



Hinckley & Bosworth
Borough Council

A Borough to be proud of

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

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 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 north west Of, Cold Comfort Farm, Rogues Lane, Hinckley, Leicestershire, LE10 3DX ("the Land") which is shown edged red on the plan annexed ("the Plan").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the unauthorised change of use of land from agriculture to use as a residential gypsy and traveller caravan site.

4. REASONS FOR ISSUING THIS NOTICE

- a) In the opinion of the Local Planning Authority, the development has introduced within an isolated, unsustainable location outside of or adjacent to a settlement boundary and as such is not considered to be located within a reasonable distance

of local services and facilities. The unauthorised change of use is contrary to Policy 18 of the Hinckley & Bosworth Borough Council Core Strategy 2009, Policy NE5 of the Hinckley & Bosworth Local Plan 2001 and Paragraph 14 of the National Planning Policy Framework 2012.

- b) The unauthorised change of use fail's to assimilate with the landscape and would have an adverse impact on the appearance of the countryside contrary to the requirements of Policy 18 of the Hinckley & Bosworth Core Strategy 2009 and Policy NE5 of the Hinckley & Bosworth Local Plan 2001 and therefore results in an un-justified harm to the intrinsic character and beauty of the countryside contrary to Paragraph 17 of the National Planning Policy Framework 2012.
- c) In the opinion of the Local Planning Authority the unauthorised change of use would introduce additional vehicular and pedestrian movements on Rogues Lane which lacks both footways and street lighting, impacting upon highway safety. This would be contrary to Policy T5 of the adopted Hinckley & Bosworth Local Plan 2001, Policy 18 of the Core Strategy and Paragraph 32 of the National Planning Policy Framework 2012.
- d) The Council considers that the adverse impacts of the unauthorised development can not be satisfactorily mitigated by the use of planning conditions. It is evident that the unauthorised change of use was created within the last 10 years and is expedient for the Council as the Local Planning Authority to take enforcement action to remedy the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO:-

- i) Permanently cease the use of the Land as a residential caravan site
- ii) Permanently remove from the land all caravans; associated vehicles and domestic paraphernalia
- iii) Reinstate the land to its former condition as an open grassed field

6. TIME FOR COMPLIANCE:

- i) For requirement (i) and (ii) above: Three (3) calendar months following the date this Notice takes effect.

- ii) For requirement (iii) above; Four (4) calendar months following the date this Notice takes effect

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 23 August 2015 unless an appeal is made against it beforehand.

Dated: 23 July 2015

Signed: 

Simon Atha (Planning 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 Alwyn Smith
Grove View Farm
Mere Lane
Biteswell
Leicestershire
LE17 4LH

Any Owner at:
Land at Land North West Of
Cold Comfort Farm
Rogues Lane
Hinckley
Leicestershire

Any Occupier at:
Land at Land North West Of
Cold Comfort Farm
Rogues Lane
Hinckley
Leicestershire

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

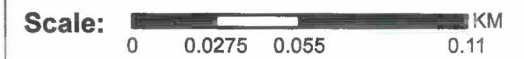
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice.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

Enforcement Notice Plan

Not Set



Legend



Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
Date	23/07/2015
PSMA Number	100018489