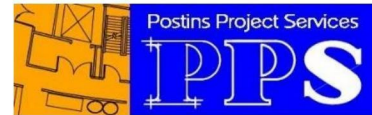


**Appeal Statement for Issue of Enforcement Notice  
Stratford on Avon District Council**



<b>Site address:</b>	<b>Land off Welsh Road, Priors Hardwick CV47 7SN</b>
<b>Planning Reference:</b>	<b>24/00540/DESOP</b>
<b>Description:</b>	<b>Stables and yard</b>

### **Planning History/Background**

The subject of this appeal is a stable building which was granted planning permission under planning reference 21/02877/FUL.

During construction of the stables minor changes were made to the submitted details, in part to take account of a change of ownership of the land and stables.

The subject of this appeal is the enforcement notice issued by the council stating that the building must be demolished.

### **Introduction**

This appeal is made on the following grounds:

(a) planning permission ought to be granted, or the condition or limitation concerned ought to be discharged.

(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.

(g) any period specified in the notice falls short of what should reasonably be allowed.

### **Basis of the Appeal:**

Stratford DC have cited the following reasons for issuing the enforcement notice:

*Without planning permission, the following operational development:*  
*a) erection of a building (in the approximate position identified as 'A' on the Plan); and*  
*b) the creation of an area of hardstanding (in the approximate position identified as 'B' on the Plan)*  
*The above operational development is being used for domestic purposes associated with the new dwelling known as Ironstone (located to the south*

*of the Land) and also amounts to a material change of use of the land from former paddock (agricultural use) to domestic use.*

The building/development in question was erected under the extant planning permission for “Stables and Yard” with reference 21/02877/FUL. The building has been built in accordance with the submitted and consented original application with minor inconsequential changes-detailed below.

### **Grounds of Appeal (a) – planning permission should be granted**

We maintain that the original planning permission 21/02877/FUL was implemented. However, if it is deemed that the original consent was not in fact implemented, we contend that planning permission should be granted for the building to remain in its present form, as a stable building for equestrian use, and for the retention of the hardstanding, and as constructed.

In granting planning permission 21/02877/FUL, the local planning authority accepted that both the principle and details of an equestrian building and hardstanding yard in this location were acceptable in accordance with operative local and national planning policies. This support remains under the consideration of this grounds of appeal.

The local planning authority accept that the building as constructed on site is of the same size and position as the building approved under 21/02877/FUL but do not support the rooflights in the roof of the building, the hardstanding link between the adjoining residential property ‘Ironstone’, within the appellant’s ownership, and the adjoining paddock, and the surfacing material of the yard.

### **Elevations**

The main changes to the elevations are the change in roof covering and the addition of rooflights. The roof was approved with natural slate as the covering. This was changed to reclaimed plain clay tiles during construction. These if anything improve the appearance as they blend in and look aged from the outset. The rooflights were installed to provide ventilation and some natural daylight for the stables as there are no windows. The dimensions of the building are unchanged, with only minor framing amendments to cater for the green oak framing and construction methods. The building footprint and height are unchanged from the consented scheme.

### **Hardstanding**

The application is titled "Stables and Yard". The officer's report (21/02877/FUL) refers to the need to choose "hard surfaces" carefully. The details submitted stated that the yard area would be tarmac or block paving. In the constructed scheme the hardstanding has reduced in size to less than 50% of the approved area. In this respect, the impact on the open countryside has been reduced. The constructed scheme is tarmac with an edging detail formed in granite setts. The drainage is installed as the original design (with amendments to cater for the reduced size) being filter drains discharging to the adjacent ditch. The outcome is therefore in line with the approved drawings in terms of materials and drainage.

The planning officer has cited the development has become domesticated rather than an equestrian stable block. The form of the building is in line with the consented drawings and details (with minor changes listed above).

Notwithstanding the appellant's position that the building and yard is acceptable in how it has been constructed, the appellant would be amenable to the imposition of the following conditions should the Inspector require them to be addressed:-

- Erection of a means of enclosure, and associated planting, between the southern boundary of the paddock and the residential curtilage of 'Ironstone';
- The removal of the rooflights; and
- Replacement of the tarmac on the hardstanding area with an alternative surfacing material to be agreed by the local planning authority.

The appellant also has no objection to the imposition of a condition to control the use of the building in perpetuity, as per condition 14 of 21/02877/FUL:-

- The development hereby permitted shall be used solely for private recreational purposes in connection with the private keeping and exercising of horses and shall not be used for any trade, business, commercial riding, livery use or any other commercial equestrian enterprise.

**Grounds of Appeal (f)**

As outlined above, the demolition of the building is not necessary to remedy the breach of planning control. We maintain that the use is controlled by the extant consent and any unauthorised use can be made to cease by way of enforcement action. It is unreasonable to be obliged to demolish a building which was constructed with consent because some domestic chattels have been stored inside it, and the access arrangements have changed from the original plans.

