



Appeal Decisions

Site visit made on 16 December 2025

by **Peter White** BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal A Ref: APP/E3715/W/24/3351777

Oakdene, Rugby Road, Bretford, Warwickshire CV23 0LB

- 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 Ms Susan Glover against the decision of Rugby Borough Council.
 - The application reference is R24/0477.
 - The development is Proposed Change of Use from Residential Annexe to Short Term Holiday Let (Retrospective).
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Appeal B Ref: APP/E3715/C/24/3351614

Appeal C Ref: APP/E3715/C/24/3351615

Oakdene, Rugby Road, Bretford, Rugby CV23 0LD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Ms Susan Glover and Appeal B is made by Mr Mark Glover against an enforcement notice issued by Rugby Borough Council.
 - The notice was issued on 31 July 2024.
 - The breach of planning control as alleged in the notice is: without planning permission the change of use from a private dwelling house to a mixed use as private dwelling house and a commercial holiday let.
 - The requirement of the notice is to cease the use of the annex (shown edged blue on the attached plan) as an independent holiday home.
 - The period for compliance with the requirement is: 7 days.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended) ("the Act").
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Summary of decisions: The appeals are dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary Matters

1. Each appeal relates to the use of an existing outbuilding (formerly a garage) as a holiday let. Appeal A relates to the refusal of a retrospective application for the retention of the use, and Appeals B and C to an enforcement notice ("the Notice") issued by the Council against that use.
2. In relation to appeals B and C I have the power to correct any error or misdescription where no injustice would arise to the appellant or the Council.
3. Section 2 of the Notice specifies the Land to which the Notice relates but incorrectly specifies the postcode as CV23 0LD (rather than CV23 0LB). Section 3 also describes the breach of planning control as a "change of use", whereas only a material change of use is development for the purposes of the Act. Neither the correction of the postcode nor the addition of the word 'material' would result in injustice to either party and I shall correct the Notice accordingly in my Formal Decision.

4. Section 5 of the Notice requires the use of the 'annex' to cease as an independent holiday home, whereas the breach is described as a mixed use as a private dwellinghouse and a commercial holiday let. For clarity, the same terms should be used in both sections, and neither party would be prejudiced were I to amend Section 3 to state, "Without planning permission, the material change of use of the land from a private dwelling house to a mixed use as a private dwelling house and commercial holiday let in the annex shown edged blue on the attached plan", and Section 5 to state, "Cease the use of the annex shown edged blue on the attached plan as a commercial holiday let". I will do so in my formal decision.

Appeal A

Background and Main Issue

5. Oakdene is a 15th to 16th century Grade II listed building with 19th and 20th century alterations. With the information before me its significance is associated with its historic and architectural interest. The land lies within the green belt.
6. The parties agree that planning permission was granted for the conversion of the pre-existing detached garage to an annexe, and that no physical works are part of the development before me. They agree that the development would not affect the significance or special interest of the listed building or its setting, and I concur with that view.
7. The parties also agree that the development comprises the re-use of a building of permanent and substantial construction, would preserve the openness of the green belt and would not conflict with its purposes. Paragraph 154(h)iv of the National Planning Policy Framework ("the Framework") states that such development is not inappropriate development in the green belt. I have seen no basis on which to take a different view.
8. The main issue is therefore the effect of the development on highway safety.

Highway Safety

9. The highway authority, Warwickshire County Council, object to the development on the basis of highway safety. They are concerned at vehicles being required to wait on or reverse onto the highway, and at insufficient off-street parking. Some local residents are also concerned at parking on the vehicle crossover and on the pedestrian footway and verge.
10. Rugby Road is part of the A428, which links Rugby with Coventry, on a section subject to a 30mph speed limit. At Bretford, and south of the Land, the road crosses a narrow bridge, with traffic lights allowing vehicles to pass in alternate directions in turn. To the north, the road takes a sharp turn to the east.
11. Oakdene abuts the pedestrian footway with access set back from the road with a vehicular crossover through the footway and grass verge. To the north drivers leaving Oakdene are afforded visibility over the verge as far as the corner, but at my visit vehicles appeared to make little adjustment in speed for it. To the south, there is some visibility of the bridge and traffic lights, but the verge contains a traditional red phone box structure (now a defibrillator) and a post box and, at the time of my visit there were further obstructions in the form of wheelie bins.

