

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY:** STRATFORD-ON-AVON DISTRICT COUNCIL ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act; at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land South of Home Farm, Old School Lane, Lighthorne, Warwickshire CV35 0AU ("the Land"), shown edged red on the attached plan ("the Plan")

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the material change of agricultural land to garden land (associated with the dwellings approved by planning permission 17/03207/VARY) which has been facilitated through engineering operations to re-level the land and the erection of a 1.8m close boarded fence (in the approximate position marked A-B on the Plan) to enclose the land.

4. **REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

1. The site lies in an open countryside location, in planning terms. The unauthorised development does not meet any of the development forms supported in principle by Policy AS.10 which relates to development in Countryside and Village Locations. The unauthorised development is not considered to be fully justified or offer any significant benefits to the local area. Furthermore the unauthorised development is considered to cause planning harm contrary to the requirements of Policy AS.10. The unauthorised development therefore represents an encroachment into open countryside for which the principle of the development is not supported in line with the Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031.

2. The unauthorised development by reason of the site's location, extent and steepness of the bank created; extent, design, siting and height of the fence is considered to introduce a significant adverse impact on the rural character experienced within the 'locality' of the site. The fence and engineering operations have resulted in the loss of mature vegetation and are considered to introduce a harmful stark harsh contrast to the edge of the settlement which is visually prominent from the public realm. Furthermore the use of the land for garden purposes together with the potential associated domestic paraphernalia could introduce visual harm to the character of the area. The development is therefore considered to be contrary to Core Strategy Policies AS.10, CS.5 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.
3. The unauthorised development by reason of the site's location, extent and steepness of the bank created; together with the extent, design, siting and height of the fence is considered to introduce a harmful impact on the rural village edge and how the conservation area is experienced which is exacerbated through the loss of the vegetation. Furthermore the use of the land for garden purposes has the potential to result in associated domestic paraphernalia on the land which would add to the visual harm to the character of the area. The unauthorised development is therefore not considered to preserve the character of the conservation area which amounts to 'less than substantial' harm on the heritage asset. In the absence of any public benefit to outweigh the harm the unauthorised development is considered to be contrary to Policy CS.8 of the Stratford-on-Avon District Core Strategy 2011-2031 and relevant guidance within the National Planning Policy Framework.

The District Council does not consider that planning permission should be granted because planning conditions could not overcome the objections to the development.

## 5. **WHAT YOU ARE REQUIRED TO DO**

- a) Remove the fence along the alignment A-B from the Land
- b) Reinststate the land levels to that identified as the 'Original Ground Level' shown on Drawing 350 Rev. C submitted with planning application 18/00549/FUL (copy attached to this Notice)
- c) Only use the Land for agricultural purposes

## 6. **TIME FOR COMPLIANCE**

- a) Within 4 months from the date this Notice takes effect
- b) Within 4 months from the date this Notice takes effect
- c) Within 4 months from the date this Notice takes effect

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **16 July 2018** unless an appeal is made against it beforehand.

**Dated:** 11 JUNE 2018

**Signed**.....  
Clare Eynon - Planning Manager  
(Performance, Appeals & Enforcement)

On behalf of:-

Stratford-on-Avon District Council,  
Elizabeth House,  
Church Street,  
STRATFORD-UPON-AVON,  
Warwickshire. CV37 6HX





Legend

17/00558/CRIT  
Land South of Home Farm, Old School Lane, Lighthorne

Scale 1:1,250



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Ordnance Survey 100024287



## **ANNEX**

### **YOUR RIGHT OF APPEAL**

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **16 July 2018**.

**Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-**

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

**Not all of these grounds may be relevant to you.**

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924 for the deemed application. You should pay the full amount of the fee to Stratford-on-Avon District Council.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

If you submit a retrospective planning application after the enforcement notice is issued, the Local Planning Authority may decline to determine your application under section 70C of the Act (as amended). You cannot appeal against a decision to decline to determine your planning application. Therefore if the Local Planning Authority does decline any retrospective application the only way you could ask for the planning merits of the alleged development to be considered is to appeal on ground (a) on your enforcement appeal and pay the fee.



However if you (or anyone else) had already submitted a retrospective planning application and the enforcement notice is issued before the time to decide the application has expired, no-one can appeal against the enforcement notice on ground (a). Although a planning appeal can be pursued if the Local Planning Authority refuse or fail to determine the planning application. This is specified at section 174 (2A)(b) of the Act (as amended).

The Planning Inspectorate has published new guidance on how to Appeal against an Enforcement Notice. It relates to all Notices served on or after 6 April 2012.

#### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on **16 July 2018** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

#### **LIST OF NAMES AND ADDRESSES OF THE PERSONS ON WHOM A COPY OF THE ENFORCEMENT NOTICE HAS BEEN SERVED**



