



Planning Statement for

**The Bungalow
School Lane
Hunningham
Leamington Spa
CV33 9DS**

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1 Introduction

This Planning Statement supports two separate, but related, planning applications:

1. To vary (i.e. remove) Condition 1 of the approval of reserved matters (W870226) granted on 31 March 1987, which removed any permitted development rights within the curtilage as defined in the granted outline planning application (W861028), so that full permitted development rights for both the dwellinghouse and its curtilage are restored.
2. To request a change of use for the remainder of the site from sui generis to that of domestic garden, to be included in the curtilage of the dwellinghouse with full permitted development rights.

This Planning Statement sets out for both planning applications:

- ❖ a brief background of the property
- ❖ an assessment of both proposals
- ❖ a summary.

1.1 Background

The property, known as The Bungalow, in School Lane, Hunningham was built in 1987, as a result of outline planning permission (W861028) being granted on 16 December 1986 and approval of reserved matters (W870226) being granted on 31 March 1987. The land on which the dwellinghouse stands belonged to Mr Joseph Rouse, who, with his daughter, Ms Olive Mary Rouse, moved into the property once it was completed. Mr Rouse died in January 1994 and Ms Rouse then became the sole owner of the property.

Ms Rouse lived on a permanent basis at the property until 2015 when she was moved into a residential care home, at which point the property became permanently empty. Ms Rouse died on 28 July 2019 and a Grant of Probate was issued on 27 January 2020, allowing the property to be put up for sale. The applicants purchased the property on 2 October 2020.

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The bungalow has two double bedrooms, a utility room, a lean-to (conservatory), a large through lounge/dining room, bathroom, kitchen and a large single garage. It remains as it was built in 1987 and, having remained empty since 2015, is currently in a very poor state and uninhabitable, and in much need of improvement and modernising.

For reasons that remain unknown, outline planning permission was requested for approximately 60% of the site on the western side of the land owned by Mr Rouse. It is this area of the site for which permitted development rights were removed when all the reserved matters were approved in March 1987.

However, the remaining part of the land was retained within the existing 'curtilage' of the newly built bungalow, as *Photograph 1: Aerial photo of the site taken in the late 1980s or early 1990s* below shows clearly:

Photograph 1: Aerial photo of the site taken in the late 1980s or early 1990s



The above is a framed photograph which was on the wall of the lounge of the vacated property in March 2020. It shows quite clearly that all the land owned by Mr Rouse was encapsulated by a solid hedge around its entire perimeter, with the exception of a small rear gate, the main gated access to the bungalow and a small pedestrian gate half-way

along the southern side of the site, which led to a path up to the eastern side of the property.

The aerial photograph also shows that the rest of the site to the east of the bungalow appears to consist of an area on the far eastern side for growing vegetables, etc., with an area nearer the bungalow looking more like a nascent garden.

1.2 Planning history

Apart from the outline planning permission (1986) and the approval of reserved matters (1987) no further planning applications for the site/property have been made to Warwick District Council (WDC) until now.

The site in question is within the Green Belt but is not in a conservation area or any other Article 2(3) land.

2 Proposals assessment

This section assesses both proposals, namely:

- ❖ to remove Condition 1 of W870226 so that full permitted development rights for the dwellinghouse and its curtilage are restored
- ❖ to grant a change of use for the remainder of the site from sui generis to that of domestic garden and to include this in the curtilage of the dwellinghouse with full permitted development rights.

2.1 Removing Condition 1 of W870226

The householder permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended, were intended to allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out.

Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for planning permission.

The applicants, who were interested in buying The Bungalow, had a ‘drop in’ session meeting on 8 January 2020 with George Whitehouse, Assistant Planner, at WDC’s offices to enquire what the chances were of having full permitted development rights reinstated. Mr Whitehouse, confirmed, in an email on the same day at 17:32, that, “The permitted development rights were removed ‘to retain control over future development on the premises in the interests of amenity’ (and) this is not a reason we would justify the removal of permitted development rights with any longer and an application would need to be made to remove condition 1 of the planning permission W/87/0226 in order to reinstate the rights of the property”.

Given that the bungalow has been empty since 2015 and is now in need of, at a minimum, a total renovation, it would be in the best interests of both the applicants and WDC Planning if full householder permitted

development rights were reinstated. *Photograph 2: Existing kitchen* and *Photograph 3: Existing conservatory* below (both taken in March 2020) serve to show just two areas requiring much needed renovation.

