



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 adjacent to The Oaks, Stapleton Lane, Kirkby Mallory, Leicester, Leicestershire ("the Land") which is shown edged red on the plan annexed ("the Plan").

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

Planning permission was granted on the 16 October 2013 for the "Change of use of land to holiday park and siting of 4 static caravans (part retrospective)" (Planning Reference: 13/00658/COU).

Condition 5 stated the following:

“The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the local planning authority following prior written notification”

Following this, a change of use of land from a holiday park to use of the land for permanent residential accommodation has occurred in breach of Condition 5 of the existing permission (Planning Reference: 13/00658/COU).

#### **4. REASONS FOR ISSUING THIS NOTICE**

- a) In the opinion of the Local Planning Authority, the use of the land for permanent residential accommodation fails to be of exceptional quality or be of innovative nature to satisfy the requirements of paragraph 55 of the National Planning Policy Framework; hence the restriction set out in Condition 5 of the original planning permission. It would therefore constitute an unacceptable form of development without justification in an unsustainable location, by virtue of the site being located outside of the settlement boundary and within the countryside. Accordingly the development is contrary to Saved Local Plan Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan 2001 and Paragraph 55 of the National Planning Policy Framework.
- b) It is evident that the change of use of the land to permanent residential accommodation has occurred within the last 4 years and it 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:-**

- a) Cease using the land for permanent accommodation
- b) Remove from the land all domestic paraphernalia associated with the permanent residential accommodation including: the raised balcony, letter box, TV Aerial, waste bins, timber, bricks, plastic tubs

**6. TIME FOR COMPLIANCE:**

Three (3) calendar months after this notice takes effect.

**7. DATE WHEN THIS NOTICE TAKES EFFECT**

This notice will take effect on 16 June 2016 unless an appeal is made against it beforehand.

Dated: 16 May 2016

Signed: .....  .....

Gemma Dennis (Principal Planning 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 Graham Penney  
The Oaks  
Stapleton Lane  
Kirkby Mallory  
Leicestershire  
LE9 7QJ

Company Secretary of:  
Barclays Bank PLC  
Standard Life Mortgages  
Mortgages Department  
P.O. Box 23966  
Edinburgh  
EH3 1BF

Mr Graham Penney  
The Oaks Lodge  
Land adjacent  
The Oaks  
Stapleton Lane  
Kirkby Mallory  
Leicester  
Leicestershire  
LE9 7QJ

Mr Simon Cheshire BA(Hons) DipTP  
MRTPI  
Simon Cheshire Planning Ltd  
34 Stanley Road  
Market Bosworth  
Nuneaton  
Warwickshire  
CV13 0NB

Any Owner  
Land at The Oaks  
Stapleton Lane  
Kirkby Mallory  
Leicester  
Leicestershire  
LE9 7QJ

Any Occupier  
Land at The Oaks  
Stapleton Lane  
Kirkby Mallory  
Leicester  
Leicestershire  
LE9 7QJ

### 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 **£390.00** 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 0.0125 0.025 0.05 KM

Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
Date	10/05/2016
PSMA Number	100018489