

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 Alne Park, Park Lane, Great Alne, Alcester, B49 6HS ("the Land"), shown edged red on the attached plan ("the Plan").

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

Without planning permission,

- a) the erection of a new building in the approximate location identified as 'A' on the Plan
- b) engineering works involving the creation of an access track/driveway in the approximate location hatched in black on the Plan
- c) creation of an area of hardstanding in the approximate location identified as 'B' on the Plan

The change of use of the Land identified as 'B' on the Plan from agriculture to a mixed use of agriculture and the storage of miscellaneous items not related to agriculture (including tyres, timber pallets, building materials and scrap metal).

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

It appears to the Council that the building and engineering works together with the associated change of use have occurred within the last 4 years.

- 1) The design of the building is over-engineered and reflective of a residential/domestic building not an agricultural building. It is not considered suitable for agricultural use and there is a lack of an essential function need for the building on the holding. The development does not fall under any other category of development deemed acceptable in the open countryside, as set out in Policy AS.10, nor is it covered by any other policy in the development plan. The development has not been fully justified, does not offer significant public benefits and, in creating a new building in the open countryside, the development conflicts with Stratford-on-Avon District Core Strategy (CS) Policy AS.10. The development similarly conflicts with the aim of CS Policy CS.1 for sustainable development, including protection of the natural environment.
- 2) The construction of new buildings in the Green Belt are inappropriate unless they meet with the exceptional forms of development. Paragraph 154(a) of the NPPF regards buildings for agriculture and forestry as an exception. The replacement of a building is also not inappropriate provided the new building is in the same use and not materially larger than the one it replaces (para.154(d)). The design of the building renders it unsuitable for agricultural use and a genuine functional need for the building has not been demonstrated. The building is also materially larger than the agricultural building previously located on the same site. The development constitutes inappropriate development in the Green Belt and generates increased harm through a loss of openness. It is not considered that there are very special circumstances to outweigh the identified harms and therefore 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) Engineering operations in the Green Belt are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The new access track to the building and the extensive area of hardstanding that surrounds it are situated on previously undeveloped agricultural land and have failed to safeguard the countryside from encroachment. Both developments therefore constitute inappropriate development in the Green Belt. It is not considered that there are very special circumstances to outweigh to the harm that is generated by this unauthorised development, the development is thus contrary to Policy CS.10 of the Stratford-on-Avon District Core Strategy (2011-2031) and the National Planning Policy Framework.
- 4) Due to the design and scale of the building, the Local Planning Authority has serious concerns that the building and the wider Site is intended to be used for residential purposes (as a dwellinghouse) rather than for agricultural purposes. Should the building be used for residential purposes there would

be additional conflict with Policies CS.10, CS.15 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 and the National Planning Policy Framework.

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 hardstanding
- c) Remove the access track/driveway
- d) Remove all the materials associated with requirements a) to c) above from the Land
- e) Remove from the Land all items that are not reasonably necessary for the purpose of agriculture.
- f) Restore the Land to its condition prior to the unauthorised development being carried out 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
- f) Within 4 months from the date this Notice takes effect

