



**COTSWOLD
DISTRICT COUNCIL**

**COTSWOLD DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

REFUSAL OF PLANNING PERMISSION

Agent
Moule & Co Ltd
The Farm Office
Millridge Farm
Parsons Lane
Hartlebury
Nr Kidderminster
Worcestershire
DY11 7YQ

Applicant
Edward Gilder & Co
Fosseway
Bourton On The Water
Gloucestershire
GL54 2EY

**Proposed permanent rural workers dwelling at The Old Quarry Broadwell
Gloucestershire**

**APPLICATION REF: 15/03931/FUL
FILE REF: CD.8481/J**

DATE: 10th August 2016

DECISION NOTICE

In pursuance of its powers under the above Act, the Council **REFUSES** permission for the above development for the following reason:

Insufficient justification has been provided in terms of evidence to demonstrate that the provision of a permanent rural workers dwelling is necessary. The evidence submitted fails to sufficiently demonstrate that there is a functional justification for the proposed rural workers dwelling in association with the applicant's lairage business, which operates at the site known as The Old Quarry. The information and documentation that has been provided is therefore considered to fail to satisfy the test set out under section/paragraph 55 of the National Planning Policy Framework in relation to special circumstances for isolated homes in the countryside.

Note: Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority

In accordance with the requirements of paragraphs 186 and 187 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and proactive manner that improves the economic, social and environmental conditions of the area and in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy. Negotiations have, however, been unsuccessful in this case to achieve sustainable development.

Your attention is drawn to the NOTES overleaf.

Kevin Field

Kevin Field
Planning and Development Manager on behalf of Cotswold District Council

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the
Planning and Compensation Act 1991) - Section 172**

ENFORCEMENT NOTICE

Material Change of Use

ISSUED BY: COTSWOLD 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, under Section 171A(1)(a) 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.

2. THE LAND AFFECTED

Land at The Old Quarry, Fosseway, Broadwell, Gloucestershire shown edged red on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission a material change of use of the Land from lairage with caravan providing associated residential use to an unrestricted residential/lairage use facilitated by the erection of an unauthorised building/dwelling.

4. REASONS FOR ISSUING THIS NOTICE

4.1 It appears to the Council that the above breach of planning control has occurred within the last ten years.

4.2 The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

4.3 Insufficient justification has been provided in terms of evidence to demonstrate that the provision of a permanent rural worker's dwelling is necessary. The evidence submitted fails to sufficiently demonstrate that there is a functional justification for the proposed worker's dwelling in association with the applicant's lairage business which operates at the site known as The Old Quarry. The information and documentation that has been provided is therefore considered to fail to satisfy the test set out under paragraph 55 of the National Planning Policy Framework in relation to special circumstances for isolated homes in the countryside.

5. WHAT YOU ARE REQUIRED TO DO

(i) Permanently cease the unauthorised residential use of the Land

Time for compliance: within 6 months of the date that the Notice takes effect

- (ii) Demolish the unauthorised building/dwelling including concrete block supports and foundations on the Land

Time for compliance: within 7 months of the date that the Notice takes effect


- (iii) Permanently remove from the Land all the materials resulting from the demolition of the unauthorised building/dwelling and concrete block supports/foundations on the Land

Time for compliance: within 8 months of the date that the Notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 17th March 2017 unless an appeal is made against it beforehand.

Dated: 1st day of February 2017

Signed: 
.....
Group Manager – Land, Legal and Property *K.F.*
(Council's authorised officer)

on behalf of Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

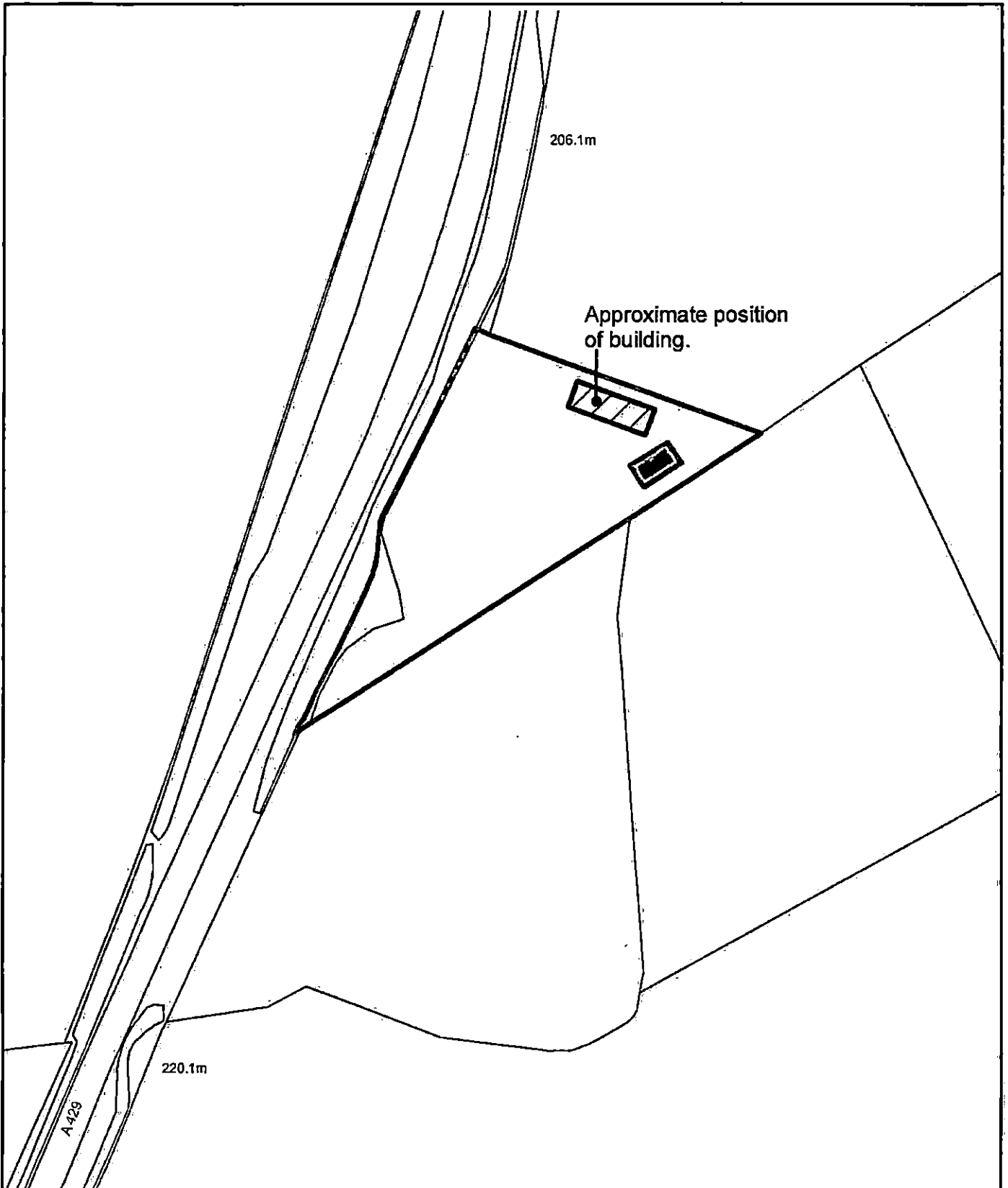
ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the 17th day of March 2017.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the 17th day of March 2017 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.



COTSWOLD DISTRICT COUNCIL

Enforcement Notice
The Old Quarry, Broadwell, Gos.



This area is not included in the Enforcement Notice.
(Permission granted for this area for a Residential Caravan under Decision Notice 15/03100/FUL).



Scale: 1:1250
Date: 26 October 2016

Reference: 16/00285/ENF
Enforcement Plan No: E1086

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