



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 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

Land ("the Land") on the northeast side of Newton Linford Lane, Groby, Leicestershire shown edged red on the attached plan ("the Plan")

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, change of use of the Land from use for agriculture to a mixed use for agriculture and for the siting of a twin mobile unit for residential use as shown hatched blue on the Plan

4. REASONS FOR ISSUING THIS NOTICE

- a) The Council became aware of the breach of planning control on the 7 September 2015 when an application ("the Application") was submitted to it for a lawful development certificate for an existing use, the Land being at that time and for at least [10] years prior to the Application entirely surrounded by vegetation and in particular a four-metre-high metal fence topped off with barbed wire
- b) The Council believes that the existence of the said twin mobile unit has been concealed from it and that concealment was designed to avoid enforcement action by the Council
- c) The unauthorised change of use has been undertaken without the benefit of planning permission and has an undesirable impact on the open and undeveloped character of the Green Wedge. A residential use is unacceptable within the Green Wedge and is contrary to Policy 9 of the adopted Hinckley and Bosworth Borough Council Core Strategy 2009 and Paragraph 17 of the National Planning Policy Framework.
- d) The unauthorised change of use fails to assimilate the mobile homes with the landscape and has an adverse impact on the appearance of the countryside contrary to the requirements of Policy NE5 of the Hinckley and Bosworth Borough Council Local Plan 2001 and Policy DM4 of the Emerging Site Allocations and Development Management Policies Development Plan Document – December 2014 and therefore results in an un-justified harm to the intrinsic character and beauty of the countryside.

5. WHAT YOU ARE REQUIRED TO DO:-

- i) Cease the residential use of the land and remove the twin mobile unit from the land.
- ii) Remove all structures/buildings and associated domestic paraphernalia including:
Twin mobile home, metal front shed, concrete paving, TV Aerial, waste bins, gas bottles, plastic tubs, ladders, plastic sheeting, timber, bricks, pipework

- iii) Reinstate the land with top soil and re seed.

6. TIME FOR COMPLIANCE:

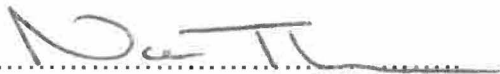
- i) For requirement (i) and (ii) above: Three (3) calendar months following the date this Notice takes effect.
- ii) For requirement (iii) above: Four (4) calendar months following the date this Notice takes effect.

7. DATE WHEN THIS NOTICE TAKES EFFECT

This notice will take effect on 7 February 2016 unless an appeal is made against it beforehand.

Dated: 7 January 2016

Signed:



Nic Thomas (Chief Planning and Development Officer)

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 Jason McDonaugh
38 Reynolds Place
Leicester
Leicestershire
LE3 1EU

Mr Rodger Wolanczyk
73 Markfield Road
Groby
Leicester
Leicestershire
LE6 0FL

Mr Arthur Oliver McDonagh
38 Reynolds Place
Leicester
Leicestershire
LE3 1EU

To Whom it may Concern:
Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Upton Magna
Shrewsbury
Shropshire
SY4 4TT

Mr Jason Arthur McDonough
270 Loughborough Road
Leicester
LE4 5LH

Mr Arthur McDonough
270 Loughborough Road
Leicester
LE4 5LH

Any Owner at
Land northeast of Newton Linford Lane
Groby
Leicestershire

Any Occupier at
Land northeast of Newton Linford Lane
Groby
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.

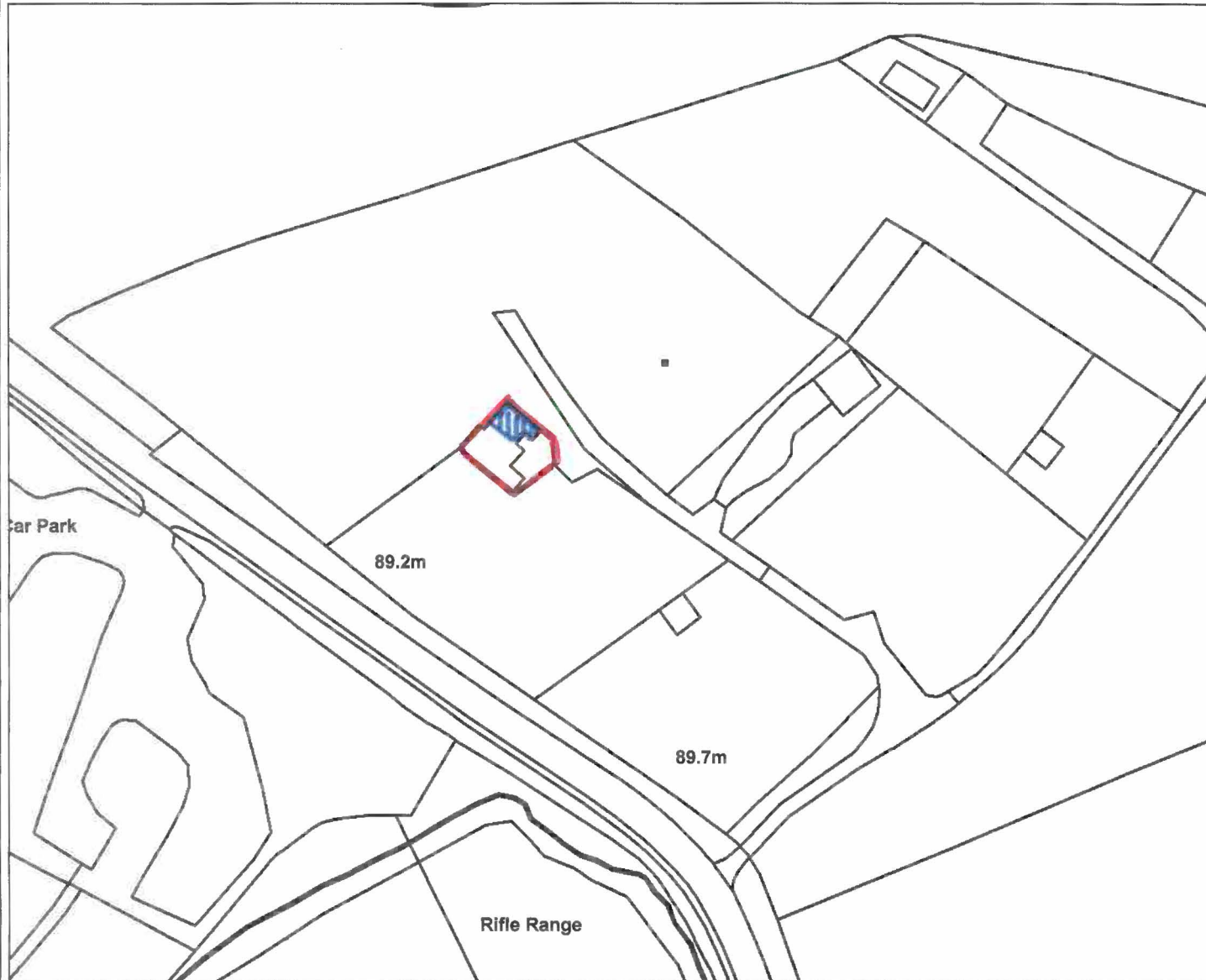
WHAT HAPPENS IF YOU DO NOT APPEAL

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.

Planning Enforcement Notice Plan

Not Set



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
Date	05/01/2016
PSMA Number	100018489