



Hinckley & Bosworth
Borough Council

A Borough to be proud of

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT
(As amended by the Planning and Compensation Act 1991)
LISTED BUILDING ENFORCEMENT NOTICE**

ISSUED BY HINCKLEY & BOSWORTH BOROUGH COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to it that there has been a breach of planning control, under section 38 of the above Act, at the land described below in contravention of Section 7 of the Act. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

The land at The Hollybush Restaurant, Upper Bond Street, Hinckley, Leicestershire, LE10 1RH ("the Land") which is shown edged red on the plan annexed ("the Plan").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the erection of two new advertisements on the facia of a Grade II Listed Building

4. REASONS FOR ISSUING THIS NOTICE

(a) It appears to the Council that the above breach of planning control has occurred within the last ten (10) years and there is no immunity due to the property being a Grade II listed building

- (b) The erection of the two advertisements on a Grade II Listed Building is having a detrimental impact on the architectural importance of the building. The signs are of a poor design and do not enhance the character of the heritage building and is contrary to policy BE1, BE4 of the Hinckley & Bosworth Borough Council Local Plan and the National Planning Policy Framework
- (c) The advertisements are of a modern design and are bracketed onto the facade of the building and do not enhance the special character of the building. This is contrary to policy BE11 of the Hinckley & Bosworth Borough Council Local Plan and the National Planning Policy Framework.
- (d) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO:-

Remove the two newly erected advertisements from the facade of the property and make good the property and restore to former state prior to erection of the advertisements

6. TIME FOR COMPLIANCE:

One (1) calendar month after this notice takes effect.

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 29 August 2014 unless an appeal is made against it beforehand.

Dated: 29 July 2014

Signed: 

on behalf of:-

Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

ANNEX

PERSONS SERVED

The following persons have been served with a copy of this Notice:

To Whom It May Concern:	Any Owner
Ats Asia Inc (Incorporated In Seychelles)	Land at The Hollybush Restaurant
Cartesiusstraat 184	Upper Bond Street
2562SP Gravenhage	Hinckley
Holland	Leicestershire
Netherlands	LE10 1RH

Any Occupier
Land at The Hollybush Restaurant
Upper Bond Street
Hinckley
Leicestershire
LE10 1RH

YOUR RIGHT OF APPEAL

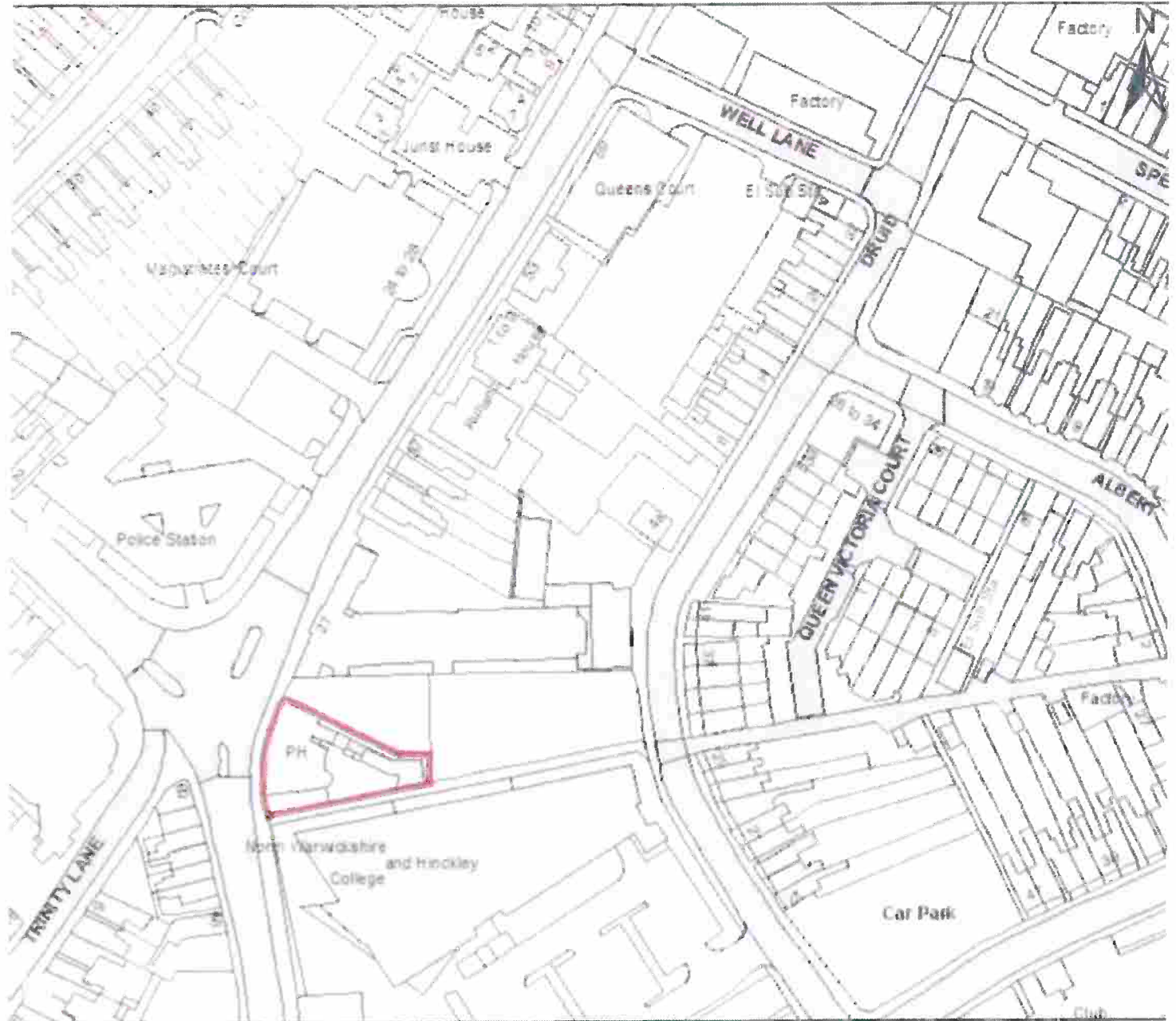
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed leaflet "HOW TO COMPLETE YOUR ENFORCEMENT APPEAL FORM" sets out your rights and how to lodge your appeal. If you wish to lodge an appeal you must contact the Planning Inspectorate in the first instance for the forms to be sent to you.

