

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**

The Oak (formerly known as 'The Warwick' or 'The Royal Oak'), Stratford Road, Hockley Heath, Solihull, B94 5NW ("the Land"), edged red on the attached plan ("the Plan")

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

Without planning permission, the erection of an extension in the approximate position hatched black on the Plan

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

The Council is taking this action pursuant to s.171B(4) of the Act which allows further enforcement action to be taken, in respect of a breach of planning control, within 4 years of earlier action in respect of that breach.

The majority of the volume of the above breach of planning control lies within the jurisdiction of Stratford-on-Avon District Council (approximately 98%) with the lesser part of the breach at the eastern end of the extension lying within the jurisdiction of Warwick District Council. The District boundary is marked by a yellow-highlighted and dashed line on the Plan.

1. The site is located in the West Midlands Green Belt, whereby Policy CS.10 of the Core Strategy and paragraphs 133 and 134 of the revised NPPF (July 2018) aim to ensure that the openness of the Green Belt is protected by preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

In the opinion of the Council, the extension as built, by reason of its appearance and bulk, is harmful to the purposes of including land within the Green Belt, principally due to a loss of openness resulting from the scale and mass of the extension and does not assist in safeguarding the countryside from encroachment. In addition, by reason of its excessive size and bulk, the extension constitutes a 'disproportionate addition over and above the size of the original building. The development is therefore 'inappropriate development' in the Green Belt.

Policy CS.10 and paragraph 143 of the NPPF state that inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances. Furthermore, paragraph 144 of the NPPF goes on to state that substantial weight is given to the harm caused to the Green Belt.

The Local Planning Authority does not consider that 'very special circumstances' exist that would sufficiently outweigh the harm caused to the character, purpose and openness of the Green Belt by reason of inappropriateness.

For these reasons, the extension as built is considered contrary to Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 - 2031 and paragraphs 133, 134 and 143 to 145 of the NPPF July 2018.

2. The site falls outside of any of the District's Built-Up-Area Boundaries as defined by the Stratford-on-Avon Core Strategy 2011 - 2031. Accordingly, the site falls within the rural parts of the district where Policy AS.10 - Countryside and Villages makes provision for a wide variety of activities and development subject to meeting certain criteria.

Policies AS.10 and CS.24 together with paragraph 84 of the revised NPPF (July 2018) provide scope for new and extended visitor accommodation so long as it is directly associated with and related to the scale and nature of an existing use and is sensitive to its surroundings.

The Council considers that the extension as built, whilst directly associated with the existing lawful pub/restaurant, is not appropriately related in scale and nature to the existing lawful activities on site and is significantly in excess of that which would be considered proportionate to the existing permitted activities on site. The extension is not sensitive to its surroundings and is not sustainable development.

The proposal therefore conflicts with the provisions of Policies CS.1, CS.24 and AS.10 of the Stratford-on-Avon Core Strategy 2011 - 2031 together with paragraphs 83 and 84 of the revised NPPF as it is not considered to be sustainable development.

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

5. WHAT YOU ARE REQUIRED TO DO

- a) Demolish the extension, insofar as it falls on land within the jurisdiction of Stratford-on-Avon District Council (to the south-west of the yellow highlighted and dashed line); and
- b) Remove from the Land any materials arising from 5.a) above

OR

- c) Reduce the size of the extension to accord with the plans approved under permission reference 16/00451/FUL dated 3 March 2017 (copy of plan showing approved elevations attached to this Notice)

6. TIME FOR COMPLIANCE

- a) Within 8 months from the date this Notice takes effect
- b) Within 8 months from the date this Notice takes effect
- c) Within 8 months from the date this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **5 November 2018** unless an appeal is made against it beforehand.

