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Code of Conduct**

ENFORCEMENT APPEAL STATEMENT

On behalf of

MR HARSHAD PARMAR

Parmar Manor Stratford Road Loxley Warwick CV35 9JR

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April 2022**

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1.0 Introduction

- 1.1 This is an Enforcement Appeal by Mr Harshad Parmar regarding an Enforcement Notice issued on Parmar Manor Stratford Road Loxley Warwick CV35 9JR.
- 1.2 This statement will demonstrate that the development in question should be approved and that the steps required to remedy the alleged unlawful development are too severe, thereby ultimately demonstrating that the appeal should be allowed.

2.0 Site Description

- 2.1 The appeal site forms part of the agricultural holding known as Parmar Manor.
- 2.2 The site lies to the west of Loxley, approximately 4 miles north-west of the A429.
- 2.3 Parmar Manor is accessed off Stratford Road, which runs to the west/east.
- 2.4 The Parmar Manor comprises a 31 hectares (76.6 acres) agricultural holding farming sheep, hens and goats.
- 2.5 The application site lies to the centrally in the agricultural holding and to the south of Parmar Manor.
- 2.6 In all respects the site is isolated from neighboring properties such that no residential amenity will be affected by this proposal.

Planning History

- 2.7 21/00279/FUL

Replacement Barn

Application Withdrawn – 19/05/2021



3.0 Scope of Evidence & Grounds of Appeal

3.1 In accordance with Section 174 of The Town and Country Planning Act 1990 (as amended) the appeal against the Enforcement Notice is submitted with three grounds of appeal:

Ground (a) – that, in respect of any breach of planning control which may be constituted by the matter 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.

Ground (f) – that the steps for compliance required by the notice are excessive; and

Ground (g) – that the period for compliance with the notice is too short.

3.2 Contrary to the Local Planning Authority's reasons for issuing the Enforcement Notice, evidence will also be provided to demonstrate that this is an appropriate development in its 'countryside' location, including staffing operations which demonstrates that the scale of development which exists is the minimum required to retain a commercially viable use and operation on the site.

3.3 The evidence will also seek to demonstrate that, should the Enforcement Notice be upheld, the steps for compliance are excessive and the time period for remediation works should be longer than the 4 months specified on the Enforcement Notice.

4.0 Planning Policy

Stratford on Avon Core Strategy 2011-2031 (2016)

- 4.1 The Enforcement Notice issued by the Council refers to Policies CS.1, CS.9, CS.12, CS.15, CS.16, CS.22 and AS.10 of the Core Strategy.
- 4.2 Policy CS.1: Sustainable Development states that the Council will take a positive approach to development proposals that reflect the presumption in favour of sustainable development contained in the NPPF: planning application that accord with the policies in the Core Strategy (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. The policy states that "The Council supports and will apply the principle that planning to secure a high-quality environment, managed economic growth and social equity are of equal importance."
- 4.3 Policy CS.9: Design and Distinctiveness states that all forms of development will improve the quality of the public realm and enhance the sense of place, reflecting the character and distinctiveness of the locality. Proposals that would damage or destroy features which positively contribute to local distinctiveness will not be permitted. Understanding local context is key to achieving good design and proposals should take into account any relevant design principles and contextual analysis set out in local guidance. Where required as part of a planning application, Design and Access Statements will set out how new development responds to its unique context and enhances local distinctiveness.
- 4.4 High quality design will be achieved by ensuring that all development is:
- Attractive: Proposals will be of a high quality architectural design and include appropriate landscaping to create places where people want to live, work and visit. Proposals should use a limited palette of materials to give coherence to the overall design. The provision of landscaping will be accompanied by appropriate mechanisms to ensure its ongoing management and maintenance.
- Sensitive: Proposals, including layout and orientation, will be sensitive to the setting, existing built form, neighbouring uses, landscape character and

topography of the site and locality. Proposals will reflect the context of the locality, ensuring a continuity of key design features that establishes the identity of the place, making best use of on-site assets including landscaping features as well as public views and vistas and not harming existing ones.

Distinctive: The layout of proposals will be easy to navigate with buildings designed and positioned to define and enhance a hierarchy of streets and spaces, taking account of the relationship between building height and street width. Public and private spaces should be clearly defined and areas that have little or no public or biodiversity value should be avoided. Densities should be appropriate to the site taking into account the fact a key principle of good design is the relationship between the height, width and depth of buildings.

Connected: Proposals will be well-integrated with existing built form, enhancing the network of streets, footpaths and green infrastructure across the site and the locality, and retaining existing rights of way.

