

TOWN AND COUNTRY PLANNING ACT 1990

**Planning Inspectorate Reference:
APP/J3720/C/19/3226443**

District Planning Authority Reference:

Planning Reference:16/00487/CARENF

Location: Land Opposite Butlers Road Farm, Butlers Road, Long Compton

Appellant: Ms M Bloxsome

(Additional Appellant Ms J Bloxsome)

Alleged Breach in Planning Control : Without planning permission the change of use of the Land from a mixed use of sheepdog training facility and agriculture to a mixed use of sheepdog training, agriculture and the use of the Land for stationing of a single mobile home/ caravan for residential purposes.

Statement of Stratford-on-Avon District Council

List of Documents being submitted

- | | |
|------------|--|
| Appendix 1 | Copy of Decision to Take Action Report for 16/00487/CARENF |
| Appendix 2 | Local Enforcement Plan (September 2019) |
| Appendix 3 | Decision Notice for 12/00650/FUL and Floor Plans |
| Appendix 4 | List of conditions without prejudice |

1. Introduction

- 1.1 This appeal is in relation to the Enforcement Notice (reference 16/00487/CARENF) on the Land which was issued on 12 March 2019 under delegated authority.
- 1.2 The reason for the Notice is outlined below:
 1. The use of the Land for the stationing of a caravan for residential purposes would create a new residential unit of accommodation in a functionally isolated location in open countryside. The existing and future occupants of the mobile home/ caravan are likely to be highly reliant on the use of the private car to access services and facilities required for day to day living. This would conflict with the Council's strategic dispersal of development strategy outlined in Policy CS.15. The development is not considered to fall within any of the development forms supported by Policy AS.10 as no functional need has been identified in respect to part i) of Policy AS.10 or Policy H3 of the NDP which supports residential development in isolated locations in exceptional circumstances. Having regard to the scale and nature of the unauthorised development it is not considered to offer significant benefits to the local area. The development is therefore considered to represent an unsustainable form of development which is unjustified and therefore contrary to Policies CS.1, CS.15 and AS.10 of the adopted Stratford on Avon Core Strategy (2017-2031) and Policy H3 of Long Compton Neighbourhood Development Plan (2011-2031).
- 1.3 A copy of the Enforcement Notice has been sent with the Council's Appeal Questionnaire response.
- 1.4 The Appellant has submitted six grounds for appeal against the Enforcement Notice. The appeal is lodged on the following Grounds:
 - a) That planning permission should be granted;
 - b) That the breach of control alleged in the Enforcement Notice has not occurred as a matter of fact;
 - c) That there is no breach in planning control;
 - d) That at the time the Enforcement Notice was issued it was too late to take enforcement action;
 - f) That the steps required by the Notice to be taken exceed what is necessary to remedy any breach of planning control; and
 - g) That the time given to comply with the Notice is too short.
- 1.5 A list of relevant policy documents were attached to the Appeal Questionnaire which has been submitted separately.

2. Background

2.1 The relevant planning history for the land is outlined below:

Planning History

<u>Reference Number</u>	<u>Proposal</u>	<u>Decision and date</u>
12/00650/FUL	Erection of building and change of use of land to provide a mixed use of sheepdog training facility and associated office on first floor and agricultural storage use on the ground floor (retrospective)	Granted 16.11.2012

- 2.2 The breach in planning control was first brought to the Council's attention on the 7 July 2016. The alleged breach related to three caravans sited on the Land. The caravans included two touring caravans and one mobile home.
- 2.3 The two touring caravans were removed from the Land during the course of the enforcement investigation. The mobile home was not removed from the Land.
- 2.4 Planning enforcement case (16/00487/CARENF) was reviewed in March 2019. The mobile home was still present on the Land at this time. The assessment of the breach in planning control is set out in the Decision To Take Action report attached as **Appendix 1**.
- 2.5 The planning enforcement inquiry was dealt with in line with the Council's adopted Local Enforcement Plan which is attached as **Appendix 2**.
- 2.6 It was not considered appropriate to invite a planning application as there were concerns with the principle of the development and, as such, an Enforcement Notice was issued under delegated authority on 12 March 2019.

3. Response to Grounds of Appeal Against the Enforcement Notice

- 3.1 The Council's case for taking enforcement action is mainly set out within the Decision to Take Action Report which is attached as **Appendix 1**. The Council's response to the Grounds of Appeal are set out below:

Grounds b), c) and d)

- 3.2 On 13 July 2016 the site was visited and a mobile home appeared to be in the progress of being moved into the existing building on the Land. The response to the Planning Contravention Notice (PCN) dated 2 May 2017 advised the caravan was brought onto the land in Autumn 2016 and occupied. A copy of this PCN was submitted with the Council's Appeal Questionnaire.
- 3.3 The Appellant's Agent has advised that the use of the caravan is ancillary to and being used in association with the permitted use of the site.

- 3.4 Planning permission was granted in 2012 (reference 12/00650/FUL) for the erection of a building use of the Land for a mixed use of sheepdog training facility and associated office on first floor and agricultural storage use on the ground floor.
- 3.5 The works were part retrospective when planning application 12/00650/FUL was considered and included an office. The approved floor plans and Decision Notice for planning permission 12/00650/FUL are attached as **Appendix 3**.
- 3.6 The caravan is connected to a sewage outlet, is connected to power and has access to water. The mobile home contains a living room area with kitchen (with gas hob and microwave), bedroom and bathroom. The caravan is therefore considered to contain all the necessary facilities required for day-to-day living.
- 3.7 The Council was advised by the occupant of the site that the caravan was being used for overnight accommodation on a regular basis. A breach in planning control is therefore considered have occurred and the breach is not considered to be immune from enforcement action.

Ground f)

- 3.8 The Appellant has stated that the removal of the caravan is unnecessary and excessive.
- 3.9 Planning permission 12/00650/FUL approved an office and toilets linked to the erection of the building on the Land. This remains an extant planning permission and these welfare facilities could be provided as part of the approved development.
- 3.10 There are not considered to be any alternative requirements to the Notice which may remedy the breach in planning control identified as unlike with a building or structure elements cannot be removed.

Ground g)

- 3.11 The Appellant considers that it is unreasonable to give 4 months to comply with the Notice. The Council is aware that the occupier has alternative residential accommodation (as identified by Land Registry records) and therefore a 4 month compliance period was given in this case.
- 3.12 The Appellant has advised that more time would be required to enable alternative options to be considered as part of the business operating from the site.
- 3.13 In light of the Appellant's circumstances, as outlined in their Grounds of appeal, the Council would raise no objection to extending the compliance period for Steps 5 a) and b) of the Enforcement Notice to 6 months. This is considered to be a reasonable period for compliance given the personal circumstances advanced by the Appellant.

4. Planning Assessment- Ground a)

- 4.1 In response to ground a) a planning assessment was carried out as part of the Decision to Take Action attached as **Appendix 1**. As stated previously this Decision report forms part of the Council's case.
- 4.2 The development results in the creation of a new residential unit in an isolated open countryside where there are no close services or facilities. The existing and any future occupants are therefore highly likely to be reliant on the use of the private car to access services and facilities required for day to day living.
- 4.3 The principle of development, based on the information available, is not considered to be supported by any of the development forms specifically outlined in Policies CS.15 and AS.10 of the Council's adopted Core Strategy.
- 4.4 Furthermore the development on greenfield land is only supported by Policy H3 of the 'made' Long Compton Neighbourhood Development Plan where there are exceptional reasons for a person to live on site such as agricultural workers accommodation. The development is not considered to meet the requirements of Policy H3.
- 4.5 The development is therefore considered to represent an unsustainable form of development which is unjustified and therefore contrary to Policies CS.1, CS.15 and AS.10 of the adopted Stratford on Avon Core Strategy (2017-2031) and Policy H3 of Long Compton Neighbourhood Development Plan (2011-2031).

5. Conclusion

- 5.1 For the reasons listed above and details contained within the Appendices the Inspector is respectfully requested to dismiss the appeal.
- 5.2 The Council reserves its right to submit further comments upon receipt of the any further Statement of Case from the Appellant.

