

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 Adjacent to Tyburn Cottage, Tithe Barn Lane, Hockley Heath, Solihull, B94 5DJ ("the Land"), shown edged red on the attached plan ("the Plan")

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

Without planning permission, the change of use of Land from paddock (agricultural use) to a mixed use comprising:

- (a) stationing of single static caravan/mobile home (in the approximate location marked 'A' on the Plan) for security purposes;
- (b) storage of single static caravan/mobile home (in the approximate location marked 'B' on the Plan)
- (c) grazing of horse(s); and
- (d) exercising and walking of dogs in connection with the business which operates from Tyburn Cottage and is known as 'Julianna's Kennels, Cattery & Grooming Parlour'.

Without planning permission, the following associated operational development:

- i) The installation of metal gates (in the approximate location marked 'C' on the Plan)
- ii) The erection of a timber fence (in the approximate location marked 'D' on the Plan)
- iii) The importation and laying of aggregate material and paving slabs (in the approximate area hatched in black on the Plan) to create an area of hardsurfacing

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

- 1) The development is located within the open countryside, outside the confines of any settlement boundary, and is not considered to represent 'limited infilling' of previously developed land. It has led to an encroachment of new development into the open countryside and as such does not conform to any of the types of development supported by Policy CS.15, AS.10 or CS.10 of the Stratford-on-Avon District Core Strategy (2011-2031). Consequently, the Site is not considered a desirable or sustainable location for the stationing and/or storage of caravans for private purposes and the associated operational development. Instead, the development is inappropriate development in the Green Belt which results in unacceptable harm to the openness, contrary to one of the purposes of including the Site within the Green Belt.

Inappropriate development is by definition harmful, and no very special circumstances exist to outweigh the harm to the Green Belt and the other harms identified, as stated in reason 2 below. The development is unacceptable in principle and contrary to Policies CS.10, CS.15 and AS.10 of the Stratford-upon-Avon Core Strategy (2011-2031), the Tanworth-in-Arden Neighbourhood Plan (2021-2031), and the National Planning Policy Framework 2024.

- 2) By virtue of its utilitarian, stark and discordant appearance, the development reads as an incongruous feature of Tithe Barn Lane and adversely impacts on the special landscape qualities of the Arden Special Landscape Area (ASLA). No attempt has been made to mitigate the visual impact of the development on the distinctiveness and historic character of the ASLA. The development has replaced attractive hedgerow with unsightly built form that has severely urbanised the Site to the detriment of the public realm. Consequently, the development does not enhance the area's sense of place nor does it preserve important features of the ASLA.

The development is contrary to Policies CS.5, CS.9 and CS.12 of the Stratford-on-Avon District Core Strategy (2016) (CS) and Policies NE1 and BE1 of the Tanworth-in-Arden Neighbourhood Plan (2021-2031) which, amongst other things, requires development to protect the distinctive character and appearance of the SLA and avoid detrimental effects on features which make a significant contribution to the character a settlement or area.

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) Remove the two static caravans/mobile homes from the Land;
- b) Remove the fencing and gates;
- c) Remove the hardsurfacing and paving slabs;
- d) Remove gas cylinders and timber pallets stored next to the caravans; and
- e) Remove all materials arising from compliance with requirements b) to d)
- f) Thereafter cease the use of the Land for the stationing and/or storage of caravans

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) Ongoing requirement from 6 months from the date this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

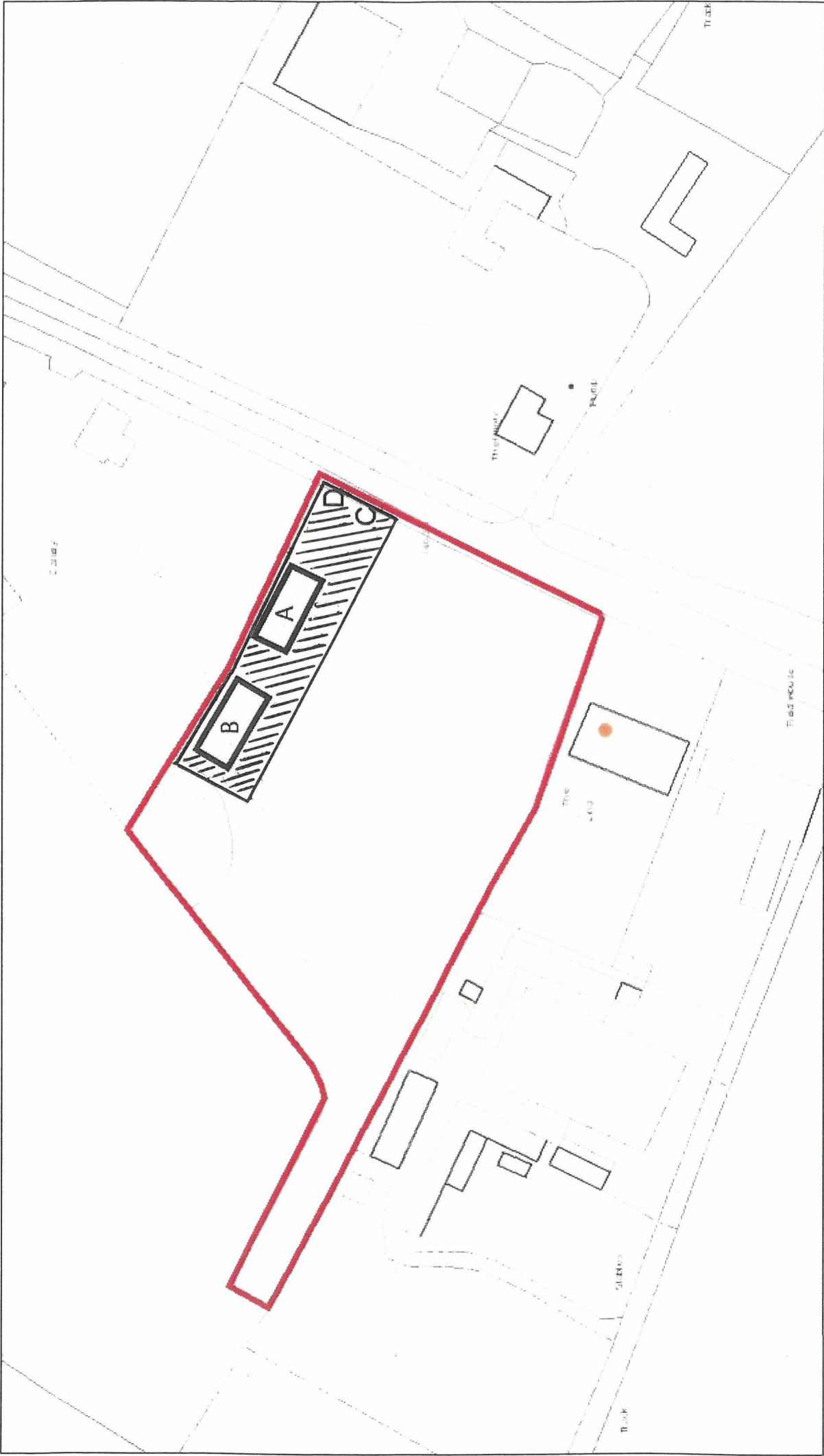
This notice takes effect on **25 February 2025** unless an appeal is made against it beforehand.

Dated: 21 January 2025

Signed 
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Emma Booker – Senior Planner (Enforcement)

On behalf of:-

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



Legend

Land Adjacent to Tyburn Cottage, Tithe Barn Lane, Hockley Heath, Solihull, B94 5DJ
 24/00132/DESCOU

Scale 1:1,000
 © 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 February 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 £4102 (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 February 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 A F Wright
Tyburn Cottage
Tithe Barn Lane
Earlswood
B94 5DJ

Mrs J A Wright
Tyburn Cottage
Tithe Barn Lane
Earlswood
B94 5DJ