7. **WHEN THIS NOTICE TAKES EFFECT**

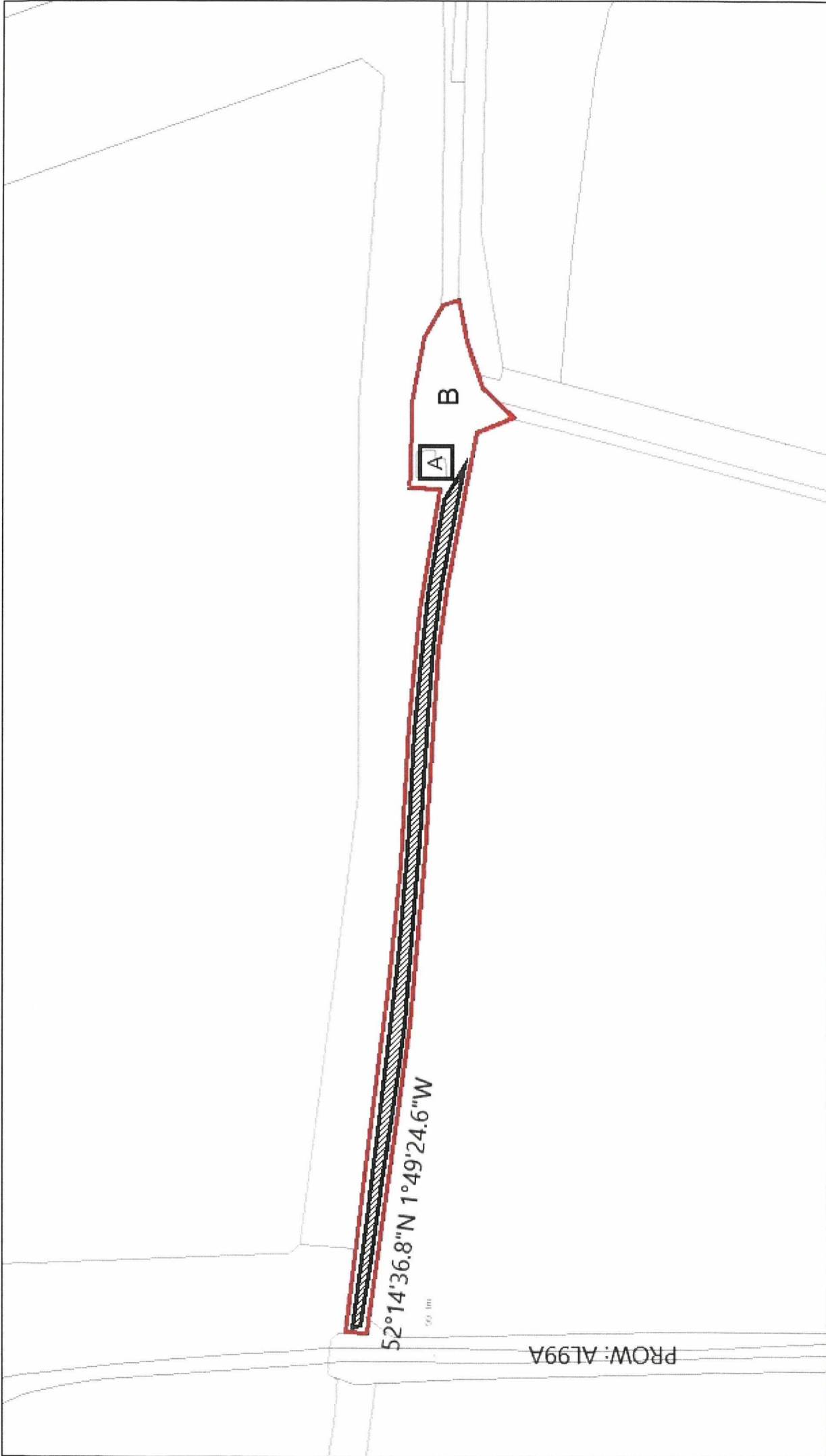
This notice takes effect on **16 January 2025** unless an appeal is made against it beforehand.

Dated: 5th December 2024

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

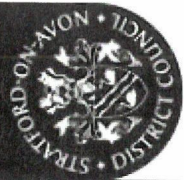
On behalf of:-

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



PROW: AL99A

Land at Alne Park, Park Lane, Great Alne, Alcester, B49 6HS
 24/00579/DESOP



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 your appeal is lodged with the Secretary of State (at The Planning Inspectorate) before **16 January 2025**. 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 £1172 (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 **16 January 2025** 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 D N Skelton
Knights Professional Services Ltd
Midland House
West Way
Oxford
OX2 0PH