**Appendix 1 Copy of the Decision to Take Action Report for
16/00487/CARENF**

DECISION TO TAKE FORMAL ACTION

Enforcement reference	16/00487/CARENF
Location	Land Opposite Butlers Road Farm, Butlers Road, Long Compton
Decision Made	To take action
Decision Date	17.10.2018- Reviewed 1.3.2019

Legal Background

The enforcement role of a Local Planning Authority is discretionary. The powers conferred to a Local Planning Authority for dealing with breaches of planning control are contained within Part VII of the Town and Country Planning Act 1990.

The National Planning Policy Framework (NPPF) has been revised and was published on 24th July 2018, replacing the previous 2012 version of the NPPF. Paragraph 58 of the revised NPPF states that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.

Description of Breach of Planning Control

Without planning permission the change of use of the Land from a mixed use of sheepdog training facility and agriculture to a mixed use of sheepdog training, agriculture and the use of the Land for stationing of a single mobile home/ caravan for residential purposes.

Description of the Site

The site lies to the east of Long Compton settlement in open countryside. The site falls within the Cotswolds Area of Outstanding Natural Beauty and is visible from the Public Footpaths which lie to the east of the site. The site comprises of a parcel of land accessed via a field gate from Butlers Road. The Land is subdivided with enclosures but closest to the road is an enclosed area where two buildings are sited (a larger modern framed building and timber stables). Other areas beyond the building and its immediate curtilage were penned out for grazing purposes at the time of the site visit.

DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

Development Plan

Stratford-on-Avon District Core Strategy (2011-2031)

Relevant Policies in the Development Plan for this development are:

- CS.1 (Sustainable Development)
- CS.2 (Climate Change and Sustainable Construction)
- CS.3 (Sustainable Energy)
- CS.4 (Water Environment and Flood Risk)
- CS.5 (Landscape)
- CS.6 (Natural Environment)
- CS.9 (Design and Distinctiveness)
- CS.11 (Cotswolds Area of Outstanding Natural Beauty)
- CS.15 (Distribution of Development)
- CS.16 (Housing Development)
- CS.26 (Transport and Communications)
- AS.10 (Countryside and Villages)

Neighbourhood plan

Long Compton Neighbourhood Development Plan (2011-2031)

Relevant Policies in the Neighbourhood Development Plan for this development are:

- H1- Development Criteria
- H2- Steady and Moderate Development
- H3- Not Greenfield
- H5- Re-use of Buildings
- H6 – Environmental Sustainability
- H7- Parking and Highways
- E1- Skyline Protection
- E2- 'Green Fingers'- Visual Access to the Landscape
- INF –Traffic Management

Central Government Policy and Guidance

National Planning Policy Framework (2018)

National Planning Policy Guidance (created 2014)

Relevant sections Ensuring Effective Enforcement

Other Material Considerations

- Stratford-upon-Avon Town Design Statement (September 2002)
- Council's District Design Guide 1996
- Draft Development Requirements SPD (Draft pre-consultation version March 2018) – The emerging development requirement SPD has limited weight having completed its public consultation stage at the end of April 2018. The draft SPD includes draft parking standards which have been endorsed by Cabinet. The emerging parking standards guidance part of the emerging SPD currently has limited weight but, has been endorsed by the District Council as a material planning consideration. Due to its emerging status the SPD is afforded limited weight.

Legislation

- Human Rights Act 1998
- Equality Act 2010
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act 2011
- Equalities Act 2010 (Public Buildings)
- Housing and Planning Act 2016
- Countryside and Rights of Way Act 2000
- Cotswolds Area of Outstanding Natural Beauty Management Plan (2018-2023)
- Long Compton Village Design Statement (1998)
- Long Compton Parish Plan (2006)

Planning History

Application reference	Proposal	Decision and Date
12/00650/FUL	Erection of building and change of use of land to provide a mixed use of sheepdog training facility and associated office on first floor and agricultural storage use on the ground floor (retrospective)	Approved 16.11.2012

ASSESSMENT OF THE KEY ISSUES

Background

The alleged stationing of three caravans on the Land was brought to the Council's attention in July 2016. Three caravans were identified on the site as part of the initial site visit. Of these caravans there were two touring caravans and the mobile home. During the course of the enforcement investigation the mobile home has been re-sited in part within the larger modern framed building on the Land. Since the investigation was opened the two touring caravans have been removed from the Land.

This assessment therefore considers whether or not formal action is appropriate to remove the remaining mobile home from the Land.

Use of the Mobile Home

The mobile home in question was inspected internally by Officers in October 2018. The site visit confirmed that the mobile home is a caravan under the Caravan Act 1968. The mobile home has access to power from the generator in the building, has access to water and is connected to the sewage (however verbally the occupant advised that the shower has not been plumbed in to date).

The mobile home had a kitchen with a gas hob and a microwave, although the fridge was not being used at the time of the visit. The mobile home also has a living room area and separate bedroom (with a small bed). The accommodation contained within the mobile home is therefore considered to provide the necessary facilities required for day-to-day living.

The occupier has alternative accommodation where she resides when not staying overnight on the site. The occupier advised that she stayed at the mobile home a couple of nights a month depending on any work she may have in the locality of the site. This is considered to be a regular use of the mobile home for residential purposes.

Principle of Development

The Council is required to make a decision on planning matters in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.

Core Strategy Policy CS.1 relates to Sustainable Development and seeks to ensure that a high quality environment, managed economic growth and social equity are of equal importance.

CS.15 relates to the dispersal of both business and residential development during the plan period and sets out a distribution strategy for development across a number of sustainable sites and settlements within the District. The site lies in open countryside outside of the Village Boundary identified by the adopted NDP. Housing Policy H1 of the NDP requires developments to comply with the principles of the Village Design Statement, conserve and enhance the landscape and biodiversity, not obstruct public views, protect the green fingers identified in the NDP and have regard to the impact of any development on tranquillity, drainage and archaeology.

Core Strategy Policy AS.10 relates to development in Countryside and Village Locations. Policy AS.10 supports a number of development forms in principle. Part

i) supports the erection of a permanent dwelling for occupation by a person engaged in an agricultural operation or other form of use that can only reasonably be carried out in the countryside, subject to a functional need being established. Within the Development Management Considerations for Policy AS.10 it states that the Council will require sufficient evidence to demonstrate that there is a need for a person or persons to be present on site at all times. Similarly development on greenfield land is only supported by NDP Policy H3 where there are exceptional reasons for a person to live on site such as agricultural workers accommodation.

There is evidence which suggests that a small flock of sheep, goats, reindeer, horses and sheepdogs have been kept on the Land at various times since this planning enforcement investigation commenced on July 2016. At the time of the recent site visit the owner confirmed that there were a small number of lambs and goats, a horse and 8 sheepdogs on the Land. Notwithstanding this, no evidence has been provided to demonstrate that there is a functional need to live on the site, although it is appreciated that during lambing a greater presence is normally required for short time periods. A caravan could be located on the land without the need for planning permission during the lambing season as long as it was removed after the agricultural season.

The occupier suggested at the time of the site visit in October 2018 that staying at the mobile home was to enable her to carry out business in the area rather than for animal husbandry purposes at the site.

Part d) of Policy AS.10 supports the conversion of buildings in certain circumstances. Similarly Policy H5 of the NDP supports the conversion of redundant buildings built of traditional materials or of historical merit to dwellings subject to criteria. In this case as the breach in planning control relates to the siting of a mobile home within the building I do not consider that the unauthorised development would represent a conversion of a building.

As the development does not fall within any of the development forms supported in principle by AS.10, the development would need to be fully justified. Furthermore the development would need to offer significant benefits to the local area and not be contrary to the overall development strategy for the District.

The development results in the creation of a new residential unit in an isolated open countryside where there are no close services or facilities. The existing and any future occupants are therefore highly likely to be reliant on the use of the private car to access services and facilities required for day to day living. The principle of development, based on the information available, is not considered to be supported by any of the development forms specifically outlined in Policies CS.15 and AS.10.