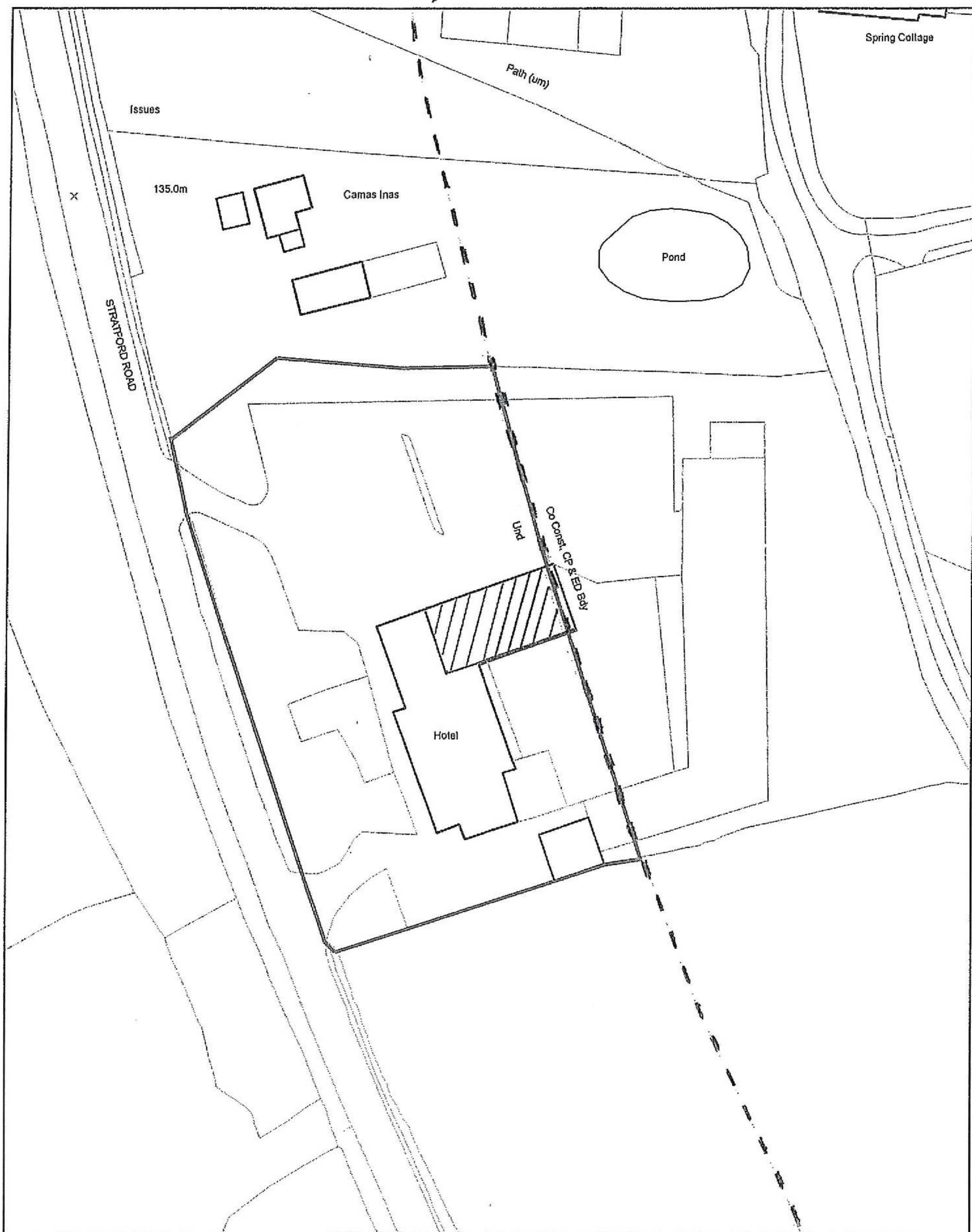
Dated: 1ST OCTOBER 2018

Signed.....

Clare Eynon - Planning Manager
(Performance, Appeals and Enforcement)

