



AGENDA ITEM (10)

ENFORCEMENT - LITTLE COLESBOURNE, WITHINGTON

Ward Member(s)	Councillor RL Hughes
Accountable Officer	Colin Davies Enforcement Officer 01285 623088 colin.davies@cotswold.gov.uk

Purpose of Report	To enable the Planning and Licensing Committee to make a decision on the expediency of taking enforcement action.
Recommendation(s)	<p>Listed Building Enforcement Notice</p> <p>That enforcement action is authorised under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure:</p> <p>(a) removal of the new unauthorised wall adjacent to the highway and the wall fronting the principal elevation of the dwelling and reinstatement of the original walls adjacent to the highway including the vehicular and pedestrian accesses;</p> <p>(b) within three months of the date of the Enforcement Notice taking effect the unauthorised walls shall be permanently removed/demolished;</p> <p>(c) within nine Months of the date of the Enforcement Notice taking effect the original wall adjacent to the highway with associated vehicular access shall be fully reinstated as per details which shall be submitted to and approved by the Local Planning Authority prior to the works commencing.</p> <p>(d) within 10 months of the Enforcement Notice taking effect the wall with pedestrian access abutting the single storey extension and single story outbuilding (adjacent to the highway) shall be fully reinstated as per details which shall be submitted to and approved by the Local Planning Authority prior to the works commencing.</p>
Reason(s) for Recommendation(s)	<p>Little Colesbourne is a Grade II Listed Building. There are also a number of Grade II Listed Buildings to the East of the property; listed as "Open-fronted out-buildings and store 15 metres east of Little Colesbourne" The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their settings or any features of special architectural or historic interest they possess.</p> <p>The demolition of the dry stone wall and the erection of a taller drystone wall nearer and adjacent to the highway block the historic</p>

	<p>site access and is considered harmful to the character, special architectural and historic interest and setting of little Colesbourne and the setting of the adjacent listed buildings through loss of historic fabric, loss of characteristic and attractive features and harm to the legibility of the historic layout and hierarchy of the site.</p> <p>The layout, form, scale, design and placement of the new wall and other works such as the dwarf-wall in front of the dwelling and raising of land levels is therefore considered harmful to the special architectural and historic interest and setting of Little Colesbourne and the setting of adjacent listed buildings. The new wall adjacent to the highway is out of keeping with the prevailing character of the site and blocks important views into and across the site, including public views of the listed building and valley beyond. Along with the blocking up of the historic vehicle entrance to the site, this obscures and confuses the important historic layout and hierarchy of the farm buildings and their relationship both to each other and to the setting of the open valley. For these reasons the works fail to preserve or enhance the listed buildings or their setting. The significance of the designated heritage assets are diminished, with no public benefit identified in this case to outweigh the harm caused. The works are therefore contrary to Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990, Section 16 of the NPPF (previously Section 12).</p>
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Ward(s) Affected	Sandywell
Key Decision	
Recommendation to Council	Yes

Financial Implications	Appeal
Legal and Human Rights Implications	
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	Appeal
Equalities Impact Assessment	None

Related Decisions	17/00620/FUL & 17/00621/LBC 18/01431/FUL & 18/01432/LBC
Background Documents	Appendices 'A' -'G'
Appendices	Appendix 'A' - attached to Report – a letter from owner of land in respect of the breach Appendix 'B' - Enforcement Site Plan Ref: 16/00127/ENF

	<p>Appendix 'C' - Little Colesbourne Listing Description (Grade II)</p> <p>Appendix 'D' - Pictures of the site prior to the unauthorised works being carried out (Google Street View April 2011)</p> <p>Appendix 'E' - Pictures of site following the carrying out of the unauthorised works 2016</p> <p>Appendix 'F' - Planning & Listed Building Decision Notices Ref: 17/00620/FUL and 17/00621/LBC (Refusal 11/04/2017)</p> <p>Appendix 'G' - Planning and Listed Building Decision Notices Ref: 18/01431/FUL and 18/01432/LBC (Refusal 20/06/2018)</p>
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Performance Management Follow Up	None
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<p>Background Information</p> <p>1. Retrospective applications were submitted on two separate occasions in an attempt to regularise the works which were brought to The Councils attention by way of a complaint made by a member of the public. These applications have now been refused (see planning & listed building consent decisions referred to above).</p>
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