12. Although parking is not legally restricted on the public highway, parking on the road in this location is likely to restrict visibility and increase highway danger, particularly in relation to access for properties on the eastern side of the road. I saw no vehicles parked on the road at the time of my visit.
13. Access into Oakdene is limited to one vehicle width, with brick steps and a short hedge on one side, and a planted area and neighbouring brick building on the other. The driveway then opens out with greater width in front of the annex building and where gates allow access to the rear of the main dwelling. Vehicles turning into Oakdene from the north may be required to wait on the carriageway a relatively short distance from the corner and could be a highway hazard while waiting to enter.
14. The highway authority advises that 3 off-street parking spaces are required for the existing dwelling, and one for the holiday let. These figures reflect the car parking standards found in Appendix 5 of the Rugby Borough Council Local Plan 2011-2031 (2019) ("LP") and are required by LP Policy D2, which relates to parking facilities.
15. The appellant proposes two potential parking layouts within the appeal site. The first (as shown on drawing 1163-TA30) comprises four cars parked in front of the annex building. That proposal would only allow two cars to be accessed independently, with two others behind them being inaccessible unless the car in front of them was moved. It would also not facilitate any turning, such that all cars would either have to reverse in, or reverse out. This layout would be wholly impractical for a use which comprised an independent letting unit in addition to the main dwelling.
16. The alternative is the use of the area in front of the former garage as a turning area, and the parking of one car on the access drive adjacent to the building, two cars at the rear of the main dwelling behind metal gates, and one alongside the letting unit/annex building. The appellant advises that would facilitate turning, such that all vehicles could enter and leave in forward gear. But the tracking diagrams show that great precision would be required to turn a car into and out of most spaces, bringing vehicles very close to the neighbouring wall and the gates behind the main dwelling. One of the vehicles parked behind the main dwelling would also be required to use part of the neighbouring parking space to enter or exit, and the gap between the letting unit and the wall would be minimal beyond the track of the car wheels shown on the tracking diagram. Practically, I consider it unlikely that parking would occur in the manner shown, given the narrow margins for error and the skill required to make such manoeuvres.
17. With the information before me I am therefore not persuaded that four functional parking spaces can be provided off-site for the use, or that vehicles of the required numbers can enter and leave in forward gear.
18. Vehicles reversing to leave the site and travel south would have to reverse onto the oncoming lane, not far from the turn in the road to the north where traffic had just navigated the bend. Those leaving to travel north may need to reverse across the nearside lane onto the far lane or reverse into the nearside lane facing oncoming traffic before moving out into the north-bound lane. None of these manoeuvres are appropriate in this location. Alternatively, vehicles leaving are likely to reverse onto the footway adjacent to the defibrillator or drive over the footway and verge on the other side. Neither are suitable in terms of pedestrian safety and damage to the verge in the longer term.

19. The appellant advises that the use has operated successfully over the previous 12 months, but residents have provided photographs of parking on the verge and footway on each side of the crossover, and on the crossover itself - with some overhanging of the footway. These images demonstrate that unsuitable parking and/or turning arrangements have occurred.
20. Overall, the appellant has not demonstrated that suitable access and parking arrangements would serve the use without compromising highway safety.
21. The appellant considers the highway authority should have assessed the use as that of a single dwelling and therefore accepted an access width of 3m. But I am not persuaded that the use operates in the same manner as a single dwelling, with the letting of the annex building to those unrelated to the occupiers of the dwelling. And even if I were to have found that, having found the use results in highway danger, this matter would not change my conclusions.
22. In conclusion, the development fails to provide suitable vehicular access and off-road parking, thereby increasing the risk of highway danger. The development conflicts with LP Policy D2, which is described above, and Policy E2 of the Brandon and Bretford Neighbourhood Development Plan to 2031 (2019), which supports new employment opportunities where they include appropriate arrangements for vehicular access and off-road parking. It also conflicts with paragraphs 115 and 116 of the Framework, which require safe and suitable access for all users and identify unacceptable impact on highway safety as a reason for which development should be refused.

Other Matters

23. Use of the annex building as a commercial holiday letting use is materially different to its use as an annex used in association with the main dwelling (as permitted by planning permission R21/0776). There may be a commercial relationship between those in the letting unit towards those in the main house. But commercial users will not benefit from the family or familiar relationships associated with use as an annex in association with the main dwelling, and will have greater independence. The impacts of the use are therefore materially different in relation to access and parking, and therefore highway safety.
24. Even if use as an annex, as permitted by planning permission R21/0776, might give rise to greater overall vehicular movements than intermittent use for letting, the harm I identify to highway safety from the proposed use would not be outweighed.

Conclusion on Appeal A

25. The development conflicts with policies of the development plan and there are no material considerations that require a decision to be made other than in accordance with the development plan.
26. For the reasons given above the appeal should therefore be dismissed.

Appeals B and C on ground (g)

27. Appeals on ground (g) are made on the basis that the time period for compliance with the requirements of the Notice falls short of what should reasonably be allowed.

28. As corrected, the Notice requires the cessation of the annex as a commercial holiday let within 7 days of the Notice taking effect.
29. A period of 7 days is unreasonably short, but I am unable to allow the use to continue for a further six months in order to honour bookings made on account of the highway danger arising from the use. A period of one month would be more reasonable, allowing for a degree of notice to those who have made bookings, but limiting the ongoing use to a short period.
30. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

Formal Decisions

Appeal A:

31. The appeal is dismissed.

Appeals B and C:

32. It is directed that the enforcement notice is corrected by:

- In Section 3, the deletion of the words:
"Without planning permission, the change of use from a private dwelling house to a mixed use as a private dwelling house and a commercial holiday let"
and their substitution with the words,
"Without planning permission, the material change of use of the land from a private dwelling house to a mixed use as a private dwelling house and commercial holiday let in the annex shown edged blue on the attached plan"; and
- In Section 5, the deletion of the words,
"Cease the use of the annex (shown edged blue on the attached plan) as an independent holiday home"
and their substitution with the words,
"Cease the use of the annex shown edged blue on the attached plan as a commercial holiday let".

33. And varied by:

In Section 5, the deletion of "7 days" and its substitution with "1 month" as the period for compliance.

34. Subject to the corrections and variations, the enforcement notice is upheld.

Peter White

INSPECTOR