Photograph 2: Existing kitchen



Photograph 3: Existing conservatory



Based on this assessment it is hoped that the removal of Condition 1 of W870226 will be approved by WDC, in order to allow the new owners/applicants sufficient scope to renovate their new home in accordance with their needs.

2.2 Change of use to domestic garden

There is sufficient evidence to support the request for a change of use for the remainder of the site from sui generis to that of domestic garden and to include this in the curtilage of the dwellinghouse with full permitted development rights.

Accompanying this Planning Statement is a *Statutory Declaration* made by Neville Wragg, Executor of the Estate of the late Olive Mary Rouse and her second cousin (although he always referred to her as his aunt). Mr Wragg carried out gardening work at The Bungalow on a weekly basis from 1995 until 2015, when Ms Rouse vacated the property.

In Mr Wragg's *Statutory Declaration* he states that, whilst he was aware that the land on the eastern side of the bungalow (hatched green on the plan, NAW2) had previously been called paddock land, it had in fact been used continuously as a private garden for nearly 30 years.

Also included in the *Statutory Declaration* are two photographs, which Mr Wragg believes were taken in the 1980s, showing the area in question:

- ❖ *Photograph 4: Garden on the eastern side of The Bungalow overleaf* must have been taken in the late 1980s, as it shows the end of the newly built bungalow, a brick-edged path (which leads down to a gate at the end of the hedge which borders the front of this part of the land), with two people sitting on a bench (behind which is a Well, that remains in situ today), surrounded by a nicely laid-out garden that contains a number of wild flowers. The tall canes on the right-hand side of the photograph, suggest that sweet peas were also being grown in this 'cottage' garden.
- ❖ *Photograph 5: Garden on eastern side looking down towards School Lane overleaf*, which looks to have been taken at the same time as *Photograph 4*, showing the bricked-edged path leading down to the gate and a profusion of well laid-out, mature wild flowers. This type of garden is typical of a cottage-type garden back in the late 1980s/early 1990s.

Photograph 4: Garden on the eastern side of The Bungalow



Photograph 5: Garden on eastern side looking down towards School Lane



When *Photographs 4* and *5* are compared with *Photograph 1* (the aerial view), it would appear that the latter was taken shortly after The Bungalow had been built, as the landscaping is somewhat sparse and certainly no where like the lush growth shown in the former two photographs. *Photograph 6: The Well towards the rear of the bungalow* below shows what remains of this structure today:

Photograph 6: The Well towards the rear of the bungalow



Also, in March 2020, the two garden sheds shown clearly in *Photograph 1* (the aerial view) remained in situ, albeit in somewhat of a derelict state. See *Photograph 7: The two garden sheds (now derelict)* overleaf. Therefore, it is reasonable to conclude that the entire section of land, previously called paddock land, was used, after The Bungalow had been built, as a garden area, with a combination of cottage garden plants and for growing vegetables, fruits, etc. and that there was no actual delineation between this area and the rest of the curtilage in which The Bungalow was sited.

Photograph 7: The two garden sheds (now derelict)



On this basis, given that the arrangement described above and supported by a *Statutory Declaration* remained in place from 1987 to 2015, i.e. 18 years over and above the '10 years rule' required for proof of use, there should be no reasons why a change of use for the remainder of the site from sui generis to that of domestic garden and to include this in the curtilage of the dwellinghouse with full permitted development rights should not be granted.

4 Summary

The two proposals, in regard to The Bungalow, School Lane, Hunningham, Leamington Spa CV33 9DS, to:

1. vary (i.e. remove) Condition 1 of the approval of reserved matters (W870226) granted on 31 March 1987, which removed any permitted development rights within the curtilage as defined in the granted outline planning application (W861028), so that full permitted development rights for both the dwellinghouse and its curtilage are restored;

and

2. request a change of use for the remainder of the site from sui generis to that of domestic garden, to be included in the curtilage of the dwellinghouse with full permitted development rights,

are made on the basis of the following planning considerations:

- ❖ in line with Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended, full permitted development rights should be reinstated in order for the owners/applicants to renovate their new home in accordance with their needs, without having to apply for planning permission which would be out of proportion with the impact of the works carried out
- ❖ irrefutable evidence has been provided that shows the rest of land in which the property is situated, which did not form part of either W861028 or W870226, has been used since 1987 until 2015 (when the property was vacated) as a domestic garden, consisting of garden plants and an area for growing vegetables, fruits, etc., thereby justifying a change of use of this sui generis land to that of a domestic garden, to be included in the curtilage of The Bungalow with full permitted development rights.

On the basis of the above it is hoped that both proposals will be granted.

.... End of the Planning Statement