

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 The English Barn, Idlicote Estate Barns, Idlicote Road, Idlicote, Warwickshire, CV36 5DW ("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) The erection of a dwellinghouse through the rebuilding of a former agricultural building (in the approximate location indicated as 'A' on the Plan), together with the associated change of use of the Land from agricultural to domestic garden use in connection with the new dwelling.
- ii) The partial demolition and external alterations to a former agricultural building (in the approximate location indicated as 'B' on the Plan) to create a building for domestic use ancillary to the use of the unauthorised dwellinghouse.
- iii) The laying of a patio area (in the approximate location indicated as 'C' on the Plan); and
- iv) The creation of a driveway/parking area for the unauthorised dwellinghouse (in the approximate location indicated as 'D' on the Plan).

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

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

1. The development has resulted in the rebuilding of the former barn to the extent that a new building has been erected and a new dwellinghouse has been created in the open countryside. Policy AS.10 of the Core Strategy does not offer any support for new dwellinghouses in the open countryside where the development would not offer significant benefits to the local area. As such, the development is unjustified and inappropriate development in the open countryside. Due to its remote location, occupiers are entirely reliant on private motor vehicles for transport and access day-to-day services and facilities. The site is undesirable and unsustainable in respect of residential uses therefore and the development conflicts with Policies CS.2, CS.15 and AS.10 of the adopted Stratford-on-Avon District Core Strategy (2011-2031) on this basis.

2. The unauthorised dwelling, by virtue of its modern domestic aesthetic and fenestration details, introduces an incongruous form of development into the open countryside. When read alongside the large garden, the incidental outbuilding and associated domestic paraphernalia, the site has a jarring visual relationship with the distinctive character of the locality and reads as a random and unsympathetic addition to the landscape. The development has eroded the special landscape qualities of the area that is so strongly defined by agricultural uses due to its overly domestic character that does little to reflect the former use and history of the site. The visual harm caused fails to conserve the locality's sense of place and the development therefore conflicts with adopted Stratford-on-Avon District Core Strategy (2011-2031) Policies CS.5, CS.9 and AS.10.

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 new dwelling located in the approximate location 'A' on the Plan
- b) Demolish the building located in the approximate location 'B' on the Plan
- c) Remove the patio area in the approximate location 'C' on the Plan
- d) Remove the crushed stone associated with the driveway/parking area in the approximate location 'D' on the Plan
- e) Remove from the Land all the materials associated with the requirements a) to d) described above
- f) Cease the use of the Land for domestic purposes and thereafter only use the Land for agricultural purposes

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
- f) Within 6 months from the date this Notice takes effect

7. **WHEN THIS NOTICE TAKES EFFECT**

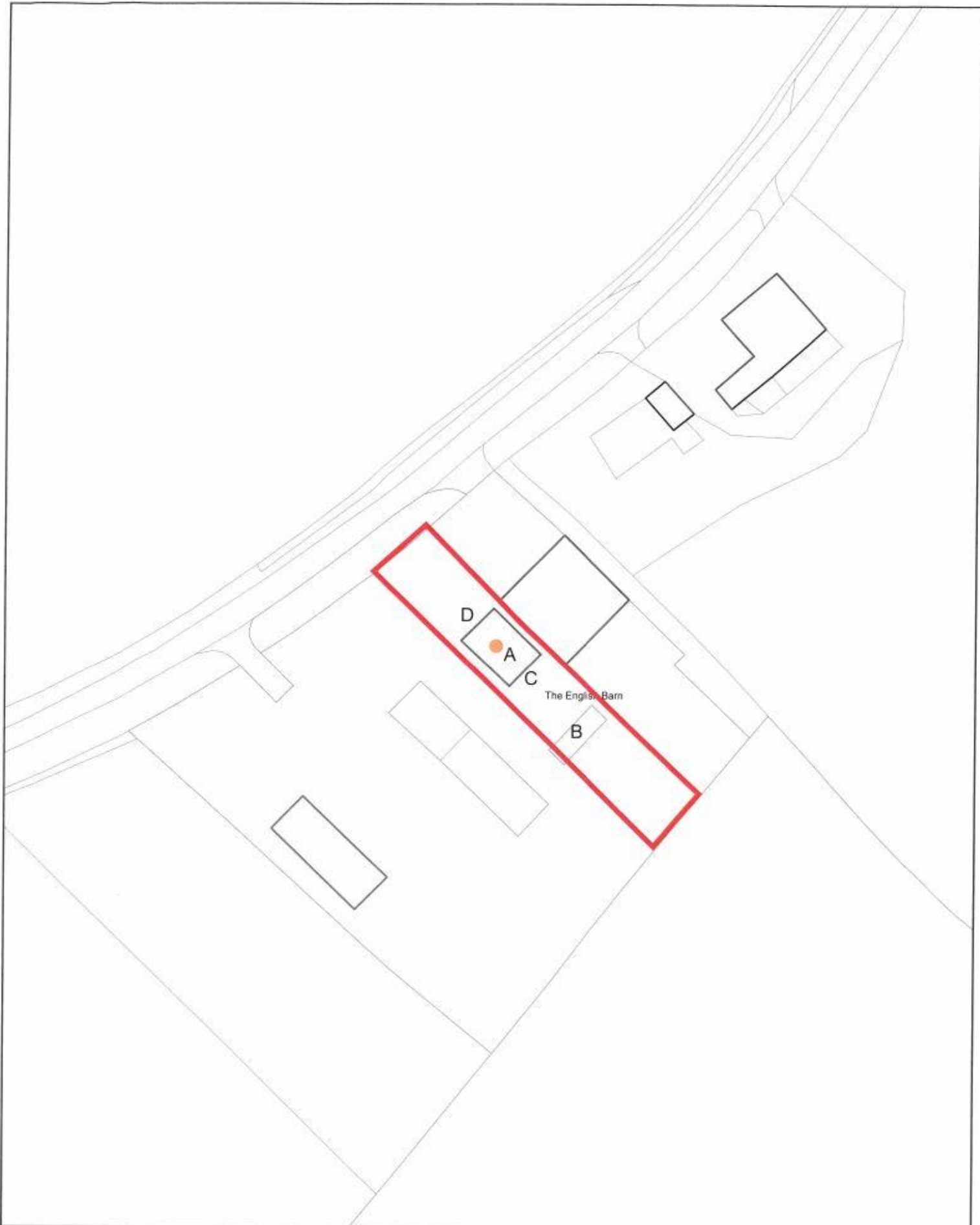
This notice takes effect on **31 May 2024** unless an appeal is made against it beforehand.

Dated: 24TH APRIL 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



Land at The English Barn, Idlicote Estate Barns, Idlicote Road, Idlicote, Warwickshire, CV36 5DW
23/00506/DESB0C



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 **31 May 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 £1,156 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 **31 May 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 M P G Dill
Idlicote House
Idlicote
Shipston on Stour
Warwickshire
CV36 5DT