On behalf of:-

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



The Oak, Stratford Road, Hockley Heath

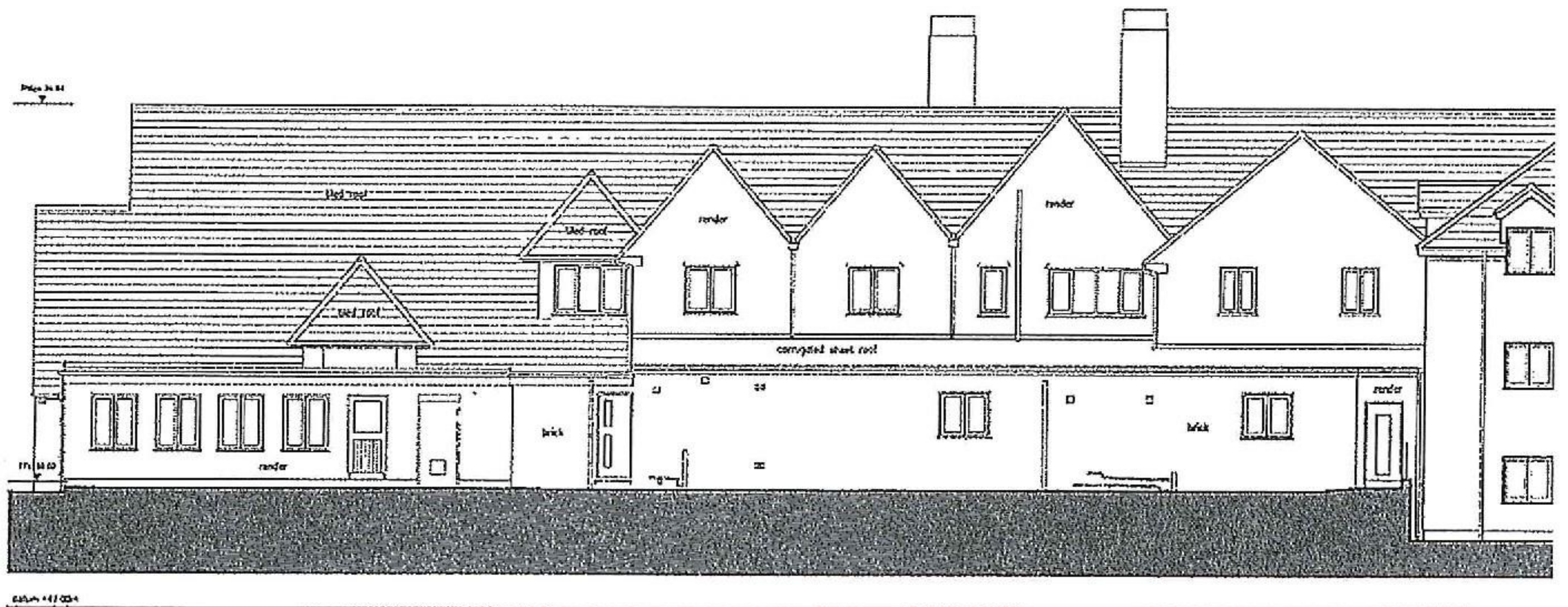
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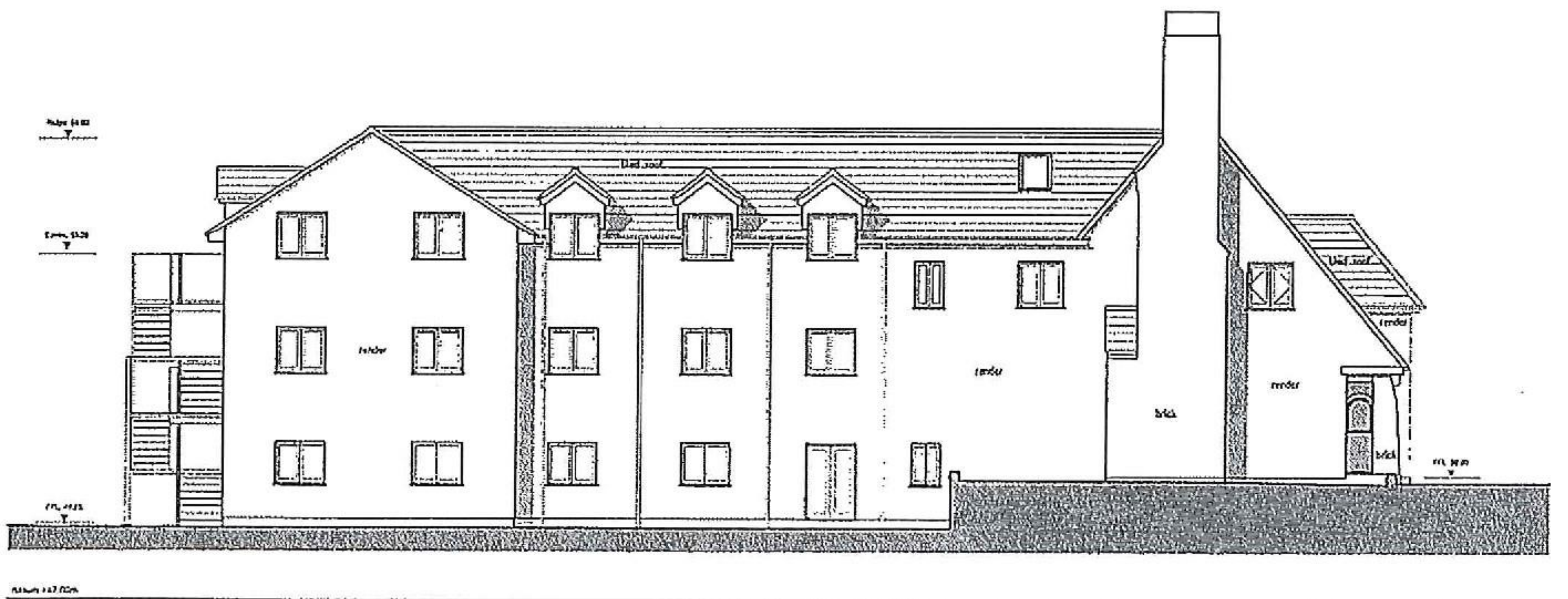
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Ordnance Survey 100024287



1 PROPOSED FRONT ELEVATION



2 PROPOSED REAR ELEVATION



3 PROPOSED SIDE ELEVATION

PROPOSED ELEVATIONS 1:100

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 **5 November 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 £8,277.50. You should pay this fee to the Council (made payable to Stratford-on-Avon District Council).