Impact on the character of the area

Core Strategy Policy CS.9 relates to Design and Distinctiveness and seeks to ensure that developments are sensitive to the setting, neighbouring uses, topography and existing built form within locality. Policy CS.9 identifies, within the supporting Development Management Considerations that the locality of the site will differ depending on the scale and size of a proposal. Policy AS.10 also seeks to ensure that proposals minimise their impact on the character of the local landscape.

The site lies within the Cotswold Area of Outstanding Natural Beauty. In accordance with Policy CS.11 development proposals should seek to conserve and enhance the special landscape qualities and scenic beauty of the AONB. Small-scale development

and activities are appropriate in accordance with Policy AS.10 but must not harm the character of the area. Policy CS.11 reflects the main purposes of the Cotswolds AONB Management Plan 2018-2023.

The Long Compton Village Design Statement seeks to avoid new development in open countryside and seeks to ensure that the natural beauty of the area is respected.

The site lies in open countryside and is likely to be visible, in part, from the public footpaths which lie to the east of the site due to the existing field boundary which encloses the Land. Views from Butlers Road of the mobile home are screened by the existing buildings on the Land as the mobile home is located largely within the building.

In light of the above, it is not considered that the development would have an unacceptable adverse impact on the character of the locality which includes the immediate rural setting of the site. Furthermore, the development is considered to represent a small-scale development as only one mobile home is sited on the land which by reason of its position, size and design is considered to conserve the character of the AONB. The development is therefore considered to accord with Core Strategy Policies CS.9, CS.11 and AS.10 with this regard and NDP Policy H1.

Other Matters

The use of the land for the stationing of a caravan/ mobile home for residential purposes is not likely to raise any adverse material considerations with respect to impact on neighbours as there are no close neighbouring dwellings, highways safety as there is an existing access used for the dog training building, ecology or flood risk (the site lies in flood zone 1 where development is acceptable).

As the breach of planning control relates to the siting of a caravan/mobile home for residential purposes the Plan on the Notice will look to include all Land to prevent the mobile home being re-sited. The enforcement investigations show that the mobile home has changed position since the original complaint.

Conclusions

The use of the land for the stationing of a caravan/mobile home for residential purposes would create a new residential unit of accommodation in a functionally isolated location in open countryside. This would conflict with the Council's strategic dispersal of development strategy outlined in Policy CS.15 to which I afford significant weight.

In this case there are personal circumstances associated with the occupant and I have therefore had regard to Article 8 Human Rights Act 1998 and the Equality Act 2010. The personal circumstances of the occupant of the caravan need to be considered in the planning balance. I have weighed the rights of the individual against the public interest.

The development is not considered to fall within any of the development forms supported by Policy AS.10 as no functional need has been identified in respect to part i) of Policy AS.10 or Policy H3 of the NDP. Having regard to the scale and nature of the unauthorised development it is not considered to offer significant benefits to the local area. The development is therefore considered to represent an unsustainable form of development which is unjustified and therefore contrary to Policies CS.1, CS.15 and AS.10 of the adopted Stratford on Avon Core Strategy (2017-2031).

Alternatives

Alternative Option	Reason why rejected
Allow a further period of time for the submission of a retrospective application	An application in this location is unlikely to be supported by officers. An application has therefore not been expressly invited in this case.
To allow the breach to remain	This would result in the planning harm identified above contrary to the Development Plan.
To negotiate with the owner over remedying part of the breach	<p>The unauthorised development could become immune if no formal action is taken to remedy the planning harm identified. Whilst two touring caravans have been removed from the Land the mobile home has not been removed voluntarily from the site.</p> <p>The occupier has alternative residential accommodation and therefore it is considered reasonable to reduce the time of compliance to 4 months as the mobile home/caravan is not the sole residence of the occupier.</p>

Reason

1. The use of the Land for the stationing of a caravan for residential purposes would create a new residential unit of accommodation in a functionally isolated location in open countryside. The existing and future occupants of the mobile home/ caravan are likely to be highly reliant on the use of the private car to access services and facilities required for day to day living. This would conflict with the Council's strategic dispersal of development strategy outlined in Policy CS.15. The development is not considered to fall within any of the development forms supported by Policy AS.10 as no functional need has been identified in respect to part i) of Policy AS.10 or Policy H3 of the NDP which supports residential development in isolated locations in exceptional circumstances. Having regard to the scale and nature of the unauthorised development it is not considered to offer significant benefits to the local area. The development is therefore considered to represent an unsustainable form of development which is unjustified and therefore contrary to Policies CS.1, CS.15 and AS.10 of the adopted Stratford on Avon Core Strategy (2017-2031) and Policy H3 of Long Compton Neighbourhood Development Plan (2011-2031).

Recommendation

Officers are satisfied that this form of enforcement action is expedient and reasonable. Having regard to the risk of immunity when balanced against the personal circumstances of the occupants it is also proportionate to the breach of planning control in order to safeguard the Council's position.

In this case there is a possibility that the caravan may be re-located to an alternative position on the Land within the same ownership. In light of this it is considered reasonable to extend the area of Land associated with the Notice to include all the adjacent Land within the same ownership.

Agreement from Ward Member(s)

Cllr Gray- 30th October 2018

Name/signature of Delegated Officer

C Eynon 11/3/19

Appendix 2 Local Enforcement Plan (September 2019)



LOCAL ENFORCEMENT PLAN

1st published - OCTOBER 2012
Revision 1 - July 2015
Revision 2 - July 2016
Revision 3 – Feb 2018
Revision 4 –Sept 2019

1.0 Introduction

- 1.1 Although planning enforcement is discretionary and not a mandatory function of Local Planning Authorities, it is commonly recognised that the integrity of the Development Management process depends upon an Authority's commitment to take effective action against unauthorised development. This Local Enforcement Plan sets out how the Council deals with reports of alleged breaches of planning control.
- 1.2 The topics covered within this Local Enforcement Plan are listed as follows:
- Policies applicable within Stratford on Avon District
 - Type of breaches of planning control
 - Resources available for enforcing planning control
 - Procedure for investigating planning enforcement complaints
 - Tools available to enforce breaches of planning control
 - Review of Local Enforcement Plan
 - Privacy statement
- 1.3 The Council's Local Enforcement Plan was first published in October 2012 and last updated in February 2018. This is the latest updated version following changes to resources, tools available and changes to national policy and guidance.

2.0 Policies applicable within Stratford on Avon District

- 2.1 The main policies applicable within Stratford on Avon District are those contained within the Development Plan which comprises:
- Stratford-on-Avon District Core Strategy (2011-2031)
- 2.2 In addition to Council policy, national policy is contained within the revised National Planning Policy Framework, first published in March 2012 and last updated in February 2019. The government has also published guidance on enforcement within the Planning Practice Guidance which is regularly updated.
- 2.3 Council wide policy on Enforcement is contained in the following documents:
- Stratford District Council Enforcement Policy Statement
 - Stratford District Council – Corporate Enforcement Protocol
- 2.4 There are various designations of the landscape within the District. These include: Green Belt, Cotswolds Area of Outstanding Natural Beauty, Special Landscape Areas and Areas of Restraint.

- 2.5 Stratford-on-Avon District currently contains 75 designated Conservation Areas. The District also contains over 3300 buildings included in the statutory lists of buildings of Special Architectural and/or Historic Interest.

3.0 Type of breaches of planning control

- 3.1 The Council receives nearly 700 reports of alleged breaches of planning control each year. Many of these are dealt with (or resolved) in a relatively short period of time, as there is either no breach of planning control, or the enquiry relates to minor technical breaches of planning control which can be resolved without formal action.
- 3.2 A range of enforcement enquiries occur throughout the District from extensions to residential properties, building works, breaches of planning conditions, unauthorised change of use, engineering operations, advertisements, works to Listed Buildings and works to protected trees.

4.0 Resources available for enforcing planning control

- 4.1 A team of staff within Planning & Housing is employed to investigate cases. The team is made up of 3.5 Planning Enforcement Officers who are managed by the Planning Manager (Performance, Appeals & Enforcement). There are two Senior Planning Officers (Enforcement) within the team. A further Senior Planner is based in the team but deals primarily with Lawful Development Certificate applications.
- 4.2 Legal support is given by the Legal Team and administrative support is provided by Support Services.

