IMPORTANT – THIS NOTICE AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning & Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: **Craven District Council** [Planning Enforcement Ref. 829/10]

1. **THIS NOTICE** 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 explanatory note at the end of this notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Browside Farmhouse, Woodside Lane, Cononley, Keighley, shown edged red on the attached plan ("the land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change of use of the building shown edged blue on the attached plan ("the building") to a mixed use of a garage used for purposes ancillary to Browside Farmhouse and a separate single dwellinghouse.

4. THE REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control on the land has occurred within the last four years.

Planning Permission numbered 21/2004/4406 was granted on the 13th September 2004 for a detached garage with office space above for home use. Condition 4 of that permission states: '*the building permitted shall remain ancillary to the associated dwellinghouse, Browside Farmhouse, and shall not be used or occupied independently*'.

A Planning Contravention Notice ('PCN') response received on the 24th September 2010 stated that "the first floor mews style apartment commenced use on the 18th March 2006 and has continued to be defined as a single dwelling up to the present day without abandoning its use and has not been used for any other purpose in the intervening period".

The Council issued a second PCN to investigate in more detail precisely how the building was used. A response to the second PCN was received on the 3rd November 2010 and in the Council's opinion this response provides evidence that a material change of use to a separate single dwellinghouse first occurred on the 15th December 2006 and therefore the breach of planning control alleged has occurred within the last four years.

As the site is in open countryside, outside Development Limits identified by the Proposals Map from the 1999 Craven District (Outside the Yorkshire Dales National Park) Local Plan, the establishment of a new dwelling is unacceptable in principle and contrary to Saved Local Plan Policy ENV1 and national planning policy within PPS1 and PPS3. There are no special circumstances or other material considerations known that would outweigh the conclusion that the breach of planning control alleged is unacceptable in principle.

5. POLICIES AND PROPOSALS IN THE DEVELOPMENT PLAN RELEVANT TO THE DECISION TO ISSUE THIS NOTICE

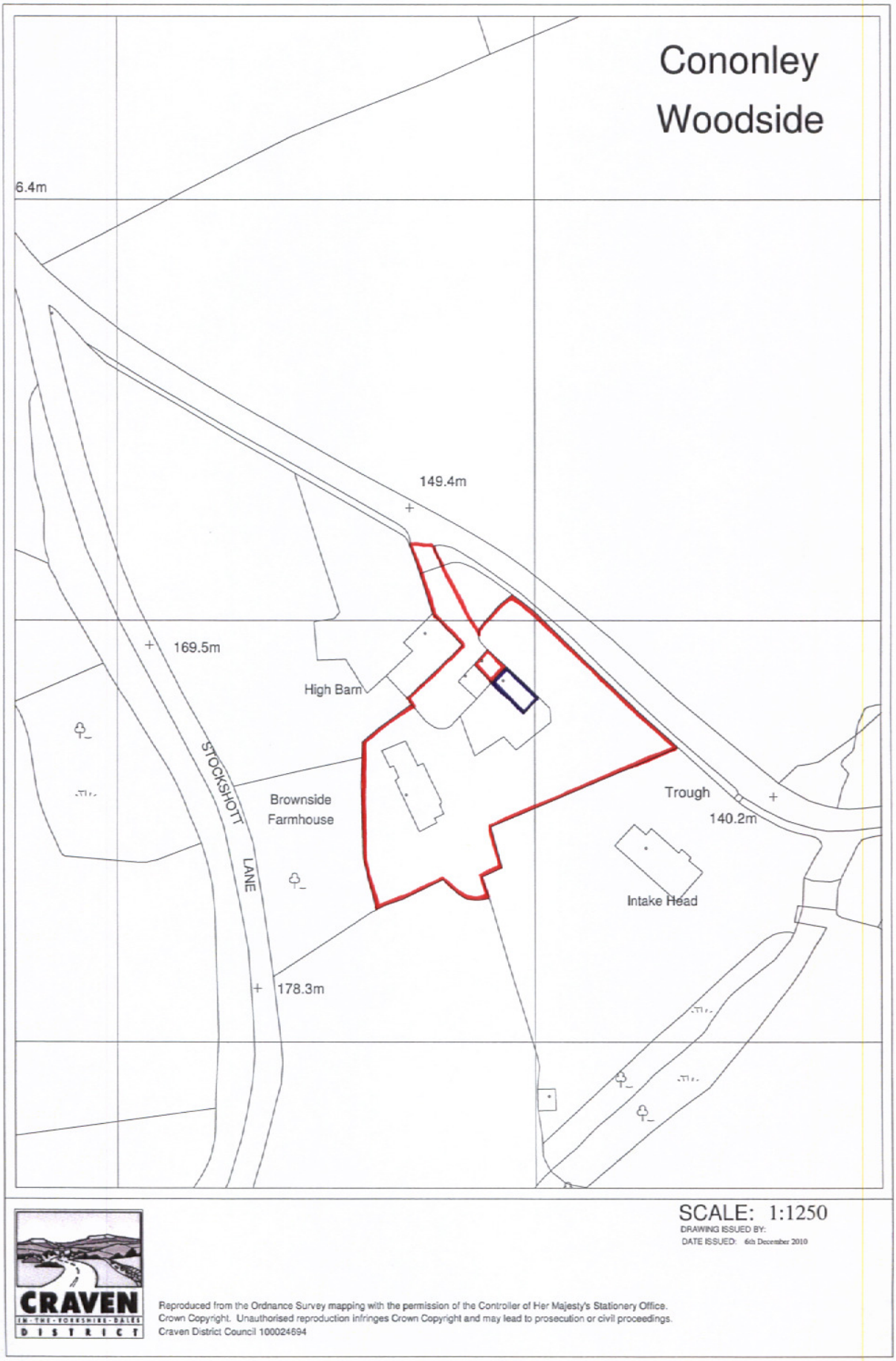
The following Development Plan policies are relevant:

SAVED POLICIES FROM THE CRAVEN DISTRICT (OUTSIDE THE YORKSHIRE DALES NATIONAL PARK) LOCAL PLAN 1999

ENV1: Development in the Open Countryside

National Planning Policy within the following is also of relevance:

PPS1: Delivering Sustainable Development



SCALE: 1:1250

DRAWING ISSUED BY:

DATE ISSUED: 6th December 2010

CRAVEN
IN THE YORKSHIRE DALES
DISTRICT

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Craven District Council 100024694

PPS3: Housing

6. WHAT YOU ARE REQUIRED TO DO

You are required to take the following steps within the period of three months from the date on which this notice takes effect:

6.1 Permanently cease to use the building on the land otherwise than for purposes ancillary to the use of the building known as Browside Farmhouse as a single dwellinghouse.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 24th January 2011, unless an appeal is made against it beforehand.

Dated: 13th December 2010

Signed:

Gill Cooper
Strategic Manager Legal & Democratic Services
Craven District Council
Council Offices
Granville Street
SKIPTON
North Yorkshire BD23 1PS

EXPLANATORY NOTE

Craven District Council has issued an enforcement notice relating to land at Browside Farmhouse, Woodside Lane, Cononley, and a copy of that notice is served on you as you occupy and/or have an interest in the land. Copies of the notice are also being served on the other parties listed at the end of this Note who, it is understood, also occupy and/or have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on the 24th January 2011 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please find enclosed an information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you do want to appeal against the enforcement notice you must ensure that you send your appeal so that it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the 24th January 2011.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what it necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of section 174 (2) of the Town and Country Planning Act 1990 (as amended) this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £670. You should pay half of the fee (£335) to The Planning Inspectorate (made payable to the Department of Communities and Local Government) and the other half of the fee to Craven District Council. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should also state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Also enclosed is a copy of sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended).

Parties on whom a copy of the enforcement notice has been served:

1. Mr David Christopher Parsons
Browside Farmhouse
Woodside Lane
Cononley
KEIGHLEY
BD20 8PE

Mrs Victoria Jane Parsons
Browside Farmhouse
Woodside Lane
Cononley
KEIGHLEY
BD20 8PE