The fee has been calculated as follows:

- 1. The alleged breach has a gross floorspace of 1,109sq.m*
- 2. A rate of £462 for every 75sq.m (size above 75 sq m but less than 3,750 sq m) gives a figure of £6,930 (15 x £462)*
- 3. Adding 50%, as the development straddles a District boundary, gives a figure of £10,395*
- 4. Doubling this figure for an enforcement appeal gives a figure of £20,790*

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.

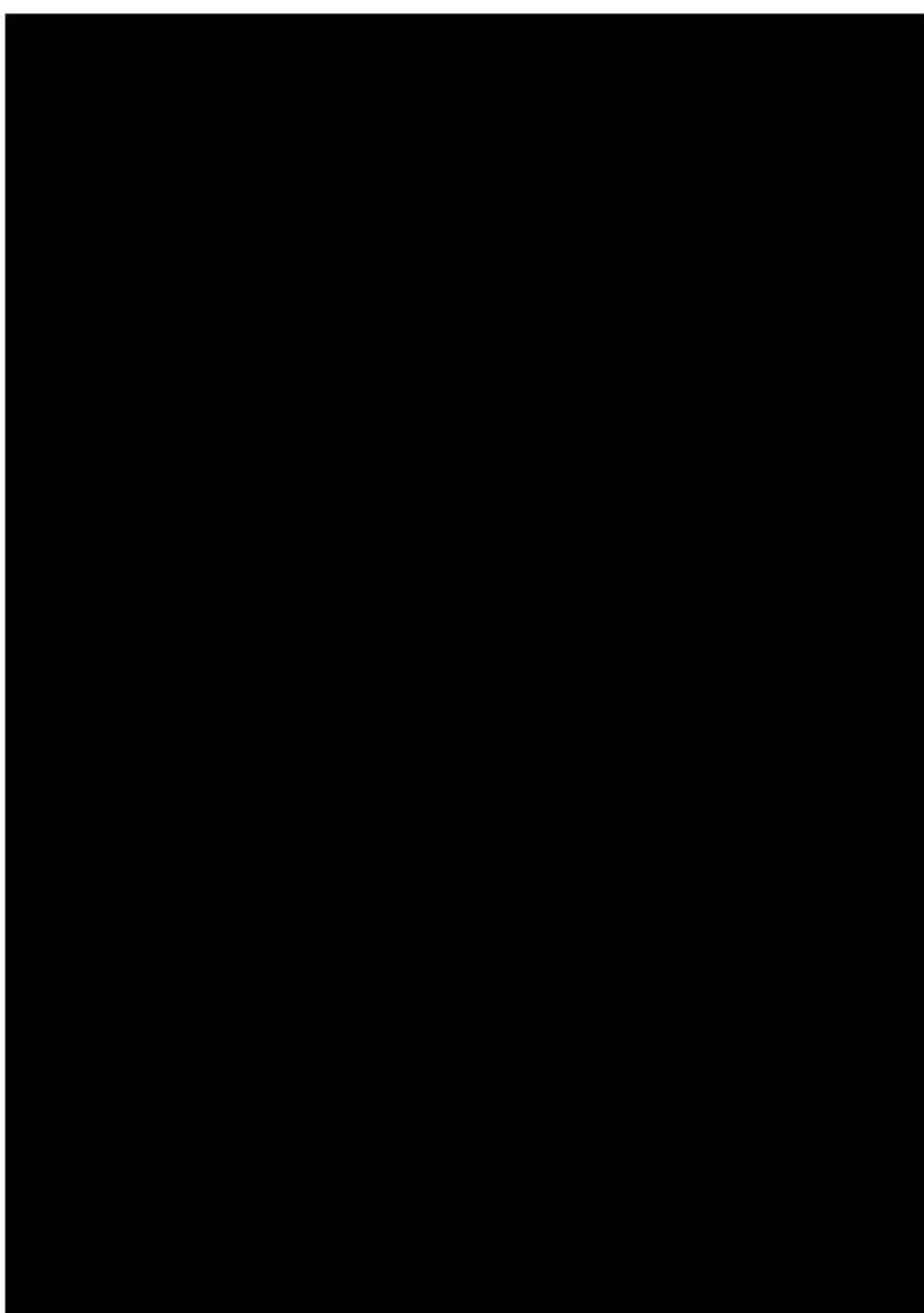
However if you (or anyone else) had already submitted a retrospective planning application and the enforcement notice is issued before the time to decide the application has expired, no-one can appeal against the enforcement notice on ground (a). Although a planning appeal can be pursued if the Local 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 **5 November 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



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Paul Edward Owens
Company Director
Westbourne Leisure Limited
Brockhill Wood
Brockhill Lane
Beoley
Redditch
B98 9DA