5.0 Procedure for investigating enforcement cases

- 5.1 The following section of this Local Enforcement Plan sets out the sequence in which enforcement cases progress, from initial receipt through enforcement to compliance. It is consistent with government guidance on ensuring effective enforcement.
- 5.2 When a report of an alleged breach of planning control is received it will be registered on the Council's planning database system. Anonymous reports will only be investigated if the alleged breach relates to unauthorised works to a listed building or works to trees which are in a Conservation Area or protected by Tree Preservation Order.
- 5.3 The name and address of all complainants is kept confidential. It may be necessary that the complainants details are required to be disclosed for legal reasons. However, prior approval will be obtained.

- 5.4 The enforcement enquiry will be acknowledged and the complainant will be advised which Planning Enforcement Officer (PEO) will be dealing with the matter.
- 5.5 Following a Review of the Local Enforcement Plan in 2018, a revised scheme of prioritisation for investigating cases was agreed. Further changes to the prioritisation of enforcement enquiries were reported to the Regulatory Committee on 28 June 2019. A copy of the scheme of prioritisation is attached as **Annex 1**. This does not mean that no action will be taken for 'Desirable' cases. It simply means that such cases may take longer to resolve, as resources will concentrate on cases relating to more serious breaches including 'Critical' cases and those with potential to have a 'Significant Impact' or where there is a high level of public interest.
- 5.6 After receipt of an enforcement enquiry, the PEO will investigate the planning history of the site and assess whether or not there has been a breach of planning control. A breach of planning control is defined as "the carrying out of development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted". If there has been no breach of planning control the case will be closed and the complainant advised of this decision.
- 5.7 Some enforcement queries may relate to works which do not fall within the definition of a breach of planning control. These include:
- Display of advertisements without advertisement consent
 - Works to trees within Conservation Areas or those trees protected by Tree Preservation Orders
 - Alterations to Listed Buildings without Listed Building Consent
 - Unauthorised removal of hedgerows
 - Non-compliance with a formal Notice or Order
- 5.8 These queries will be dealt with in the same way as breaches of planning control, whereby the PEO will check to see if the works need consent from the Local Planning Authority. If the works do not require consent, the case will be closed and the complainant advised.
- 5.9 In some cases a site visit may be necessary before the PEO can determine whether not there has been a breach of planning control or if consent is required. For 'Critical' matters where the unauthorised works are in progress the Council aims to carry out an initial site visit within 24 hours of the receipt of the matter being reported. For alleged breaches which may have a 'Significant Impact' or there is a high level of public interest, these will be given a higher priority than the 'Desirable cases'. For such cases it is anticipated that site visits will be carried out within 10 working days. For 'Desirable cases, an initial site visit (if considered necessary) may take up to 4 weeks to carry out.

- 5.10 If following the site visit it is evident that there has not been a planning breach the case will be closed and no further investigations will be carried out. The complainant and relevant Ward Member will be advised if there is no breach of planning control.
- 5.11 Where it is clear that development has taken place without the relevant consent and it may be necessary to control the development by conditions, an application will be invited to regularise the development. This follows government guidance on ensuring effective enforcement.
- 5.12 Requesting a retrospective planning application has the advantage of the Council being able to obtain full details of the works that have been carried out and enables interested parties to be formally consulted before a decision is made. It may also be possible to make amendments to the scheme or impose conditions which overcome the concerns of interested parties.
- 5.13 A period of 1 month will normally be given for a valid application to be submitted for breaches which relate to householder works. However for all other unauthorised works a 2 month period will normally be given for a valid application to be submitted.
- 5.14 For unauthorised works to a listed building a retrospective application for listed building consent will not normally be invited. Following a site inspection an initial assessment of the works carried out will be undertaken in consultation with the Conservation team to establish whether formal action may be necessary or whether the works can be remedied by a voluntary Schedule of Works.
- 5.15 Where the reported planning breach is only a minor technical breach and does not result in any significant planning harm, an application will not be invited. In these cases the PEO will seek consent from the relevant Ward Member to close the case and take no further action. This enables resources to focus on the more serious breaches of planning control. The complainant will be notified that the case is closed if the Ward Member agrees to no action being taken.
- 5.16 For some cases however where the breach is causing significant planning harm, the Local Planning Authority will consider whether it is expedient to take formal enforcement action rather than inviting a planning application. The type of enforcement action available for such cases is outlined in Section 6.
- 5.17 When a retrospective application is received, the planning application will be determined on its own merits. Unless the breach is causing serious harm it is normal practice to await the determination of the planning application before deciding whether to take enforcement action. The enforcement case however will remain open until the application has been determined. If the retrospective application is approved, the enforcement case will be closed.

- 5.18 If the application is refused the case will remain open until the breach is satisfactorily resolved. Under the Constitution, the Head of Planning & Housing has delegated authority to issue an Enforcement Notice if an application has been refused. Where a retrospective application has been refused, enforcement cases will not normally be held in abeyance for an appeal to be lodged and determined. This would allow for a linked appeal if an appeal is lodged against the refusal and the Notice.
- 5.19 If an application is not submitted the Local Planning Authority must decide whether or not it is considered expedient to take formal enforcement action. In making this decision, the Local Planning Authority will have regard to the provisions of the Development Plan and any other material considerations, to assess whether the breach causes an unacceptable level of planning harm. Matters assessed may include the location of the breach, its visual impact, its effect on neighbours' amenity or its impact on highway safety.
- 5.20 This assessment will inform the likely outcome of a planning application, had it been made, and will therefore inform a decision on the best course of action.
- 5.21 Consistent with national government guidance on enforcement, formal action will not be taken where there is a trivial or technical breach of planning control which causes no material harm or adverse impact on the amenity of the site or the surrounding area.
- 5.22 In some cases, it may be appropriate for Officers to enter into negotiations with the alleged contravenor to either secure compliance with a condition or permission, or to negotiate changes to a development to reduce the planning harm. These negotiations may negate the need to take formal enforcement action. The timescale for officers to engage in negotiations will not normally extend beyond the timescale given for the submission of a retrospective planning application (as described above). If a negotiated outcome cannot be secured within a reasonable time period the case will be reviewed with consideration given to formal action.
- 5.23 Where a breach of planning control has occurred, the enforcement case will only be closed, where there is agreement between the PEO and the relevant Ward Member. If there is not agreement between the PEO and the Ward Member for the case to be closed, the issue will be reported to the Regulatory Committee for decision as an exempt item. If the case is closed under delegated powers or following a committee meeting the complainant will be advised of the decision. There is no public speaking on enforcement cases at Regulatory Committee. All cases reported to this Committee are considered in the Exempt session of the meeting.
- 5.24 For cases where the unauthorised development is causing significant harm which cannot be satisfactorily overcome or mitigated by conditions or changes to a development, it may be appropriate for the Council to take formal enforcement action. The type of enforcement action to be taken will be dependent on the circumstances of the case. The type of action taken must also be proportionate to the nature of the breach of planning control.

- 5.25 The different forms of enforcement action which are available to a Local Planning Authority are summarised in Section 6. Where formal action is considered necessary a "Decision to take action" report will be produced setting out the reason for the decision.
- 5.26 The Head of Planning & Housing has delegated powers to take appropriate enforcement or legal action as identified in the Constitution. For some types of action agreement must be sought from the relevant Ward Member before taking formal action. If there is not agreement between the PEO and the Ward Member the issue will be reported to the Regulatory Committee for decision as an exempt item. The complainant will be advised when a decision has been made.
- 5.27 Both the National Planning Policy Framework and Planning Practice Guidance on enforcement confirm that enforcement action is discretionary and advise Local Planning Authorities that they should act proportionately in responding to suspected breaches of planning control.
- 5.28 A reasonable balance therefore needs to be achieved, between protecting amenity and other interests of acknowledged importance and enabling acceptable development to take place, even though it may initially have been unauthorised. Where the balance of public interest lies will vary from case to case.
- 5.29 In considering whether to take enforcement action, the Council must also take into account the Human Rights Act 1998 and the Articles contained therein with particular reference to the Right to a Fair Trial, the Right to a private family life and the protection of property.
- 5.30 The Council also has a duty to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups in the carrying out of their functions, in accordance with The Equality Act 2010.
- 5.31 Once the decision has been made to take formal enforcement action, the relevant notice will be issued either by the Enforcement team or Legal team. The complainant will be notified when the formal action has been taken and when all relevant notices have been served.
- 5.32 When a Notice has been issued the Enforcement Register is updated. If a notice has been complied with the Register is also updated. An electronic version of the Enforcement Register can be viewed on the Council's website. This is updated on a quarterly basis.
- 5.33 Depending on the type of enforcement action taken, there are various rights of appeal, which may suspend the effect of a Notice until the appeal is heard. Further information on this is contained within Section 6.

