



Hinckley & Bosworth
Borough Council

A Borough to be proud of

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("the Act")

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY HINCKLEY & BOSWORTH BOROUGH COUNCIL ("the 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 171A(1)(a) of the above Act, at the land described below. 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 23 Station Road, Ratby, Leicester, Leicestershire, LE6 0JQ ("the Premises") which is shown edged red on the plan annexed ("the Plan").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the change of use from the use within Class A3 of the Use Classes Order 1987 (as amended) ("the Order") for the sale of food or drink for the consumption on the premises to a mixed use for the sale of food and drink for consumption on the premises and for the sale of food and drink for consumption off the premises Class A5 of the Use Classes Order 1987 (as amended) ("the Order")

4. REASONS FOR ISSUING THIS NOTICE

- a) The use of the premises as a mixed restaurant/hot food-take away is having an adverse impact on the local road network due to an increase in the amount and frequency of vehicle parking and loading/unloading on the public highway in connection with the use of the premises for the A5 use. This is having and would continue to have an adverse impact upon highway safety contrary to Policy T5 of the adopted Hinckley & Bosworth Local Plan and Paragraph 32 of the National Planning Policy Framework.
- b) The use of the premises as a mixed restaurant/hot food take-away has an adverse impact on the neighbouring residential properties due to noise, disturbance and odour. This is contrary to Policy BE1 of the Hinckley & Bosworth Local Plan and Paragraph 17 of the National Planning Policy Framework.
- c) It is evident that the change of use has occurred within the last 10 years and it is therefore considered expedient for the Council to take enforcement action to remedy the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO:-

- a) Cease the use of the premises for the sale of food for consumption off the premises


6. TIME FOR COMPLIANCE:

Two (2) months after this notice takes effect.

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 18 July 2015 unless an appeal is made against it beforehand.

Dated: 18 June 2015

Signed: 

Simon Atha
Planning Manager (Development Manager)

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:

Mr Tuhel Miah
49 Herbert Street
Loughborough
LE11 1NU

Any Owner
Land at 23 Station Road
Ratby
Leicester
Leicestershire
LE6 0JQ

Any Occupier
Land at 23 Station Road
Ratby
Leicester
Leicestershire
LE6 0JQ

Mr Michael Hurst
27 Station Road
Ratby
Leicestershire
LE6 0JQ

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 **£770.00** 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

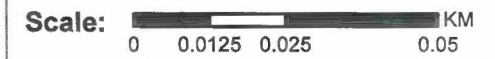
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Plan

Not Set



Legend



Organisation	Hinckley and Bosworth BC
Department	Department
Comments	Not Set
Date	08/06/2015
PSMA Number	100018489