrooke

Case Officer: Dave Fry
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Post Office Cottage, Hatton Green, Warwick CV35 7EX

Unauthorised works within the curtilage of a Grade II Listed Building
Owner: Mr & Mrs J Langton

RECOMMENDATION

That appropriate enforcement action be authorised directed at the removal of the unauthorised garage with a compliance period of 2 months.

BACKGROUND

In May 2012, unauthorised development was identified comprising the erection of a wooden garage building. During contact with the property owner, officers have advised that permission would be unlikely to be granted and have sought the voluntary resolution of the above matters.

Subsequently, a planning application seeking the retention of the garage building was refused under delegated powers on 14 September 2012 because of:-

i. The existence of an objection in principle by reason of its inappropriateness within the Green Belt and the absence of any very special circumstances;

ii. Its detrimental impact on the setting of the Listed Building and the character and appearance of the street scene by way of scale, massing, alignment and materials contrary to the development plan policies and national guidance listed below.

To date, the unauthorised structures remain in situ.

RELEVANT LOCAL PLAN POLICIES

Warwick District Local Plan 1996 – 2011 – DP1 Layout and Design
Warwick District Local Plan 1996 – 2011 – DP4 Protection of Listed Buildings
National Planning Policy Framework

PLANNING HISTORY

W/83/577: Conversion of dwelling and post office/shop to 2 dwellings

W/89/0107/8LB: Erection of a 2 storey extension
W/12/0819/20LB: Erection of replacement garage/shed: refused as set out above.

KEY ISSUES

The Site and its Location

The site comprises a Grade II Listed Building which has been internally divided into two separate residential properties. The building was formerly in use as the Post Office for Hatton Green and is located opposite the Ferncumbe Primary School on the edge of the village falling wholly within the Green Belt but not within a Conservation Area.

Assessment

The construction of new buildings is inappropriate development within the Green Belt to which there is an objection in principle save for certain exceptions. One such exception is the replacement of a building, with one that is in the same use and not materially larger than the building it replaces. In this particular case, the unauthorised garage replaces a previous garage which from the information available was materially smaller than the replacement building. For that reason, the new building is considered to be inappropriate development in the Green Belt and is considered harmful to the openness of the Green Belt due to its prominent location. No very special circumstances have been put forward in this case.

The National Planning Policy Framework (paragraph 133) also sets out that development causing substantial harm to heritage assets including Listed Buildings should be exceptional, and should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh it. Local Plan Policy DP1 requires that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design, whilst Policy DAP4 states that development will not be permitted which adversely impacts upon the setting of a Listed Building.

Its location forward of the line of the principal elevation of the main building within the site is highly visible within the street scene and is considered to detract from the character and prominence of the main listed dwelling. Furthermore, the structure does not reflect any design features of the main house and the choice of materials is considered to be out of keeping and detrimental to the setting of the listed building.

Justification for enforcement action

Following the decision to refuse planning permission for the retention of the unauthorised garage structure and the continuing presence of that structure on the ground, it is considered that the service of an Enforcement Notice is required in order to remedy this situation.