



STROUD DISTRICT COUNCIL

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www.stroud.gov.uk

ENFORCEMENT REPORT FOR WEEKLY LIST

DATE:	28/04/17
REFERENCE:	S.16/0150/BRCON
CONTACT:	Mrs. C. Cambridge, Senior Enforcement Officer, 01453 754227
ADDRESS:	Meister Masonry Ltd, Catbrain Quarry, Painswick, Stroud, Gloucestershire, GL6 6SU

REASON FOR THE REPORT:

Meister Masonry Ltd is based in Painswick. Meister Masonry Ltd is a quarry, which has been there for some time. A golf course is to the west of the site, on top of the steep quarry. To the east of the site, is woodland known as Catsbrain Tump. The woodland and the surrounding land around the quarry are under Site of Special Scientific Interest. Along the east side of the quarry, runs the Cotswold way. Further to the east of the site, sits another public right of way.

It was reported to the council that Meister Masonry have extended their road to the east of the site, by placing hardcore and aggregate along the edge of the site as well as on the protected woodland. The expansion is a couple of meters in width and is considered as an engineering operation. Trees have been felled to compact the extended road for the site. At the edge of the compacted hardcore/aggregate, is a steep slope, falling downwards towards the forest. Boulders were apparent in the woodlands, where they had fallen. The current public right of way, sitting to the lower part of the slope, could be affected if the temporary road was to fall.

Meister Masonry have not applied for planning permission before this had taken place, nor consulted the land owners. The current extension falls outside of their land and is not included within previous approved applications.

As the land falls under SSSI land, a nationally important and protected site, the development would have to demonstrate the benefits and to identify why the changes that need to take place, outweigh the national importance of the scientific interest. It would have to both enhance the existing sites features and contribute to the overall importance, as per policy ES6 of the Stroud District Local Plan, November 2015. The engineering operation that has



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taken place has not considered the surrounding area and does not enhance the natural environment. The only benefit is only for the business itself. For that reason, this goes against policy ES6 or the SDLP, November 2015.

Stroud District Local Plans strategic objective, under SO6, seeks to minimise the impact on development within sensitive landscapes. It emphasises on high quality design, with holistic approach, achieving its current high quality environment. The engineering operation taken place, does not have regard to its surrounding area, and has not shown any interest in protecting the woodland. They have however informed us, that they are trying to protect the public, by trying to safeguard pedestrians on the Cotswold way, but with a detrimental impact on the SSSI, contrary to Policy SO6.

Within Policy ES7, development will only be permitted if the material used, compliment the overall landscape character. The development should retain key features of the natural environment, like trees. Meister masonry has only retained a small amount of trees as well as covering the woodland floors species with aggregate. This does not demonstrate the retention of the natural landscape, contrary to Policy ES7.

Enforcement action would require the land to be returned to its original form, by returning the slope of the land and by replanting trees that have been felled.

Enforcement action in this case has implications for schedule 1, part II, Article 1 (protection of property) of the Human Rights Act, 1998. Whilst Article 1 entitles everyone to the peaceful enjoyment of their possessions, it does not impair the state to enforce laws to control property in the general interest. Without adequate controls the engineering operation is unacceptable and the land should be returned to its original state. It is therefore in the general interest and in accordance with the law for the state to interfere with this right.

RECOMMENDATION:

It is your Officer's recommendation that enforcement action should be taken under section 172 of the Town and Country Planning Act, 1990, for the reasons outlined in this report.