



Appeal Decision

Site visit made on 20 August 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/T3725/W/25/3368534

Lapworth Park, Bushwood Lane, Lapworth, Solihull B94 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Smithies against the decision of Warwick District Council.
 - The application Ref is: W/25/0098.
 - The development proposed is Erection of a rear extension to an outbuilding and the associated alteration of the outbuilding to form ancillary domestic accommodation.
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Decision

- 1) The appeal is allowed and planning permission is granted for Erection of a rear extension to an outbuilding and the associated alteration of the outbuilding to form ancillary domestic accommodation at Lapworth Park, Bushwood Lane, Lapworth, Solihull B94 5PJ in accordance with the terms of the application, Ref W/25/0098, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and in relation to brickwork, in colour texture and pointing.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 2032/17 Rev:J
 - 4) No development shall take place until a Written Scheme of Investigation for a programme of Historic Building Recording has been submitted to and approved in writing by the Local Planning Authority and thereafter completed in accordance with the approved scheme.

Preliminary Matter

- 2) It is not disputed that the proposed development would be not-inappropriate development in the Green Belt; consequently, the main issue to be addressed in this appeal is as I set out below.

Main Issue

- 3) The main issue is the effect of the proposed development on the character and appearance of the original building and its setting.

Reasons

- 4) This appeal concerns a single storey agricultural building dating from the mid nineteenth century or earlier within a grouping of traditional buildings around, and incidental to, the substantial dwellinghouse identified as Lapworth Park. Having the general layout or character of a farmstead or manorial grouping, all are set within the wider context of a deer park of likely medieval origins. The appellant intends that the building would be used for ancillary living space.
- 5) The Council's refusal reasons refer to Policy BE4 of the Warwick District Local Plan 2017 (WDLP) which relates to the '*reuse and adaptation of existing rural buildings*'. However, The relevance of Policy BE4 to this matter has been challenged by reference to a legal Opinion, on the basis that the proposal does not involve a change of use (or 're-use') and is therefore not a conversion, but an extension. In that particular regard, the appellant avers that it would be an extension to a dwelling as addressed in the recently issued Certificate of Lawfulness, confirming the use of the subject building as being incidental to the dwellinghouse known as Lapworth Park. The direction of those representations points towards Policy H14 as the most relevant policy, which lacks the constraints the development plan imposes upon 'adapting' rural buildings to a new use, whereas the Council insist Policy BE4 is material.
- 6) However, I am not convinced that these representations are helpful to a determination of what actual planning harm, if any, would arise from the proposal. The provisions of Policy H14 in every case refer to an 'original dwelling'¹ in which regard the required considerations, as to the effect of the proposal upon scale design and character of a building which stands apart from the original dwelling, become unclear. Further, Para 154(c) of the NPPF relates disproportionality to the 'original building', this being the approach taken in the Council's assessment² and their conclusion that the development would not be a disproportionate addition.
- 7) Overall, if related guidance and national policy is taken into consideration, it is clear that the underlying intentions of the development plan in both Policy H14, as endorsed by the appellant, and in Policy BE4³, are in broad terms twofold; firstly, and as much as possible, to retain the visual integrity of original buildings in terms of their architectural form and character, then equally, to prevent disproportionate expansion of existing built development to the detriment of the countryside.
- 8) The proposed extension would be discretely located and sit within an area that is not widely visible, and of a design which, if carefully executed with suitable materials, would have very little impact upon the integrity and character of the original building. By its location, it would not intrude upon the established farmstead character⁴ of the building group. Whilst the simple linear form of the original building would be disrupted, this is a matter which I consider should attract little weight, given that the proposal does not relate to any designated heritage assets or their

¹ Meaning in this case what existed in July 1948

² A percentage increase in floor area of the subject building

³ With policy BE1

⁴ Noting the historic mapping provided

setting⁵ and the extension would be, in the context of the building group, neither visually significant nor prominent. Overall, taking all matters raised into account, I find little conflict with the Policies identified or, therefore, with the development plan as a whole.

- 9) Consequently, as my reasoning directs, the appeal should succeed subject to a number of conditions. In addition to the usual plans and timing conditions, the colour and texture of external materials used in the extension should as far as reasonably possible match those of the original building, and, given the historic background of the site, the production of a historic building record would be necessary.

Andrew Boughton

INSPECTOR

⁵ A scheme of historic building recording is requested