

Direct Line : Switchboard 01789 267575
Fax : 01789 260630
e-mail : Clare.Eynon@stratford-dc.gov.uk
My ref : 23/00058/DESB0C
Your ref :
Date : Date as Notice



Mrs Dawne Clayton-Wright
Longfield
Poolhead Lane
Tanworth-in-Arden
Solihull
B94 5ED

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Madam

Town and Country Planning Act 1990 (as amended)
Enforcement Notice – Land to rear of Longfield, Poolhead Lane, Tanworth-in-Arden, Solihull, B94 5ED

This Council has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land, together with two further copies for you to use in a possible appeal application. Please note, three copies of the Notice have also been served on those parties who I understand also have an interest in the land (as per the details at the end of the attached Notice).

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described in these enclosures, the notice will take effect on **8 April 2024** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please see the enclosed **information sheet** from The Planning Inspectorate which advises you how to make an appeal and please carefully read the **Annex** to the Enforcement Notice which informs you of your right to appeal.

Yours faithfully

A handwritten signature in black ink, appearing to be 'CE'.

Clare Eynon
Planning Manager
(Performance, Appeals & Enforcement)

Encs: 3 copies of Enforcement Notice
1 Information Sheet from The Planning Inspectorate

Elizabeth House
Church Street
Stratford-upon-Avon
CV37 6HX

telephone 01789 267575
minicom 01789 260747
website www.stratford.gov.uk
DX700737 STRATFORD-ON-AVON 2

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 to rear of dwelling known as Longfield, Poolhead Lane, Tanworth-in-Arden, Solihull, B94 5ED ("the Land"), shown edged red on the attached plan ("the Plan").

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

Without planning permission, the following development:

- i) Material change of use of Land to a business use
- ii) The erection of buildings (in the approximate positions shown 'C' and 'E' on the Plan)
- iii) Creation of additional area of hardstanding (in the approximate position shaded in grey and identified as 'D' on the Plan)
- iv) Significant alteration and extension to the former garage building (in the approximate position 'A' on the Plan) which facilitates and was part and parcel of the change of use to business use; and
- v) The erection of new building (in the approximate position 'B' on the Plan) which facilitates and was part and parcel of the change of use to business use referred to item i) above

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

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

The unauthorised change of use of land to business purposes, and the operational development (including buildings and hardstanding) associated with that change of use, does not fall within any of the acceptable types of development within the Countryside, listed in Policy AS.10 of the Core Strategy. 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, CS.22 and AS.10 of the adopted Stratford-on-Avon District Core Strategy 2011-2031.

The site lies within the Green Belt, where very strict control is exercised over all forms of development, in accordance with national guidance contained within the National Planning Policy Framework (NPPF). The unauthorised development has resulted in a material change of use of the land to business use. Furthermore, the development included operational development consisting of the erection of buildings and hardstanding to be used in connection with the material change of use of the land. The development amounts to inappropriate development in the Green Belt which can only be allowed in Very Special Circumstances (VSCs). The owner/agent has not put forward any VSCs, which would outweigh the harm to the purposes and openness of the Green Belt. Furthermore, the Council has been unable to identify any VSCs, which would outweigh the harm to the purposes and openness of the Green Belt. The Development is therefore contrary to Policy CS.10 of the Core Strategy and Government guidance contained within the National Planning Policy Framework.

The unauthorised development result in the creation of a business within the countryside which has an urbanising impact on the rural character of the immediate locality. This is further exacerbated by the introduction of buildings associated with the business; hardstanding; and large amounts of car parking. This has resulted in the sporadic expansion of the built form. On this basis, the development is considered to result in harm, which would be contrary to Policies CS.9, CS.5, CS.12 and AS.10 of the Core Strategy and Government guidance contained within the National Planning Policy Framework and Stratford on Avon District Council Design Guide.

In the absence of a planning application or legal agreement to control the activities associated with the unauthorised business use, it is considered that there is the potential for there to be a detrimental impact on the residential amenity of nearby residential properties through noise and disturbance. The use is, therefore, contrary to Policies CS.9 and AS.10 of the adopted Stratford-on-Avon District Core Strategy 2011-2031.

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) Cease the use of the Land (including buildings) for business purposes
- b) Demolish the buildings located in the approximate locations 'C' and 'E' on the Plan and remove all associated materials from the Land.
- c) Remove the hardstanding from the area identified as 'D' on the Plan and remove all associated materials from the Land.
- d) Demolish the building located in the approximate location 'A' on the Plan and remove all associated materials from the Land.
- e) Demolish the building located in the approximate location 'B' on the Plan and remove all associated materials from the Land.

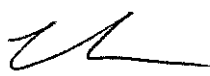
6. TIME FOR COMPLIANCE

- a) Within 6 months from the date this Notice takes effect
- b) Within 6 months from the date this Notice takes effect
- c) Within 6 months from the date this Notice takes effect
- d) Within 6 months from the date this Notice takes effect
- e) Within 6 months from the date this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **8 April 2024** unless an appeal is made against it beforehand.

Dated: 29TH FEBRUARY 2024

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

On behalf of:-

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



Legend

Planning Enforcement
 Land to rear of dwelling known as Longfield, Poolhead Lane
 Tanworth-in-Arden, Solihull, B94 5ED

Scale 1:1,000



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 Ordnance Survey 100024287



ANNEX

YOUR RIGHT OF APPEAL

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **8 April 2024**.

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 £ 6,936 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 **8 April 2024** 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 John Clayton-Wright
Longfield
Poolhead Lane
Tanworth-in-Arden
Solihull
B94 5ED

Mrs Dawne Clayton-Wright
Longfield
Poolhead Lane
Tanworth-in-Arden
Solihull
B94 5ED



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303 444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.