- 5.34 Formal notices give the person responsible for the breach a specified time limit in which to remedy the breach. Once this time period has expired the PEO will check whether the Notice has been complied with. If the Notice is complied with, no further action will be taken by the Authority and the file closed. The complainant will be updated at this stage.
- 5.35 If, however, the Notice has not been complied with, the Local Planning Authority in liaison with Legal must consider whether or not to prosecute, and/or to apply for an Injunction requiring an activity to cease or for certain development to be removed. There may be instances where further negotiations are considered appropriate at this stage depending on the circumstances of the case. For serious flagrant breaches of planning control the Local Planning Authority may take Direct Action to secure compliance with a formal Notice. These forms of action are explained in more detail in Section 6 below.

6.0 Tools available to enforce breaches of planning control

- 6.1 The following section of this Local Enforcement Plan provides a summary of the various tools available to deal with alleged breaches of planning control. The Local Planning Authority must assess, in each case, which power (or combination of powers) is best suited to dealing with any particular anticipated/apprehended, or actual, breach of control to achieve a satisfactory, lasting and cost effective remedy, having regard to the circumstances of the case.
- 6.2 It should also be noted that the type of enforcement action taken should be commensurate and proportionate with the breach of planning to which it relates.
- 6.3 There are three 'requisition' powers for planning enforcement purposes:
- Section 330 of the Town and Country Planning Act 1990
 - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
 - Section 171C of the Town and Country Planning Act 1990 (Planning Contravention Notice)

Section 330 of the Town and Country Planning Act

- 6.4 This power may be used in order to obtain relevant information at an early stage of the enforcement process.
- 6.5 This form of notice may also be used for investigating enforcement under the Planning (Listed Buildings and Conservation Areas) Act 1990 functions.

Section 16 of Local Government (Miscellaneous Provisions) Act 1976

- 6.6 These provisions are primarily intended to enable an authority to establish the facts about ownership of land.

Planning Contravention Notice (Section 171c)

- 6.7 The main method for Local Planning Authorities to obtain information about activities on land, when it appears to the Local Planning Authority that a breach of planning control has occurred, is to serve a Planning Contravention Notice (PCN). A PCN takes the form of a series of questions relating to the suspected breach of planning control. It is an offence to fail to respond to the notice within 21 days, or to make false or misleading statements in reply. This notice however is not available for use in respect of suspected works to listed buildings or protected trees.

Powers of Entry for Enforcement Purposes

- 6.8 In addition to the investigative powers outlined above, Officers also have power to enter land, specifically for enforcement purposes. This right is limited to what is regarded as necessary, in the particular circumstances, for effective enforcement of planning control. A notice period of 24 hours, however, is required before entry can be demanded to a dwellinghouse. Prior notice is not required for access to domestic outbuildings or garden land industrial, commercial or farmland etc.
- 6.9 A Code of Practice published in March 2015 recommends that contact should be made with owners/occupiers before exercising powers of entry, unless it is impracticable to do so or would defeat the purpose of the inspection. The full version of the code can be found at <https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>
- 6.10 Powers of entry also exist in accordance with a warrant, and procedures in respect of those matters can also be found within the above Code of Practice.
- 6.11 The following section refers to types of formal enforcement action which may be taken by the Local Planning Authority in order to require a particular use or development to cease or for works to be removed or modified:

Enforcement Notice

- 6.12 An Enforcement Notice can only be served when the Local Planning Authority is satisfied that there has been a breach of planning control and when it is considered expedient to do so. An Enforcement Notice requires specific steps to be taken which may include a use to cease or for a structure to be removed. It must also specify the period for compliance.
- 6.13 An Enforcement Notice must contain an explanation of the reasons it is being issued. The reasons should be carefully considered and be specific to the case. Failure to comply with an Enforcement Notice is a criminal offence.
- 6.14 The recipient of an Enforcement Notice has a right to appeal to the Secretary of State. Such an appeal will suspend the effect of the Notice until the appeal is determined. If an appeal is lodged all complainants and interested parties will be advised of the appeal details and how to make representations.

Listed Building Enforcement Notice

- 6.15 A Local Planning Authority may serve a Listed Building Enforcement Notice if unauthorised works have been or are being carried out to a listed building. Like an Enforcement Notice the recipient of this type of Notice has a right to appeal to the Secretary of State.

Breach of Condition Notice

- 6.16 This form of notice may be used as an alternative to the Enforcement Notice to remedy against failure to comply with any condition attached to a planning permission or limitation specified in The Town and Country Planning (General Permitted Development)(England) Order 2015. It does not apply to breaches of conditions attached to listed building consent or advertisement consent.
- 6.17 There is no right of appeal for a Breach of Condition Notice.

Stop Notice

- 6.18 When the effects of unauthorised activity are seriously detrimental, a Stop Notice may be served to ensure that an activity does not continue if an appeal is lodged against the Enforcement Notice. A Stop Notice can only be served where an Enforcement Notice has been issued. A Stop Notice can relate to any, or all, of the uses or activities specified in the Enforcement Notice. It does not apply to works to a listed building.
- 6.19 It is an offence to contravene a Stop Notice. Whilst there is no right of appeal against a Stop Notice, the validity of a Notice or the decision to issue the Notice can be challenged in the Courts by an application for Judicial Review.

Temporary Stop Notice

- 6.20 Where the Local Planning Authority considers that a breach of planning control should stop immediately it may serve a Temporary Stop Notice. Such a notice expires 28 days after it has been served and during this period the Council must decide whether it is appropriate to take further enforcement action. Once a Temporary Stop Notice has been served it is not possible to serve further Temporary Stop Notices for the same breach of planning control.
- 6.21 There are restrictions on the use of temporary stop notices; for example, such a notice cannot prohibit the use of a building as a dwelling house and may not prevent the continuance of an activity which has been carried out for a period of four years.

Discontinuance Notice

- 6.22 The Town and Country Planning (Control of Advertisement) Regulations enable a Local Planning Authority to take discontinuance action against any advertisement, which normally has the benefit of any of the categories of deemed consent.
- 6.23 A Discontinuance Notice may only be served if the planning authority is satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public.

6.24 There is a right of appeal against a Discontinuance Notice relating to an advertisement.

6.25 Section 102 of the Town and Country Planning Act 1990 enables a notice to be issued ordering the discontinuing use, alteration or removal of buildings or works. The local planning authority can issue a notice that:

- requires the use of the land or building to be discontinued;
- imposes conditions on the land or building; or
- requires steps to be taken for the alteration or removal of the building or works.

6.26 There is a right of appeal against a Discontinuance Notice relating to land or buildings.

Section 215 Notice/Untidy Land Notice

6.27 Under Section 215 of the Town and Country Planning Act, a Local Planning Authority may serve a notice on the owner or occupier of the land, if it appears that the amenity of a part of their area, or an adjoining area is adversely affected by the condition of the land.

6.28 A Section 215 notice may deal with 'buildings' as well as land. There is an appeal provision, where the recipient may challenge the notice in the Magistrate's court.

Completion Notice

6.29 A Completion Notice may be served if the Local Planning Authority is of the opinion that development (which has started within the statutory 3 year period) will not be completed within a reasonable period. For this type of Notice, the period for compliance has to be a minimum of 12 months. The Local Planning Authority must also refer the Notice to the Secretary of State for confirmation.