Environmentally Sustainable: Proposals will respond to climate change. Measures should include energy efficiency technologies, low carbon and renewable energy sources, the use of local materials where possible, effective water management and flood protection, and appropriate landscaping.

Accessible: Proposals will encourage walking and cycling and provide for or be close to, community facilities, having good access to public transport.

Safe: Proposals will incorporate effective measures to help reduce crime and the fear of crime and to minimise danger from traffic. Schemes linked to the evening and night-time economy will incorporate measures to help manage anti-social behaviour and to avoid unacceptable impact on neighbouring uses, residents and the surrounding area. Measures should include pedestrian and cycle friendly streets and opportunities for natural surveillance whilst avoiding large parking courts and blank building elevations.

Healthy: Proposals will ensure a good standard of space and amenity for occupiers. Occupants of new and neighbouring buildings will be protected from

unacceptable levels of noise, contamination and pollution, loss of daylight and privacy, and adverse surroundings.

- 4.5 Policy CS.12: Special Landscape Areas states that the high landscape quality of the Special Landscape Areas, including their associated historic and cultural features, will be protected by resisting development proposals that would have a harmful effect on their distinctive character and appearance which make an important contribution to the image and enjoyment of the District. The cumulative impact of development proposals on the quality of the landscape will be taken into account.
- 4.6 The following Special Landscape Areas are identified and their extent is shown on the Policies Map:
- Arden
 - Cotswold Fringe
 - Feldon Parkland
 - Ironstone Hills Fringe
- 4.7 Policy CS.15: Distribution of Development states that development in small settlements is restricted to small-scale community-led schemes which meet a need identified by the local community.
- 4.8 Policy CS.16: Housing Development states that within the Green Belt Local Service Villages, housing development will take place wholly in accordance with the provisions of Policy CS.10.
- 4.9 Policy CS.22: Economic Development states that opportunities for business development will be provided in the countryside, including farm-based activities, in accordance with Policy AS.10 Countryside and Villages.
- 4.10 The expansion of businesses in their existing locations will be supported, subject to the scale and type of activities involved, the location and nature of

the site, its accessibility including by public transport, and impact on the character of the local area.

- 4.11 Policy AS.10: Countryside and Villages states that to help maintain the vitality of rural communities and a strong rural economy provision will be made for a wide range of activities and development, including, inter alia: "An extension to a business in its established location, particularly if it would be unreasonable to expect the business to relocate in order to expand" and "Purpose-built visitor accommodation that is directly associated with and related to the scale and nature of an existing use."

National Planning Policy Framework

- 4.12 The revised National Planning Policy Framework (NPPF) was issued in July 2021 and sets the overall direction of the National Planning Policy.
- 4.13 Paragraph 8 outlines that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. With regards to social, this includes supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment.
- 4.14 Paragraph 10 confirms that the common theme running through National Planning Policy is a presumption in favour of sustainable development.
- 4.15 Paragraph 84 states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

4.16 Paragraph 85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

4.17 Paragraph 128 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 goes on to say that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.0 Principle Issues

5.1 The Enforcement Notice states:

The breach of Planning Control Alleged

5.2 *Without planning permission, the erection of a building (in the approximate position edged in red on the Plan)*

Reasons for Issuing an Enforcement Notice

5.3 *It appears to the Council that the above breach of planning control has occurred within the last 4 years.*

5.4 *The unauthorised development results in the creation of a building within the countryside. The development is not considered to meet any of the development forms expressly listed in Policy AS.10. Furthermore, it is not considered that the scale and design of the building (with domestic openings, construction materials and features) has been justified to serve an agricultural function. The development is not considered to be fully justified or offer significant benefits to the local area. The development is therefore considered to represent an unsustainable form of development contrary to Policies CS.1 and AS.10 of the adopted Stratford-on-Avon District Core Strategy 2011-2031.*

5.5 *The development is considered to introduce visual harm to the character of the area and Feldon Parkland Special Landscape Area, by virtue of its siting (being in a rural area), scale (being a large 1.5 storey building) and design (having the appearance of a residential building). The development is therefore considered to represent an unacceptable form of development contrary to Policies CS.9 and CS.12 of the adopted Stratford-on-Avon District Core Strategy 2011-20231.*

5.6 *At the time that this Notice has been issued the building has not been brought into use. Due to the design, layout and fitting out of the building the Local Planning Authority has serious concerns that the building is to be used*

for living accommodation or commercial purposes rather than for agricultural purposes. Should the building be used for either of these purposes, there would be additional conflict with Policies CS.15, CS.16 and CS.22 of the Core Strategy.

What are you required to do

a) Demolish the building

b) Remove all the materials associated with requirement a)

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

When this Notice take effect

5.7 *This notice takes effect on 22 April 2022 unless an Appeal is made against it beforehand.*

5.8 The issues can therefore be broken into the following components:

1. Demonstrated need
2. Siting, Scale & Design
3. Remediation
4. Timescales

5.9 To assist, each will be addressed in turn.

Demonstrated Need

5.10 At the outset, the Appellant does wish to make it clear to both the Local Planning Authority and Planning Inspector that there is no intention to re-use the appeal building for anything other than its intended/submitted use.

- 5.11 The suggestion by the Local Planning Authority that this could be used as a dwelling or some form of accommodation demonstrates a level of distrust which is a great shame.
- 5.12 The per Parmar Manor formerly known as Pastures Farm was owned by [REDACTED] When the previous owner bought the farm in 2018 the farm had not been actively managed for some 5 years and was in a poor condition.
- 5.13 Mr Parmar bought the farm in 2019 and has since worked on re-establishing the farm as a productive venture.
- 5.14 The farm consists of about 31 hectares of arable and livestock farming.
- 5.15 There are currently 700 sheep, and 40 hens. The herd of sheep are being raised to produce high quality, grass-fed meat. The hens are being kept for egg production.
- 5.16 The farmhouse is a 4-bedroom bungalow of 300 square metres.
- 5.17 [REDACTED] and the farmhouse currently houses the farm office, due to lack of suitable alternative accommodation.
- 5.18 In addition to Mr Parmar's family, the farm has a number of farm workers. Details are set out within the accompanying document, but in summary:
- Transport and Logistics Manager
 - General Manager
 - Purchasing and Sales Manager
 - Senior Livestock Manager
 - Junior Livestock Manager
 - Groundsman

- General Labourer
- Bookkeeper
- Bank Office Support

- 5.19 The now demolished barn had previously been used for storage of feedstuffs and machinery, and included a kitchen for the farm workers, and an area with woodworking machinery.
- 5.20 When Mr Parmar took over the farm the barn had not been used for many years and was not suitable for use because of its poor state of repair. Parts of building had become dangerous.
- 5.21 All existing buildings situated within the complex are fully utilised and therefore not available to provide the required space.
- 5.22 More information can be found within the accompanying document.
- 5.23 The building will be positioned in an existing yard area and within close proximity of existing buildings.
- 5.24 Agricultural buildings are typically accepted in planning policy terms as an appropriate form of development in Countryside areas.
- 5.25 The new barn will used to house animal feed, originally part of the barn was going to house machinery, but this area is now going to house the plant room of the extensive ground-source heat pump system that has been subject of a separate planning application (21/00449/FUL) and is currently being installed.
- 5.26 The first floor will accommodate the farm office, which currently occupies part of the farmhouse.
- 5.27 Essentially, there is a need to create a mixed-use space which accommodates the plant associated with the approved ground source heat

pump, as well as creating “dirty” space on the ground floor for farm workers and “clean” space on the first floor for office staff.

- 5.28 Keeping the ground and first floor spaces separate provides for a more hygienic space and allows for the day-to-day running of the farm to occur from a dedicated agricultural building.
- 5.29 Every farm benefits from some sort of farm office and/or staff space. Currently, there is no alternative building or space which could provide for this space.
- 5.30 By having a dedicated building to accommodate the ground source heat pump plant (a necessary requirement given the permitted installation of the heat pump) and a place to house all staff, there a significant staffing benefits.



- 5.31 There will be better interaction between farm office staff, manual labour staff and management. This ensures the farming business runs as efficiently as possible.



- 5.32 There is also clear support for such development within Paragraph 83 of the NPPF which encourages the sustainable growth and expansion and rural businesses including through the provision of well-designed new buildings, and the development of agricultural businesses.
- 5.33 Whilst design will be considered below, the building has been designed to be in keeping with the adjacent agricultural buildings and the development will contribute to the sustainability and positive development of the agricultural business by improving the health of the livestock and agricultural workers.
- 5.34 The development is therefore in accordance with both Development Plan policy and national guidance, and as such is acceptable in principle.

Siting, Scale & Design

- 5.35 The new building would be located to the south and east of the existing yard and visually would form an extension to the yard to the west along the access road, rather than a wholly new area of built form. As such, whilst it would expand the area away from the existing buildings, it is considered that the plans demonstrate that this expansion would not be excessive and once established, the new building would be read as part of the same group of buildings in the same part of the site.
- 5.36 The building would have a footprint of 148sqm.
- 5.37 The existing buildings are currently visible from the south and the addition of a new building would be in keeping with this existing character.
- 5.38 The building would be similar in appearance to the existing, with the proposed design and materials in keeping with the adjacent buildings. Whilst its height would be higher than a traditional barn, this is required to create a two storey building.
- 5.39 As such, viewed in the context of its location within an established agricultural site and adjacent to existing large agricultural buildings, the proposed building is appropriate in terms of its scale, mass, layout, built form, height and design. The design and materials have responded to the locality.
- 5.40 Additionally, to further enhance the sustainability of the building, and site as a whole, the building includes solar panels on the south facing roof face. The angle of the roof was specifically designed to maximise the opportunity to include these solar panels.
- 5.41 This solar array generates 46kw per hour, which during the summer months makes the whole farm complex off-grid. This is an important component of the proposal, which provides a significant benefit to the agricultural holding.
- 5.42 The solar array complements the ground source heat pump installed onsite.

5.43 It is therefore sited in place of a former agricultural building.

5.44 It is therefore of a scale which is not alien to the wider area, being only 1.5 storeys in height.

5.45 It is therefore of a design which seeks to replicate the utilitarian appearance often found with agricultural buildings.



Remediation

5.46 The remedy suggested by the Council is to see the removal of the building as a whole.

5.47 However, as already demonstrated, part of the building houses the important plant associated with the installed ground source heat pump.

5.48 Therefore, it would not be possible for the Appellant to remove the building as a whole.

- 5.49 Should the Local Planning Authority require the building to be removed in any way, the Appellant would suggest that this focus on the first floor element, which, from the Planning Officer's Report, would appear to be the contentious element of the proposals.
- 5.50 If the Planning Inspector is therefore not inclined to approve the Appeal, then the Appellant would ask that the remedy be amended to seek the removal of the first floor of the building only.
- 5.51 Furthermore, the removal of the materials would also appear to be an overstretch in terms of a remedy.
- 5.52 Should the building need to be removed, and subsequently replaced elsewhere with the suitable planning permission, then the same materials would be used – both in the interests of finances, but also sustainability.
- 5.53 Again, therefore, If the Planning Inspector is not inclined to approve the Appeal, then the Appellant would ask that the remedy at (b) be removed, as this is not necessary for the purposes of planning enforcement.

Timescales

- 5.54 Given the above, the next element to consider is the timescales involved.
- 5.55 The Enforcement Notice suggests that the building be removed as a whole and all materials removed from site within 4 months.
- 5.56 As already stated, part of the building is accommodated by the plant for the approved ground source heat pump. It is therefore not clear how this can be achieved.
- 5.57 However, that being said, 4 months is a very limited window in which to dismantle and remove a building – potentially with the removal of ALL materials as well.
- 5.58 Due to a combination of the pandemic and Brexit, builders and trades are in high demands, with most having a lead-in time of approximately 3+ months.

- 5.59 Therefore, requiring a building be dismantled and potentially materials removed from site within 4 months, is simply unachievable.
- 5.60 The Appellant would recommend that a minimum 9 months be applied to any agreed remedy.

6.0 Summary

6.1 This is an Enforcement Appeal by Mr Harshad Parmar regarding an Enforcement Notice issued on Parmar Manor Stratford Road Loxley Warwick CV35 9JR.

6.2 The Enforcement Notice states:

The breach of Planning Control Alleged

6.3 Without planning permission, the erection of a building (in the approximate position edged in red on the Plan)

6.4 The Enforcement Notice requires the demolition of the building and removal all the materials within 4 months.

6.5 The Appellant considers that, based on the information submitted with this Appeal, that planning permission should be granted for the agricultural building.

6.6 Should the Planning Inspector disagree with the Appellant on this assertion, it is considered the removal of the building as a whole is excessive – given that the ground floor comprises the plant for the neighbouring approved ground source heat pump.

6.7 In addition, it is considered that 4 months is insufficient time for any remedy to be achieved.

6.8 The Appellant is therefore, also, seeking an amendment to the remedy and deadline for works to be completed.

6.9 Overall, the Appellant does not consider that the development results in harm to the character of the area and the need for the agricultural building is well established.

- 6.10 The Appellant therefore considers that the proposals comply with national and local policy and the Appeal should therefore be ALLOWED and the Enforcement Notice quashed.