



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 Dagleys Farm, Potters Marston Lane, Earl Shilton, Leicestershire, LE9 7TR ("the Land") which is shown edged red on the plan annexed ("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 Appeal Decision reference APP/K2420/C/12/2172316 and dated 3 August 2012, granted planning permission for the change of use of the Land from use as

agricultural land to a mixed use as agricultural land and residential use, and the siting of a twin unit mobile home for residential use ("The 2012 Temporary Use")

- b) Condition 1 of the Appeal Decision required that The 2012 Temporary Use be discontinued, the mobile home, its associated foul drainage systems, and all motor vehicles and equipment not ancillary to the agricultural use of the Land be removed and the Land restored to its former condition on or before the end of the period 3 years from the date of the Appeal Decision
- c) That period of 3 years has passed and the 2012 Temporary Use ceased to be the lawful use of the Land from 3rd August 2015
- d) The continued siting of the Twin Unit Mobile Home, its associated foul drainage systems, and its residential use have been in breach of planning control since 3rd August 2015
- e) Notwithstanding your assertion that the residential use of the twin unit mobile home has ceased, the Council has no firm evidence that the residential use has ceased in accordance with Condition 1 of the Appeal Decision and, in the opinion of the local planning authority, the presence of a residential mobile home in an unsustainable and isolated location constitutes an unjustified new residential use in the countryside. This is contrary to Policy NE5 of the Hinckley and Bosworth Local Plan 2001 and Policy DM4 of the Emerging Site Allocations and Development Management Policies Development Plan Document – December 2014.
- f) It is evident that the development has occurred within the last four years and is therefore considered expedient for the Council as Local Planning Authority to take enforcement action to remedy the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO:-

- i) Cease the use of the Land for residential purposes
- ii) Remove the twin mobile home from the Land

- iii) Remove from the Land the all services connected to the twin mobile home and reinstate the Land to its former condition prior to the siting of the twin unit mobile home and the installation of those systems

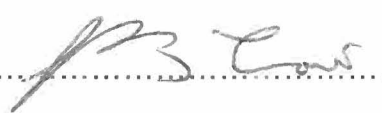
6. TIME FOR COMPLIANCE:

- i) For requirement (i) above: One (1) calendar month following the date this Notice takes effect
- ii) For requirement (ii) above: Three (3) calendar months following the date this Notice takes effect
- iii) 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 11 March 2016 unless an appeal is made against it beforehand.

Dated: 11 February 2016

Signed: 

Graeme Law (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 Richard King
Johnsbrook Farm
Potters Marston Lane
Thurlaston
Leicester
LE9 7TR

To the Company Secretary of:
Bank of Scotland PLC
Credit Fulfilment
Level 5
110 St Vincent Street
Glasgow
G2 5ER

Any Owner
Land at Dagleys Farm
Potters Marston Lane
Earl Shilton
Leicestershire
LE9 7TR

Any Occupier
Land at Dagleys Farm
Potters Marston Lane
Earl Shilton
Leicestershire
LE9 7TR

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



Legend

Scale: 0 0.0275 0.055 0.11 KM

Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
Date	09/02/2016
PSMA Number	100018489