6.30 There is a right of appeal against a Completion Notice.

Injunction

6.31 A Local Planning Authority can apply to the High Court or County Court for an injunction to restrain an actual or apprehended breach of planning control. An injunction can be sought whether or not other enforcement action has been taken and when the identity of the person responsible for the breach is unknown.

6.32 When a planning obligation (Section 106 agreement) has not been complied with the Council may apply for an injunction to secure compliance with the legal agreement.

6.33 A Local Planning Authority may also apply for an injunction to restrain a breach or apprehended breach of tree preservation or listed building control.

- 6.34 The decision whether to grant an injunction is always in the absolute discretion of the Court. The Court will need to be satisfied in the case of every injunction application that enforcement action in this form is proportionate.

Tree Replacement Notice

- 6.35 It is a criminal offence to
- a) cut down, uproot or wilfully destroy a tree protected by a Tree Preservation Order (TPO)
 - b) wilfully damage, top or lop a tree protected by a Tree Preservation Order in a way that is likely to destroy it
- If any of these works are carried out, the Council must decide whether or not to prosecute.
- 6.36 A Local Planning Authority may issue a Tree Replacement Notice requiring the owner to plant a tree or trees of appropriate size and species if a tree has been removed in contravention of a TPO or if a protected tree has been removed because it was dead or dangerous.
- 6.37 The cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of trees within a Conservation Area is also a criminal offence. A Tree Replacement Notice can also be served in respect of the unauthorised removal of tree(s) in a Conservation Area.
- 6.38 An appeal can be lodged against a Tree Replacement Notice.

Hedgerow Replacement Notice

- 6.39 It is a criminal offence to intentionally or recklessly uproot or otherwise destroy a hedge protected by the Hedgerows Regulations 1997 (which includes hedgerows on or adjacent to agricultural, equine or common land etc). If any of these works are carried out, the Council must decide whether or not to take formal action.
- 6.40 A Local Planning Authority may issue a Hedgerow Replacement Notice requiring the owner to replant a hedgerow of appropriate size and species if a hedgerow has been removed in contravention of these Regulations.
- 6.41 An appeal can be lodged against a Hedgerow Replacement Notice.

High Hedge Remedial Notice

- 6.42 The Local Planning Authority may issue a High Hedge Remedial Notice if an evergreen/semi evergreen hedge is found to be a 'nuisance' when assessed in accordance with the Anti-Social Behaviour Act 2003, part 8, High Hedges.
- 6.43 If an owner or occupier of the land where the hedge is located fails to comply with the Notice the owner or occupier will be guilty of an offence.
- 6.44 An appeal can be lodged against a High Hedge Remedial Notice.

Prosecution

- 6.45 The Local Planning Authority may prosecute for unauthorised works to trees, listed buildings, and the display of advertisements without consent.
- 6.46 The Local Planning Authority may also prosecute against the failure to comply with the majority of the types of Notices described above.
- 6.47 The decision on whether to prosecute is based on an Evidential Test and also a Public Interest test. In determining the fine the Court is required to have regard to any financial benefit which has accrued or appears likely to accrue in consequence of the offence.
- 6.48 Where a criminal offence has occurred, and the Defendant(s) has been found guilty, the Local Planning Authority may request that the Court makes a Confiscation Order under the Proceeds of Crime Act 2002. The Confiscation Order will relate to any financial benefit arising from a criminal activity.

Direct Action/Default Powers

- 6.49 Section 178 of the 1990 Act allows Local Planning Authorities to enter land and carry out any of the requirements of a Notice themselves. The Local Planning Authority may recover any expenses reasonably incurred with the direct action from the owner of the land. Such expenses, until recovered, become a charge on the land, binding on the successive owner.

Legal agreements

- 6.50 Legal agreements can be used to restrict development or the use of land, or to require specific operations or activities to be carried out. .
- 6.51 In April 2012 additional powers were introduced through the Localism Act 2010. These include:

Section 70C

- 6.52 A Local Planning Authority may decline to determine a retrospective application for development which is the subject of an Enforcement Notice served after 6 April 2012.

Section 171BA – Planning Enforcement Order

- 6.53 A Local Planning Authority may apply to the Court for a Planning Enforcement Order if evidence comes to light that a breach of planning control has been concealed. This prevents the development from becoming immune from enforcement action if it has been deliberately concealed.

Section 225A – Removal Notices

- 6.54 Section 225A allows a Local Planning Authority to remove, and then dispose of, any display structure in their area which, in the Local Planning Authority's opinion, is used for the display of advertisements in contravention of the regulations. This power is subject to the Council first serving a 'Removal Notice' upon the persons who appear to be responsible for the structure.

6.55 There is a right of appeal against a Removal Notice to the Magistrate's court.

Community Protection Notice (CPN)

6.56 This can be used where the behaviour of a person, business or organisation is considered to have a detrimental effect on the quality of life of those in the locality. The behaviour has to be of a persistent or continuing nature.

6.57 This form of action can be used as an alternative approach to Section 215 notices referred to above.

6.58 There is a right of appeal and the failure to comply with a CPN is a criminal offence.

7.0 Review of Local Enforcement Plan

7.1 To enable continuous improvement of the enforcement function, the key elements of this Local Enforcement Plan will be reviewed. These key elements include:

- relevant policies
- type of breaches of planning control
- resources available
- procedures for investigating cases
- tools available to enforce breaches of planning control

7.2 The operational review of these elements will enable the Council to identify where changes need to be made to the Local Enforcement Plan and how procedures can be improved to provide a more efficient enforcement function.

7.3 The workload of the Enforcement team is reported to the Regulatory Committee on a regular basis.

8.0 Privacy Statement

8.1 The Council has published its Privacy Notice which sets out how data will be handled and made available to the public. A copy of the latest version of the Privacy Notice can be viewed on the Council's website.

References

National Planning Policy Framework
(first published in March 2012 and last updated in February 2019)

Planning Practice Guidance

Annex 1

CASE PRIORITY

Critical – Matters which will be dealt with immediately (if the works are in progress)

- Demolition and alteration of Listed Buildings
- Demolition of buildings in Conservation Areas
- Unauthorised works to trees covered by a Tree Preservation Order or in a Conservation Area
- Unauthorised removal of protected hedgerows

Significant Impact/High Public Interest

- Non-compliance with Construction Management Plans or Traffic Management Plans
- Development that is causing serious risk to highway/pedestrian safety
- Non-compliance with tree protection conditions or risk of development affecting protected trees
- Development that is causing unacceptable harm to residential amenity (dust, noise, smell or other disturbance)
- Operational development that is causing significant flooding/drainage/contamination issues which cannot be dealt with by another organisation or agency
- Development commenced prior to discharge of conditions

Desirable - Matters which will be dealt with as resources permit

- All other cases

Appendix 3 Decision Notice for 12/00650/FUL and Floor Plans



Notice of Decision

PERMISSION WITH CONDITIONS

Justin Belgeonne
VB Architects
28 High Street
Kenilworth
Warwickshire
Warwickshire
CV8 1LZ

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure) Order, 2010

THE STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

Land Opposite Butlers Road Farm, Butlers Road, Long Compton, Warwickshire

submitted by: Ms Mary Bloxsome

received by the Council on 16 March 2012

HEREBY GIVE YOU NOTICE that PLANNING PERMISSION is GRANTED for the following development, namely:-

Erection of building and change of use of land to provide a mixed use of sheepdog training facility and associated office on first floor and agricultural storage use on the ground floor (retrospective)

Subject to the following condition(s) and reason(s), namely:-

1. The use of the sheep dog training facility and associated office on the first floor and the change of use of land hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

Reference No. 12/00650/FUL



2. The development hereby permitted shall be carried out only in accordance with the details of development as shown on drawing no. 3080_PL.01, 3080_PL.02, 3080_PL.03 _ 3080_PL.04; received by the District Planning Authority on 16th March 2012 .

Reason: To ensure that only the approved development is carried out in order to protect the amenity of the area.

3. The premises shall be used for agricultural storage, sheep dog training and ancillary office use and for no other purpose (including any other purpose in Class B1, B8 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To allow future control over the use of the site given its rural location, where the specified uses have been justified in accordance with policy CTY.1 of the Local Plan and the National Planning Policy Framework but other uses may not be appropriate in terms of sustainability and the amenity of the area.

