
Appeal Decision

Site visit made on 5 November 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/T3725/W/25/3369598

115 Regent Street, Leamington Spa, Warwickshire CV32 4NU

- 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 Tarquin Murray-Holgate against the decision of Warwick District Council.
 - The application Ref is W/23/0692.
 - The development proposed is described as “erection of 8 sq. m. timber cabin to the rear of 115 Regent Street (retrospective application)”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted plans include two plans with the same drawing number 479.02. Both show proposed plans and elevations for the cabin and are dated 30 January 2024. However, the elevations differ in their form and external finishes. From the evidence before me, the plans showing the cabin with a flat roof and timber finish are the plans on which the Council made its decision, referred to by the appellant as 479.02 Revision A. These are therefore the plans relevant to this appeal. For the avoidance of doubt, I have determined the appeal on this basis.
3. I saw on my visit that a timber cabin has already been constructed. There appear to be some inconsistencies between the submitted plans and what has been constructed on site. The proposed plans and elevations show a gap between the upper parts of the cabin and the flank elevation of the neighbouring building, No. 1 Satchwell Walk. However, on site I saw that the flank wall of the cabin was completely attached to the flank wall of No. 1 Satchwell Walk. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Main Issue

4. The main issue in this appeal is whether the timber cabin preserves and enhances the character and appearance of the Royal Leamington Spa Conservation Area.

Reasons

5. The appeal site is located in the Royal Leamington Spa Conservation Area (RLSCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the RLSCA.

6. The RLSCA covers a wide area focussed on the town centre. Guidance prepared by the Council divides it into 37 areas. The appeal site falls within Area 16, Regent Street, and the guidance sets out the characteristics of this area. From the evidence before me and my observations on site, the significance of the RLSCA, in so far as it relates to this appeal, is the architectural value of the historic buildings and how their layout and composition relate to the evolution of the town.
7. Satchwell Walk is a well-used pedestrian route between Park Street and the Royal Priors Shopping Centre. The timber cabin is visible from Park Street and along Satchwell Walk, especially when approaching from this direction. The character and appearance of Satchwell Walk derives from the contrast between the imposing and somewhat stark elevation of the shopping centre and the more modest outriggers at the rear of the historic buildings on Regent Street. Although bookended by buildings finished in white render, brickwork provides some harmony in the street-scene and makes an important contribution to the overall character and appearance.
8. I saw on my visit that the timber cabin is fairly modest in size, and its dark brown colour helps it to blend with the red brick finish of the adjacent buildings and boundary wall of the rear alleyway. Nonetheless, its slight setback from the rear elevation of the ground floor lobby and its timber finish make it appear as an obvious and separate addition to the host building. Despite the variety in the form of the outriggers, none of the others include distinctive additions in this location. As a result, the timber cabin is at odds with the surrounding built form and, although it may not be an overly prominent addition, it appears incongruous in the street-scene and detracts from the surrounding historic townscape.
9. Overall, while the timber cabin does not directly affect any of the characteristics of the area identified in the Council's guidance, for the reasons above, it does not preserve or enhance the character and appearance of the RLSCA contrary to Section 72(1) of the Act. Consequently, it harms the significance of the RLSCA, albeit this harm is localised and limited.
10. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm.
11. In this case, I find that the harm to the significance of the RLSCA is less than substantial and at the lower end of that range. Nevertheless, these harms carry considerable importance and weight. In such circumstances, in line with Paragraph 215 of the Framework, Policy HE1 of the Warwick District Local Plan (2017) (Local Plan) requires this harm to be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
12. The appellant contends that there would be significant constraints to removing the timber cabin that could impact the viability of the associated ground floor retail unit and first floor flat. These include the cost of the necessary works and time needed to implement them, as well as the lease arrangements for the retail unit.
13. Nonetheless, while costly and not without difficulty, these are largely private interests. There is no substantive evidence before me to demonstrate that the removal of the timber cabin would be insurmountable or that it would threaten the

long-term viability of the retail unit and flat or their optimum viable use within the RLSCA. Notwithstanding this, the retention of the timber cabin would allow the flat to be occupied and for the continued and uninterrupted use of the retail unit, which would provide a modest public benefit.

14. This modest public benefit would not outweigh the harm I have identified to the character and appearance and significance of the RLSCA. The timber cabin therefore conflicts with Policy HE1 of the Local Plan.

Other Matters

15. The timber cabin subject to this appeal replaced a previous cabin in a similar position on the appeal site that had been in situ for a significant amount of time. In light of this, the Council's Conservation Officer found that the effect of the cabin on the RLSCA would be neutral. Nevertheless, the previous cabin has been removed and there is nothing before me to demonstrate that, in the event the appeal was dismissed, it could be reinstated without a grant of planning permission. Given this, I am not convinced that there is a real prospect of this fallback development being implemented and therefore the weight I can afford it in my decision is very limited.
16. It has been put to me by the appellant that an open lobby and staircase would also have a visual impact on the character and appearance of the RLSCA. However, there are no details of such a scheme before me. Any required reinstatement works resulting from the removal of the cabin would be a separate matter for the parties that cannot be addressed as part of this appeal.

Conclusion

17. I have found that the timber cabin causes less than substantial harm to the significance of the RLSCA, which is not outweighed by public benefits. It therefore conflicts with the development plan read as a whole.
18. For the reasons above, the financial and legal implications of removing the cabin afford limited weight in my decision. As such, these would neither outweigh nor justify the harm I have identified.
19. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate a decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR