



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR OF PLACE AND COMMUNITIES, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 24/00156/UNCOU

ADDRESS: Land to the south of Coach House, Stourton Court, Bridgnorth Road, Stourton, Stourbridge, DY7 5BQ (“the Land”) outlined in red on the plan attached to the notice (“the Plan”).

BREACH OF PLANNING CONTROL:

- (i) Without planning permission the material change of use of the Land as domestic garden land associated with the dwelling known as the Coach House, Bridgnorth Road, Stourton, Stourbridge, DY7 5BQ.
- (ii) Unauthorised development to facilitate the material change of use of the Land comprising of:
 - (a) The permanent storage of a converted horsebox, associated wooden platform and steps;
 - (b) The laying of hardstanding in the approximate position hatched pink on Appendix 1(‘Appendix 1’) attached to this notice;
 - (c) The construction of a timber pergola;
 - (d) The installation of timber raised planting beds which are currently utilised for storage of building materials;
 - (e) The installation of a single storey metal shed; and
 - (f) The construction of residential style close-boarded wooden fence located in the position coloured light blue on Appendix 1.

SITE DESCRIPTION:

The Land is located within the West Midlands Green Belt, accessed via a single track extending from the southern side of Bridgnorth Road. There is a large dwelling at the northern end of

the property; the middle portion of the property has a large paved private access drive to the dwelling. The southern portion of the property is the area outlined in red on the plan attached to the notice and was previously a grassed paddock. The surrounding land is rural in nature.

RELEVANT PLANNING HISTORY:

***Please note – there is extensive planning history for Stourton Court and the surrounding land. The applications noted below are those specifically related to the area outlined in red on the plan attached to the notice.**

1998

Planning applications 98/00893/FUL and 98/00936/FUL for varying numbers of polytunnels were approved.

2017

Preapplication 17/00134/PREAPP for “6 unit glamping site” was responded to as unacceptable.

CASE SUMMARY:

The residential curtilage of Coach House, as identified within permissions 16/00103/FUL for the residential conversion and 18/00944/FUL for a subsequent extension, extends approximately 40m to the south of the rear building line of the dwelling. The Land is immediately to the south of the residential curtilage of Coach House. At the time of approval of 18/00944/FUL, the Land was under the ownership of the complainant and utilised as a former grassed paddock.

There is substantial history between the complainant (the owner of Stourton Court) and the owner of the Land (the owner of Coach House, adjacent to Stourton Court). When the Land was owned by the complainant he submitted a pre-application for a 6-unit glamping site which was responded to as unacceptable.

On 16 May 2024, a complaint was received from the owner of Stourton Court to the north, noting that they believe the Land is being used for glamping, given the siting of a horsebox trailer permanently on the Land, with permanent utilities run to the Land.

On 20 May 2024, Emma Posillico emailed Sam Bates, the owner of Coach House (the dwelling at the northern end of the property) to enquire if he would answer queries about the horsebox via email.

On 22 May 2024, Sam Bates responded to said emails, noting that he was using the Land as an extension of his garden with raised beds and for the storage of the horsebox. Mr Bates would not answer further questions via email and instead a site visit was scheduled for June.

On 12 June 2024, Emma Posillico conducted a site visit. The horsebox trailer was in the process of being converted into drive-able accommodation. However, it was not finished so

it was not used for glamping at that time. The trailer was sited upon a permanent crushed stone pad area, with large (non-permanent) steps up to the accommodation area and outdoor seating adjacent to the trailer. The site is indicative of a residential use, as Mr Bates admitted via email on 22 May 2024. The Land is maintained garden area with cut grass, domestic items including chairs, table and plant pots, pergola, shed, raised planting beds which currently store materials for Mr Bates' construction business (timber, stones, wheelbarrow, ladders), a timber closed board fence surrounding the Land, with a separate gated access drive.

On 13 June 2024, Emma Posillico informed Mr Bates that the Council considers that a material change of use of the Land has occurred, from paddock/grassland to an extension of his residential garden. Mr Bates was provided with the option of submitting a planning application for glamping, removing the domestic items from the land and converting it back to open field/grassland, or doing nothing and an Enforcement Notice would be served.

On 13 June 2024, Mr Bates responded that he would not be altering the Land and that the Council should serve the Enforcement Notice.

POLICY CONSIDERATIONS:

Within the Green Belt

Adopted Core Strategy Policy

Core Policy 1: The Spatial Strategy for South Staffordshire

GB1: Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

NPPF

Chapter 13: Protecting Green Belt Land

Chapter 15: Conserving and enhancing the natural environment

REASONS FOR ISSUING THE NOTICE:

- (i) It appears to the Council that the unauthorised material change of use of the Land has occurred within the last ten years and is not time immune from enforcement action.
- (ii) It appears to the Council that the unauthorised development on the Land has occurred within the last ten years and is not time immune from enforcement action.
- (iii) The unauthorised development on the Land is inappropriate development in the Green Belt, has a detrimental impact on the openness of the Green Belt and very special circumstances have not been put forward to justify a departure from the normal policy of restricting development in the Green Belt. This is contrary to Strategic Objectives 1 and 2 and policy GB1 of the South Staffordshire Council Core Strategy adopted December 2012. This is also contrary to paragraphs 152, 153 and 154 of the NPPF.

- (iv) The unauthorised development has an adverse effect on the character, appearance and amenity of the rural area, contrary to Policies EQ4, EQ11 and EQ12 of the adopted Core Strategy and Chapter 15 of the NPPF.
- (v) The Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

STEPS TO BE TAKEN:

- (i) Cease the unauthorised use of the Land as domestic garden.
- (ii) Remove from the Land the following:
 - (a) The converted horsebox;
 - (b) The wooden platform on which the converted horsebox is sited and steps giving access to the converted horsebox;
 - (c) The area of hardstanding;
 - (d) The timber pergola;
 - (e) The single storey metal shed;
 - (f) The residential style close-boarded wooden fence;
 - (g) All building materials; and
 - (h) All domestic paraphernalia including chairs, tables and plant pots.
- (iii) Remove from the Land all materials arising from compliance with steps (ii) (a)-(h) above.
- (iv) Remove the overly domesticated urban appearance of the Land, by re-seeding the Land with a mixture of wildflower mix or a 60% to 40% mix of wildflower and grass seed.

PERIOD FOR COMPLIANCE:

Three (3) months from the date this notice takes effect.

EXPEDIENCY OF ENFORCEMENT ACTION:

Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest.

A breach in planning control has taken place involving the material change of use of land to a residential garden or purposes ancillary thereto. No planning application has been submitted for a possible glamping use, and the property owner has indicated they do not intend to cease the current use.

This leaves the Council with little alternative but to take enforcement action to protect and restore the Green Belt. As such it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to South Staffordshire Council's Planning Policies, the National Planning Policy Framework, and to the Government's Enforcement and post-permission matters guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER: Emma Posillico

POSITION: Senior Planning Enforcement Officer

DATE: 21 June 2024

Signed:



LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Catherine Gutteridge

POSITION: Planning Enforcement Team Manager

DATE: 26.06.24

Signed:



DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Tom Nutt

POSITION: Assistant Team Manager (DM)

DATE: 09/07/2024

Signed: Tom Nutt

LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Pardip Sharma

POSITION: Solicitor

DATE: 26.07.2024

Signed: P. Sharma



AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director of Place and Communities

Signed:

DATE: 26 July 2024
