
Appeal Decision

Site visit made on 31 October 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8TH November 2016

Appeal Ref: APP/T3725/W/16/3156425

The Castle Pavilion, Castle Street, Kenilworth CV8 1NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Alan Cockburn against the decision of Warwick District Council.
 - The application Ref W/16/0702, dated 11 April 2016, was refused by notice dated 25 May 2016.
 - The development proposed is change of use and conversion of existing building to form 1 no. dwelling with associated curtilage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have taken the description of development, which is given in the heading above, from the appeal form as it is more comprehensive than that given on the application form. Thus, it more accurately describes the proposal.

Background and Main Issue

3. The appeal site is within the Green Belt and has been subject to a previous appeal decision¹ in which the Inspector found that, whilst the conversion of the building itself would be acceptable, the accumulation of domestic trappings within the proposed substantial grounds around it would not preserve the openness of the Green Belt. I have no reason to depart from that view.
4. The current application proposes that the grounds of the building be set tightly around it but providing for the formation of a patio area and space for the parking of two cars. An existing metal storage container would be removed as part of the proposal. Based on the scheme before me, I am therefore satisfied that the openness of the Green Belt would not be harmed. Consequently, I consider the main issue in this appeal to be limited to whether the proposal would provide future occupiers with acceptable living conditions with regard to outdoor amenity space.

Reasons

5. The appeal property lies within a predominantly rural setting away from the main areas of development located to the west. The pavilion building is of substantial proportions and would be converted to provide a three bedroom

¹ Ref. APP/T3725/W/15/3032611

dwelling, thus providing what could reasonably be considered as family accommodation.

6. Immediately to the north is an area of woodland that is sufficiently close to the appeal property to substantially enclose the narrow area between the back of the building and the boundary. The appellant argues that the overall space around the building would be sufficient to meet the needs of its future occupiers. However, whilst there would be space for circulation around the immediate area surrounding the building, the only usable outdoor amenity space directly connected to it would be the proposed patio area at its eastern end.
7. The patio would extend along the full length of the building's side elevation but would be of very narrow width. Furthermore, its orientation would be such that its main outlook would be towards the area where the occupants' cars would be parked in very close proximity. Given this relationship, I do not consider that the outlook for the dwelling's occupants from the patio would be acceptable. I recognise that there would be some semblance of a view over open land but this would not form the main outlook from the dwelling's only usable sitting out area.
8. In addition, the patio area would be so constrained, it would not be able to meet the needs of future occupiers in terms of providing sufficient space for sitting out whilst also allowing for other domestic requirements such as drying washing and young children's play. I do not consider that these specific requirements could be met by the nearby public recreational land.
9. The proposal would therefore result in unsatisfactory living conditions for future occupiers by way of an unacceptable level of outdoor amenity space. Thus it would run counter to Policy DP2 of the Warwick District Local Plan (2007) that seeks to prevent such effects. Although this policy pre-dates the National Planning Policy Framework (the Framework) it is broadly in accordance with it, having regard to paragraph 215, and therefore attracts full weight.

Other matters

10. The appeal site is located immediately next to the boundary of the Kenilworth Conservation Area (CA) and therefore has the potential to affect the setting of this designated heritage asset. However, given the modest nature of the changes around the building and that an area of hardstanding would be returned to pasture land, I consider its effects would be neutral. Thus there would be no harm to the CA's significance.
11. For the same reasons, I do not consider that the proposal would adversely affect the significance of the nearby Scheduled Ancient Monument or Registered Park.
12. The appellant has drawn my attention to the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and in particular, the conditions relating to the prior notification procedure in relation to curtilage area. However, this is not the circumstance in which I am determining the appeal and do not ascribe any meaningful weight to this argument.
13. It has been put to me that the building is inadequate to support its use as a stabling facility and the appellant has provided guidelines on recommended

minimum stable sizes produced by the British Horse Society. However, notwithstanding that this provides only a guideline and is, in any case, dependant on the size of the horse, there is nothing before me to demonstrate that there have been any problems in respect of animal welfare from horses being stabled in the building. I therefore give this argument only limited weight.

14. Notwithstanding this, the appellant asserts that, in the event that I dismiss the appeal, he would seek to resume the use of the building for stabling purposes. I accept that this would be likely to lead to vehicles and horse trailers being parked on the land and, potentially, the addition of horse jumps and fencing. It is also argued that further stabling on the adjacent land would be sought. However, I have no substantive evidence to indicate that there is a significant probability that any of this would take place. Taking this into account with the site's sensitive location in relation to designated heritage assets and the potential restrictions therefrom, I am not convinced that the appellant's argument provides a fallback position to which I can attach anything other than limited weight.
15. The appellant has raised a number of other matters relating to the fabric of the building and the effects on neighbours. However, these are not matters that emanate from the reasons for refusal of the application and I need not concern myself with them.

Conclusion

16. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector