

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

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

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

2. **THE LAND AFFECTED**

Land at High Park Farm, Alcester Road, Beoley, Redditch, B94 5JB ("the Land"), shown edged red on the attached plan ("the Plan")

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

Without planning permission, alterations to building which are considered to amount to the erection of a new building (in the approximate position edged in red on the Plan).

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

It appears to the Council that the alterations which have created the resultant building have occurred within the last 4 years.

1. The unauthorised development results in the erection of a new building within the countryside. The development is not considered to meet any of the development forms expressly listed in Policy AS.10. Furthermore, the scale and design of the building has not 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.

2. The scale and design of the resultant building (with domestic openings, construction materials and features) has not been justified to serve an agricultural function. The development is considered to introduce visual harm to the character of the area and the Arden Special Landscape Area, by virtue of its siting (being in a rural area), scale (being a large 1.5 storey building) and design (having residential character openings). 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 2011-2031

3. At the time that this Notice has been issued the building has not been brought into use. Due to the design, scale and construction of the building the Local Planning Authority has serious and genuine concerns that the building is to be used for residential purposes rather than for agricultural purposes. Should the building be used for either of these purposes there would be additional conflict with Policies AS.10, CS.10, CS.15 and CS.16 of the Core Strategy.

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

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

- a) Demolish the building; and
- b) Remove all materials arising from requirement a) above from the Land.


6. **TIME FOR COMPLIANCE**

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

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **2 June 2023** unless an appeal is made against it beforehand.

Dated: 25TH APRIL 2023

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

On behalf of:-

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



23/00071/SIGOP - High Park Farm, Alcester Road, Beoley, Redditch, B94 5JB (Formerly the 'Ruins')



Scale 1:1,250

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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 **2 June 2023**.

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 decide to appeal against the enforcement notice, you should set out all grounds for making your appeal and provide supporting facts for each ground when making the appeal.

If ground (a) is not pleaded at the very beginning the Planning Inspectorate will not delay the processing of the appeal.

If you want the planning merits of the development to be considered – known as the “deemed planning application” – you must plead ground (a) and pay the fee of £924 for the deemed application. You should pay the full amount of the fee to Stratford-on-Avon District Council.

If this is not done, the planning merits and any subsequent ground (a) appeal (Ground (a) - that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed) cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **2 June 2023** 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

Mr G G Gilbert
Whitlocks End Farm
Bills Lane
Shirley
Solihull
B90 2PL

Mr T W Gilbert
1 Whitlocks End Farm Cottage
Bills Lane
Shirley
Solihull
B90 2PL

Mr E G Gilbert
The Pig Barn
Whitlocks End Farm
Bills Lane
Shirley
Solihull
B90 2PL

Mr T Gilbert
Real Christmas Trees
High Park Farm
Alcester Road
Beoley
Redditch
B94 5JB