4. Within 3 months of the date of this permission a details of a scheme to surface the existing access to the site for vehicles with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 3 months of written approval.

Reason: In the interests of highway safety.

5. Within 6 months of the date of this permission the scheme for the provision of energy from on-site renewable sources sufficient to replace a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the development as outlined in the energy statement namely the CHP unit and 2 wood burning stoves shall be fully implemented in accordance with the approved details and shall thereafter be retained in place and in working order at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide energy from on-site renewable sources replacing a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the development and to ensure that the development is in compliance with Policy DEV.8 of the Stratford-on-Avon District Local Plan 1996 - 2011 and Supplementary Planning Document on Sustainable Low-Carbon Buildings, all in the interest of sustainability.

6. Within 3 months of the date of this permission a scheme for all drainage works shall be submitted to and approved in writing by the District Planning Authority and the approved works have been carried out within 3 months of approval unless otherwise agreed in writing by the District Planning Authority.

Reason: To ensure that adequate drainage is provided in the interests of public health and amenity.

7. No external lighting shall be installed at the site.

Reason: In the interest of the special character of the ANOB.

The Reason for Granting Planning Permission

This proposal relates to the retention of a barn for the purposes of a mixed use of sheep dog training facility, an agricultural storage and office use. I have assessed the principle of the development and I have had regard to the provisions of the Development Plan and all other relevant material considerations. I have given consideration to the presumption in favour of sustainable development as set out in the NPPF and the emphasis on the importance of supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and in particular promoting the development and diversification of agricultural and other land-based rural businesses. I am satisfied that the proposed development meets the definition of 'sustainable development' as set out in the NPPF and that it has been fully justified and is not on balance contrary to the overall strategy of the local plan. I consider the proposal is acceptable in principle in accordance with policies CTY.4A and CTY.1 of the local plan.

The proposed development is considered to preserve the character and appearance of the area and in particular the special character of this part of the Cotswold ANOB, ensures no unacceptable harm is caused to the amenity of neighbouring properties and would not result in unacceptable impact upon highway safety, energy conservation or protected species having regard to policies PR1, DEV.1, PR.8, EF.1, DEV.4, DEV.5, DEV.8 and EF.7 of the local plan, the Low Carbon Buildings SPD and the NPPF.

Notes

1. Condition number 4 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
2. Work should avoid disturbance to nesting birds (particularly barn owls and swallows). Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts. Barn Owls are specially protected under Schedule 1 of the Wildlife and Countryside Act and The Countryside and Rights of Way Act 2000 and should not be disturbed even whilst roosting.

DATED 16 November 2012

AUTHORISED OFFICER OF THE COUNCIL.....



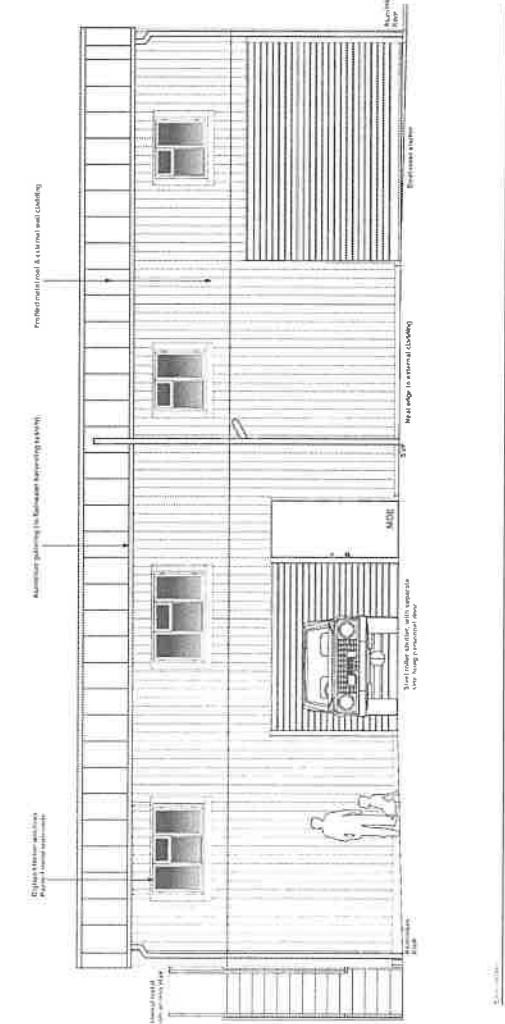
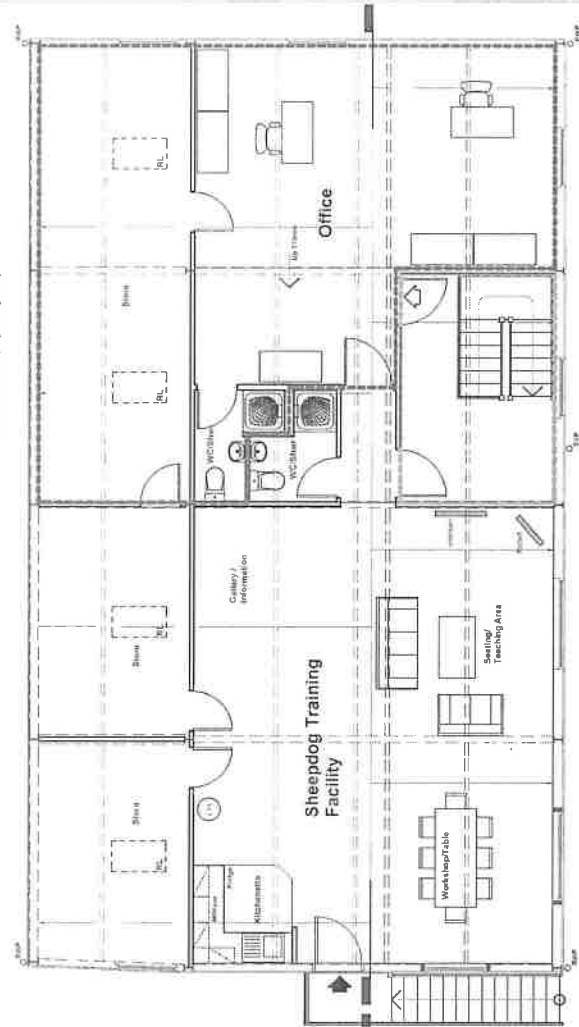
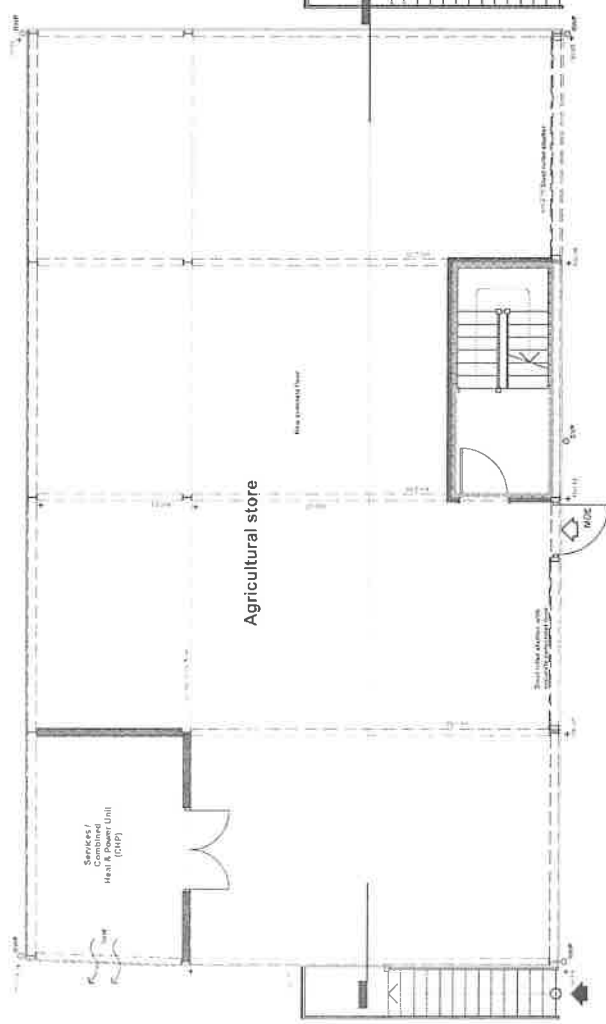
Reference No. 12/00650/FUL

This permission does NOT give approval under Building Regulations.