The council state in the *reasons for issuing an enforcement notice*, that the changes to the development have resulted in a change of use. It would seem appropriate therefore to enforce against the change of use rather than the presence of the building.

Similarly, the notice could have ordered the removal of tarmac surfacing if this was deemed inappropriate, and for the yard to be constructed in accordance with an alternative surfacing material to be agreed by the local planning authority.

**Grounds of Appeal (g)**

Four months as a period to demolish the building would seem to be unusually short. The owner would need to procure reputable contractors to dismantle the building (for re-use elsewhere) and this process alone would take a number of weeks to complete. We would suggest a period of 8-12 months would be more suitable.

In support of this appeal, we have included photographs and plans of the completed development. (See Appendix 1)

Submitted Plans:

<b>Original Approved</b>	<b>Revised - (As Constructed)</b>
21-09-100 Parkes House Stables Site Location Plan	21-09-100A Ironstone Stables Site Location Plan
21-09-101A Parkes House Stables Site Plan	21-09-101E Ironstone Stables Site Plan
21-09-102 Parkes House Stables Site Plan	21-09-102B Ironstone Stables Site Plan
21-09-110B Parkes House Stables Plan Elevations and Section	21-09-110E Ironstone Stables Plan Elevations and Section



APPENDIX 1 – PHOTOGRAPHS & PLAN

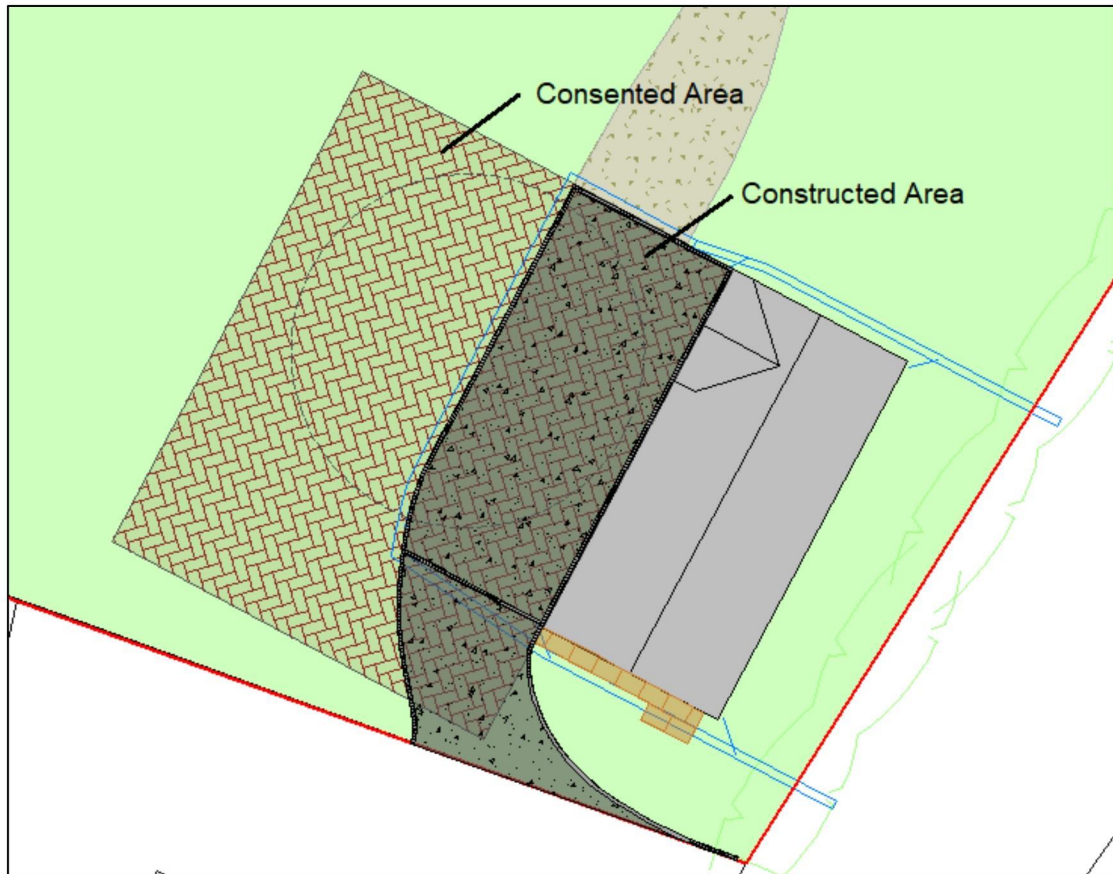


P1 – Front Elevation of Stables



P2 – End Elevation of Stables





P3 – Overlay of Consented vs Constructed Hardstanding



P4 – Detail of Granite Setts Edging