

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 Coughton Lodge Farm, Sambourne Lane, Coughton, Alcester, B49 5HT ("the Land"), shown edged red on the attached plan ("the Plan").

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

Without planning permission, the erection of a building and the creation of an area of hard surfacing/stone patio (in the approximate position edged in red 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. It is considered that as a result of the design of the building it is unsuitable for housing livestock as there is no ventilation. Furthermore, access to the building is limited which would prevent access for machinery for anything other than a person carrying small hand tools. The building is also heavily over-engineered for agricultural purposes having cavity walls, a damp proof membrane and insulation. The building also has a first floor and an external stone patio which are not necessary for agricultural purposes. It is considered that the design of the building is reflective of a residential/domestic building not an agricultural building and it is not considered suitable for agricultural use either for machinery or other storage, or for livestock. It is considered that there is no need for additional agricultural storage and that there is sufficient storage across the existing holding. Therefore, there is not a functional need for the building and the building is not suitably designed for agricultural purposes. The development is not considered to be fully justified nor does it provide 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 construction of new buildings in the Green Belt are inappropriate unless they meet with the exceptional forms of development. Paragraph 154, part a, of the NPPF regards buildings for agriculture and forestry as an exception. A genuine functional need for the building has not been demonstrated and it is considered that the building is unsuitable for agricultural use as a result of its design. The building is not considered to be for an agriculture use or an agricultural building and therefore the building constitutes inappropriate development in the Green Belt. The building would not preserve openness. It is not considered that there are very special circumstances to outweigh the identified harm. The same harms to the Green Belt are generated by the use of the building as a dwellinghouse. In both scenarios, the development is contrary to Policy CS.10 of the Stratford-on-Avon District Core Strategy (2011-2031) and the National Planning Policy Framework.
3. Due to the design, layout and fitting out of the building and the creation of the stone patio area, the Local Planning Authority has serious concerns that the building is intended to be used as a dwellinghouse rather than for agricultural purposes. Should the building be used for residential purposes there would be additional conflict with Policy CS.15 and AS.10 of the 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) Demolish the building
- b) Remove the area of hard surfacing/stone patio
- c) Remove all the materials associated with requirements a) and b) above

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

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **25 October 2024** unless an appeal is made against it beforehand.