This permission does NOT convey any approval or consent which may be required under any enactment, by-law, order or regulation other than planning permission under the provisions of the Town and Country Planning Act 1990.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

STRATFORD-ON-AVON DISTRICT COUNCIL
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX

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M&E	Hauling	<p>Washburn/Donner Contract Washburn/Donner 2001/2002, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024, 2024/2025, 2025/2026, 2026/2027, 2027/2028, 2028/2029, 2029/2030, 2030/2031, 2031/2032, 2032/2033, 2033/2034, 2034/2035, 2035/2036, 2036/2037, 2037/2038, 2038/2039, 2039/2040, 2040/2041, 2041/2042, 2042/2043, 2043/2044, 2044/2045, 2045/2046, 2046/2047, 2047/2048, 2048/2049, 2049/2050, 2050/2051, 2051/2052, 2052/2053, 2053/2054, 2054/2055, 2055/2056, 2056/2057, 2057/2058, 2058/2059, 2059/2060, 2060/2061, 2061/2062, 2062/2063, 2063/2064, 2064/2065, 2065/2066, 2066/2067, 2067/2068, 2068/2069, 2069/2070, 2070/2071, 2071/2072, 2072/2073, 2073/2074, 2074/2075, 2075/2076, 2076/2077, 2077/2078, 2078/2079, 2079/2080, 2080/2081, 2081/2082, 2082/2083, 2083/2084, 2084/2085, 2085/2086, 2086/2087, 2087/2088, 2088/2089, 2089/2090, 2090/2091, 2091/2092, 2092/2093, 2093/2094, 2094/2095, 2095/2096, 2096/2097, 2097/2098, 2098/2099, 2099/2100, 2100/2101, 2101/2102, 2102/2103, 2103/2104, 2104/2105, 2105/2106, 2106/2107, 2107/2108, 2108/2109, 2109/2110, 2110/2111, 2111/2112, 2112/2113, 2113/2114, 2114/2115, 2115/2116, 2116/2117, 2117/2118, 2118/2119, 2119/2120, 2120/2121, 2121/2122, 2122/2123, 2123/2124, 2124/2125, 2125/2126, 2126/2127, 2127/2128, 2128/2129, 2129/2130, 2130/2131, 2131/2132, 2132/2133, 2133/2134, 2134/2135, 2135/2136, 2136/2137, 2137/2138, 2138/2139, 2139/2140, 2140/2141, 2141/2142, 2142/2143, 2143/2144, 2144/2145, 2145/2146, 2146/2147, 2147/2148, 2148/2149, 2149/2150, 2150/2151, 2151/2152, 2152/2153, 2153/2154, 2154/2155, 2155/2156, 2156/2157, 2157/2158, 2158/2159, 2159/2160, 2160/2161, 2161/2162, 2162/2163, 2163/2164, 2164/2165, 2165/2166, 2166/2167, 2167/2168, 2168/2169, 2169/2170, 2170/2171, 2171/2172, 2172/2173, 2173/2174, 2174/2175, 2175/2176, 2176/2177, 2177/2178, 2178/2179, 2179/2180, 2180/2181, 2181/2182, 2182/2183, 2183/2184, 2184/2185, 2185/2186, 2186/2187, 2187/2188, 2188/2189, 2189/2190, 2190/2191, 2191/2192, 2192/2193, 2193/2194, 2194/2195, 2195/2196, 2196/2197, 2197/2198, 2198/2199, 2199/2200, 2200/2201, 2201/2202, 2202/2203, 2203/2204, 2204/2205, 2205/2206, 2206/2207, 2207/2208, 2208/2209, 2209/2210, 2210/2211, 2211/2212, 2212/2213, 2213/2214, 2214/2215, 2215/2216, 2216/2217, 2217/2218, 2218/2219, 2219/2220, 2220/2221, 2221/2222, 2222/2223, 2223/2224, 2224/2225, 2225/2226, 2226/2227, 2227/2228, 2228/2229, 2229/2230, 2230/2231, 2231/2232, 2232/2233, 2233/2234, 2234/2235, 2235/2236, 2236/2237, 2237/2238, 2238/2239, 2239/2240, 2240/2241, 2241/2242, 2242/2243, 2243/2244, 2244/2245, 2245/2246, 2246/2247, 2247/2248, 2248/2249, 2249/2250, 2250/2251, 2251/2252, 2252/2253, 2253/2254, 2254/2255, 2255/2256, 2256/2257, 2257/2258, 2258/2259, 2259/2260, 2260/2261, 2261/2262, 2262/2263, 2263/2264, 2264/2265, 2265/2266, 2266/2267, 2267/2268, 2268/2269, 2269/2270, 2270/2271, 2271/2272, 2272/2273, 2273/2274, 2274/2275, 2275/2276, 2276/2277, 2277/2278, 2278/2279, 2279/2280, 2280/2281, 2281/2282, 2282/2283, 2283/2284, 2284/2285, 2285/2286, 2286/2287, 2287/2288, 2288/2289, 2289/2290, 2290/2291, 2291/2292, 2292/2293, 2293/2294, 2294/2295, 2295/2296, 2296/2297, 2297/2298, 2298/2299, 2299/2300, 2300/2301, 2301/2302, 2302/2303, 2303/2304, 2304/2305, 2305/2306, 2306/2307, 2307/2308, 2308/2309, 2309/2310, 2310/2311, 2311/2312, 2312/2313, 2313/2314, 2314/2315, 2315/2316, 2316/2317, 2317/2318, 2318/2319, 2319/2320, 2320/2321, 2321/2322, 2322/2323, 2323/2324, 2324/2325, 2325/2326, 2326/2327, 2327/2328, 2328/2329, 2329/2330, 2330/2331, 2331/2332, 2332/2333, 2333/2334, 2334/2335, 2335/2336, 2336/2337, 2337/2338, 2338/2339, 2339/2340, 2340/2341, 2341/2342, 2342/2343, 2343/2344, 2344/2345, 2345/2346, 2346/2347, 2347/2348, 2348/2349, 2349/2350, 2350/2351, 2351/2352, 2352/2353, 2353/2354, 2354/2355, 2355/2356, 2356/2357, 2357/2358, 2358/2359, 2359/2360, 2360/2361, 2361/2362, 2362/2363, 2363/2364, 2364/2365, 2365/2366, 2366/2367, 2367/2368, 2368/2369, 2369/2370, 23</p>
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Appendix 4 List of conditions without prejudice

If the Inspector considers that the personal circumstances justify the grant of planning permission the condition below is recommended.

1. The occupation of the mobile home / caravan hereby permitted shall be limited to Ms M Bloxsome with her resident dependents.

When the land ceases to be occupied by those named above, the use hereby permitted shall cease and the caravan/mobile home shall be removed.

Reason: The proposed mobile home / caravan would be situated in the open countryside, outside any defined settlement boundary, where there is a general presumption against new residential development. The proposed mobile home / caravan is justified on an exceptional basis on the basis of the personal circumstances submitted, having regard to Policies CS.1 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031.

If the Inspector considers that a temporary planning permission is justified the condition below is recommended.

2. The use of the Land for the stationing of the caravan shall be for a limited period, being the period of 3 years from the date of this decision or when the caravan is no longer required on the Land, whichever is the shorter.

Reason: The proposed mobile home / caravan would be situated in the open countryside, outside any defined settlement boundary, where there is a general presumption against new residential development. The proposed mobile home / caravan is justified on a temporary basis only, having regard to Policies CS.1 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031.

3. There shall be no more than one mobile home/caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, located on the Land and this shall be positioned in the approximate location of the 'X' identified on the Plan attached to Enforcement Notice 16/00487/CARENF.

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031).

4. Within three months of the decision details of the extent and any landscaping associated with any curtilage area associated with the caravan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be carried out in accordance with the approved details.

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031).