If you appeal and wish the appeal under ground (a) or the deemed planning application to be considered a fee of £ 220.00 is payable. Fee must be paid to the Council (cheque made payable to Hinckley & Bosworth BC). The Planning Inspectorate will notify you of the date by when this fee must be paid.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice 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 paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Enforcement Notice Plan



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Author:

Map Notes

Scale

1:1,250

EXPLANATORY NOTE TO ENFORCEMENT NOTICE

1. Your Right of Appeal

You can appeal against this notice to the Planning Inspectorate. Such an appeal must be made by giving written notice of appeal to the Planning Inspectorate before the date specified in paragraph 7 of the Enforcement Notice or by sending such a notice to them in a properly addressed pre-paid letter posted to them at such time that, in the ordinary course of post, it would be delivered to them before that date.

You may use the enclosed appeal forms. One copy is for you to send to the Planning Inspectorate if you decide to appeal, together with a copy of the Enforcement Notice. The second copy of the appeal form and notice should be sent to the Council. The remaining appeal form and the Enforcement Notice is for your records.

The grounds on which you may appeal are set out in Section 39 of the Planning (Listed Buildings & Conservation Areas) Act 1990 set out at paragraph 6 below.

2. What Happens if You do Not Appeal

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice 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.

3. Fee for Deemed Applications

Should you appeal against this notice, then fees are payable in respect of a deemed application under Section 39(4) of the Planning (Listed Building & Conservation Areas) Act 1990. A fee of £220 is payable to Hinckley and Bosworth Borough Council.

No fees are payable if either a planning application has been made to the Borough Council or an appeal against the refusal of planning permission (in either case in respect of the development the subject of this notice) and at the date this notice was issued, either the planning application or the appeal has not been determined.

4. Grounds of Appeal

If you appeal against the Notice, you must submit to the Planning Inspectorate, either when giving notice of appeal or within 14 days from the date on which the Planning Inspectorate send you a notice requiring this, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

5. Other Persons Served with Enforcement Notice

Ats Asia Inc (Incorporated in Seychelles), Cartesiusstraat 184, 2562SP Gravenhage, Holland, Netherlands

6. Section 39 of the Planning (Listed Buildings & Conservation Areas) Act 1990

- (1) A person having an interest in the building to which a listed building enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice on any of the following grounds—
- (a) that the building is not of special architectural or historic interest;
 - (b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;
 - (c) that those matters (if they occurred) do not constitute such a contravention
 - (d) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;
 - (e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
 - (f) that copies of the notice were not served as required by section 38(4);
 - (g) except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;
 - (h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;
 - (i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;
 - (j) that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;
 - (k) that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

- (2) An appeal under this section shall be made either—
- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the listed building enforcement notice as the date on which it is to take effect; or
 - (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.]
- (3) Where such an appeal is brought the listed building enforcement notice shall subject to any order under section 65(3A) be of no effect pending the final determination or the withdrawal of the appeal.
- (4) A person who gives notice of appeal under this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed, a statement in writing—
- (a) specifying the grounds on which he is appealing against the listed building enforcement notice; and
 - (b) giving such further information as may be prescribed.
- (5) If, where more than one ground is specified in the statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
- (6) Where any person has appealed to the Secretary of State under this section against a notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (7) In this section "relevant occupier" means a person who—
- (a) on the date on which the listed building enforcement notice is issued occupies the building to which the notice relates by virtue of a license and
 - (b) continues so to occupy the building when the appeal is brought.