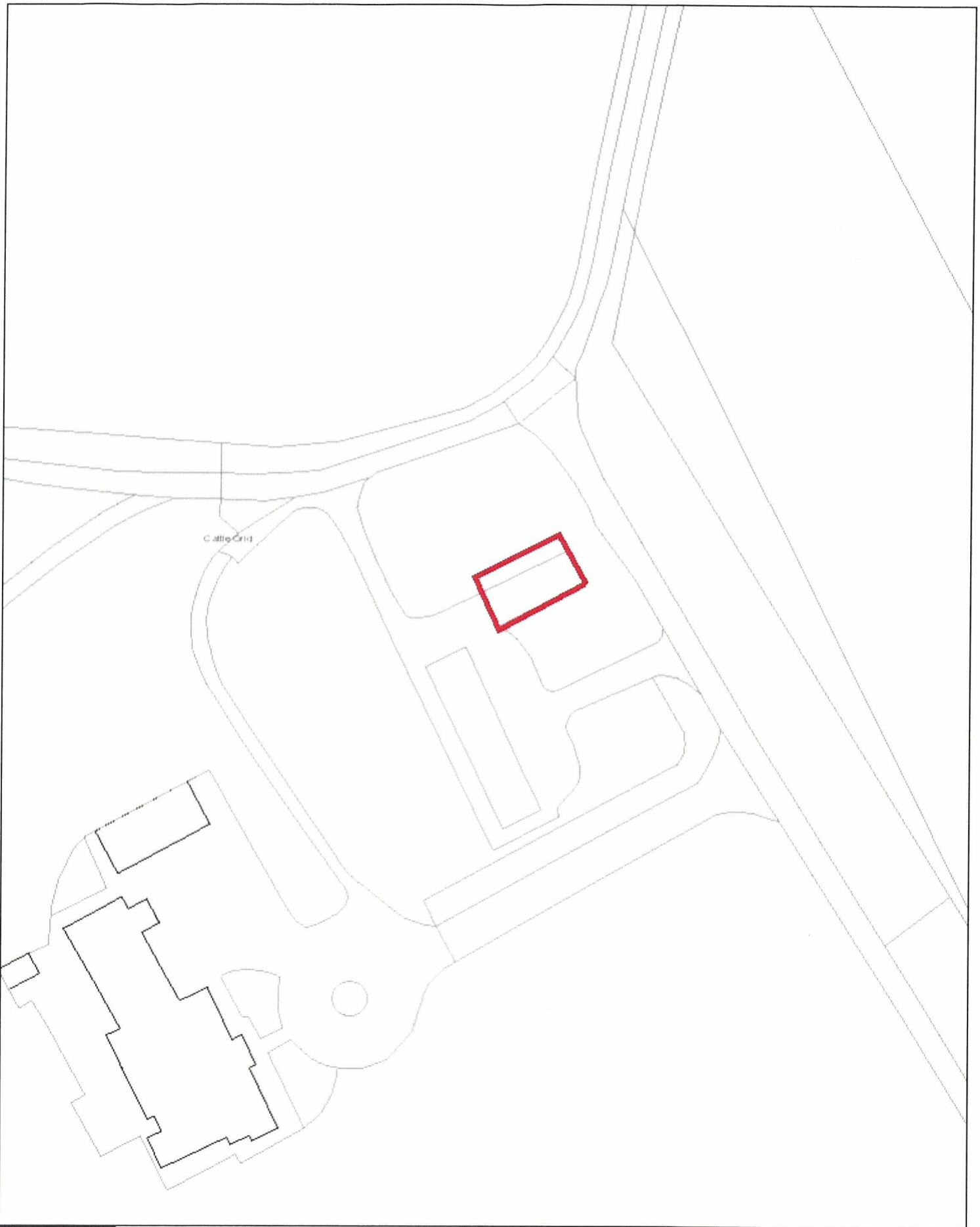
Dated: 20TH SEPTEMBER 2024

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

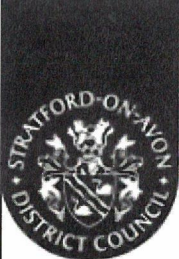


Legend

**Coughton Lodge Farm, Sambourne Lane, Coughton,
Alcester, B49 5HT
24/00006/DESOP**

Scale 1:750

© Crown copyright and database rights 2011 onwards
Ordnance Survey 100024287



ANNEX

YOUR RIGHT OF APPEAL

If you decide that you want to appeal against the enforcement notice you must ensure that your appeal is lodged with the Secretary of State (at The Planning Inspectorate) before **25 October 2024**. The Information Sheet gives details on how to make an appeal.

Under section 174(2) of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) planning permission ought to be granted, or the condition or limitation concerned ought to be discharged;
- (b) the matters stated in the enforcement notice have not occurred;
- (c) the matters stated in the enforcement notice (if they occurred) do not constitute a breach of planning control;
- (d) at the date when the notice was issued, no enforcement action could be taken;
- (e) copies of the enforcement notice were not served in accordance with the statutory requirements;
- (f) 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, or to remedy any injury to amenity which has been caused by any such breach; and/or
- (g) any period specified in the notice 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 total fee of £1156 (double that normally payable) 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.

An appeal on ground (a) is not possible where a related application for planning permission has been made in the circumstances below (see section 174(2A) and (2B) of the Town and Country Planning Act 1990). (For these purposes, a related application is one where, if planning permission were granted for the development specified in the application, it would grant planning permission for the development which is the subject of the enforcement notice (NB: it is possible for the development in the related application to be more extensive than that contained in the enforcement notice.))

Where an enforcement notice is issued on or after 25 April 2024, no appeal under ground (a) may be made within two years of the date on which the related application ceased to be under consideration. The guidance referred to in the attached Information Sheet sets out when a related application ceases to be under consideration for these purposes.

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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **25 October 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(s) 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 O Stiley
Coughton Lodge Farm
Sambourne Lane
Coughton
Warwickshire
B49 5HT

