

**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 Holmes House, Hambridge Road, Bishops Itchington, Southam, Warwickshire, CV47 2SB ("the Land"), shown edged red on the attached plan ("the Plan").

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

Without planning permission, the following operational development:

- a) the construction of an outdoor swimming pool with pump room and associated patio/hardstanding (in the approximate position edged in red on the Plan); and
- b) the erection of walls forming a means of enclosure around the swimming pool (in the approximate alignment identified as 'V-W-X-Y-Z' on the Plan)

The above operational development is being used for domestic purposes associated with the dwelling known as Holmes House (located to the west of the Land) and also amounts to a material change of use of the land from former paddock (agricultural use) to domestic use.

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 change of use of the land from paddock (agricultural) land to domestic garden land and the associated operational development to construct an outdoor swimming pool with a pump room, new walls and patio area does not fall within any of the categories of development that Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 deems appropriate. Neither is it covered by any other policy in the Core Strategy.

The development has not been fully justified, offers no public benefit and in expanding residential land into the open countryside, it is contrary to the overall development strategy for the District. Consequently, the development fails to comply with Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011–2031 and is unacceptable in principle.

- 2) The development compromises the rural, agricultural context of the listed farmhouse, diminishing its significance as a heritage asset and causing less-than-substantial harm to its setting. This harm is not offset by any public benefit whatsoever. The development also erodes local distinctiveness due to its overly domestic appearance and the use of a material palette which is unsympathetic to the context of the Site. The development is therefore contrary to the National Planning Policy Framework (2023), and Policy CS.8 of the Stratford-on-Avon District Core Strategy (2011–2031) which seeks, among other things, to protect heritage assets. It also conflicts with Policy CS.9 of the Stratford-on-Avon District Core Strategy (2011–2031) and Policies BINDP4 and BINDP6 of the Bishops Itchington Neighbourhood Development Plan (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 outdoor swimming pool and pump room
- b) Demolish the walls forming the means of enclosure around the swimming pool
- c) Remove the area of patio/hardstanding around the swimming pool
- d) Remove all the materials associated with requirements a) to c) above from the Land
- e) Cease the use of the Land for domestic purposes and thereafter only use the land for agricultural purposes

## 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
- d) Within 4 months from the date this Notice takes effect
- e) Within 4 months from the date this Notice takes effect

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **13 December 2024** unless an appeal is made against it beforehand.

**Dated:** 7<sup>th</sup> November 2024

**Signed**..........  
Emma Booker – Senior Planner (Enforcement)

On behalf of:-

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

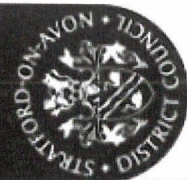


Holmes House, Hambridge Road, Bishops Itchington, Southam, CV47 2SB

22/00149/DESLB



Scale 1:200  
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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 your appeal is lodged with the Secretary of State (at The Planning Inspectorate) before **13 December 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 **13 December 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 R M Parker  
Holmes House  
Hambridge Road  
Bishops Itchington  
Southam  
Warwickshire  
CV47 2SB

