



**Hinckley & Bosworth  
Borough Council**

**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 171(A)(1)(a) of the Town and Country Planning Act on the land described in paragraph 2 of this notice. The Council considers that it is expedient to issue this notice having regard to the provisions of the development plan and to other material considerations. The Annex at the end of this notice and the enclosures to which it refers contain important additional information.
- 2. THE LAND AFFECTED**
  - 2.1. Land to the south of Cadeby Hall, Main Street, Cadeby, Leicestershire ("the Land") identified edged in red on the Plan that is attached to this notice.
- 3. THE BREACH OF PLANNING CONTROL ALLEGED**
  - 3.1. The carrying out of works for the construction of a dwellinghouse and ancillary structures including walls as shown on Drawing B14/27/PR53/01A from the lapsed planning permission 14/00574/FUL without the required planning permission.
- 4. REASONS FOR ISSUING THIS NOTICE**
  - 4.1. The Land is located outside of the settlement boundary of the rural hamlet of Cadeby. It forms part of the Cadeby Conservation Area. The Land is also part of the extended curtilage of Cadeby Hall. Cadeby Hall is identified by the Conservation Area Appraisal as an unlisted building of local historic or architectural importance. The land between Cadeby

Hall and the A447, including the land affected by this notice, is identified as a key open space in the Conservation Area Appraisal and there is a belt of trees alongside the A447. Both the Hall and its setting contribute positively to the character and appearance of the CA and its significance.

- 4.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. That object is reflected by paragraph 132 of the National Planning Policy Framework, which states that great weight should be given to the conservation of designated heritage assets, which include conservation areas. In a similar vein, policies DM11 and DM12 of the adopted Hinckley and Bosworth Site Allocations and Development Management Plan are intended to allow the Council to manage development to further the objects of s.72 of the 1990 Act and paragraph 132 of the Framework so as to protect the historic environment, including designated and non-designated heritage assets.
- 4.3. Planning permission 14/00574/ FUL was granted for the development of a single dwelling on the Land on 5<sup>th</sup> May 2015 (“the First Dwelling”). Subsequently, planning permission was granted for another dwelling on a part of the Land. That other dwelling has been built. The relevant planning permission has a reference 17/00789/FUL (“the Second Dwelling”). Having regard to the particular sensitivity of the Land, the provisions of s.72(1) of the 1990 Act, paragraph 132 of the Framework and the policies of the development plan, the Council is committed to preserving the predominantly open character of the edge of the Conservation Area. To that end, it regards the First and Second Planning Permissions as alternative schemes of development. That is reflected by the fact the scheme for the construction of the Second Dwelling was and is physically inconsistent with the scheme for the development of the First Dwelling.
- 4.4. In the circumstances, the development of the Second Dwelling on part of the Land which comprised the garden and the driveway of the First Dwelling rendered the development of the latter incapable of implementation. Consequently works purporting to commence the development of the First Dwelling could not and did not do so. The result was that planning permission 14/00574/FUL lapsed on 5 May 2018.
- 4.5. The Council is satisfied that the grant of planning permission for a further dwelling on the Land in or about the location of the works mentioned in paragraph 3 of this notice would be contrary to the objectives of s.72 of the 1990 Act, paragraph 132 of the Framework and policies DM10 and DM 11 in that it would detract from the predominantly open character of the edge of the Conservation Area and harm the setting of Cadeby Hall. The harm the

development causes cannot be overcome by the imposition of conditions or by a planning obligation.

4.6. The works have taken place during the last 4 years.

4.7. The Council considers it expedient to take enforcement action to prevent the development of a dwelling on the Land in or about the location of the works and to restore it to the condition it was in before the breach of planning control occurred.

**5. WHAT YOU ARE REQUIRED TO DO:-**

5.1. Demolish and remove the works specified in paragraph 3 of this notice from the Land.

5.2. Level, make good and seed the Land with grass.

**6. TIME FOR COMPLIANCE:**

6.2. Six (6) months after this notice takes effect.

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

7.1. This notice will take effect on **15 August 2018** unless an appeal is made against it beforehand.

Dated: 18/7/18

Signed: ..... gcy .....

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:

Any Occupier

Land to the south of Cadeby Hall

Main Street

Cadeby

Leicestershire

Any Owner

Land to the south of Cadeby Hall

Main Street

Cadeby

Leicestershire

Nigel Salt

Manor House

Lutterworth Road

Bitteswell

Lutterworth

Leicestershire

LE17 4RX

Salt Construction Limited

Co. Regn. No.09063727

304 Leicester Road

Wigston

LE18 1JX

Robert Anthony Jennings

3 The Courtyard

Bell Street

Claybrooke Magna

Lutterworth

LE17 5FH

Julie Ann Jennings

3 The Courtyard

Bell Street

Claybrooke Magna

Lutterworth

LE17 5FH

## **YOUR RIGHT OF APPEAL**

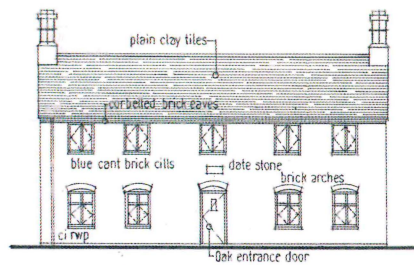
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed leaflet "HOW TO COMPLETE YOUR ENFORCEMENT APPEAL FORM" sets out your rights and how to lodge your 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 **£924.00** 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.

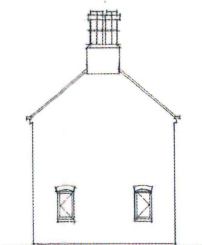
## **WHAT HAPPENS IF YOU DO NOT APPEAL**

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.

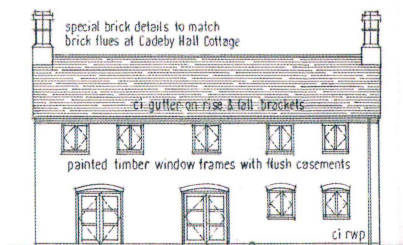
NOTES



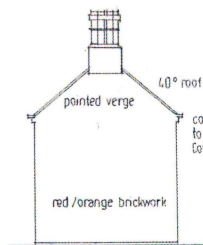
north east elevation



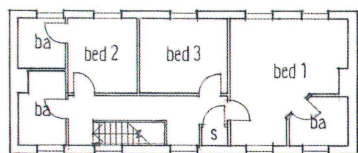
south east elevation



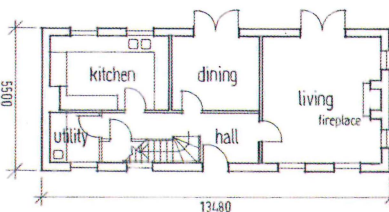
south west elevation



north west elevation



first floor plan



ground floor plan

window frames to be built in reveal & recessed 103mm

all work adjacent existing trees is to be carried out in accordance with BS 5837: 2012

timber post & rail fence 1m high

access to be closed with timber fence

timber post & rail fence to match

timber post & rail fence 1m high

timber post & rail fence 1.2m high

40° roof pitch

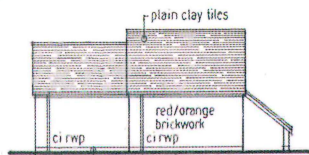
conifer hedge 9m high

timber post & rail fence 1m high

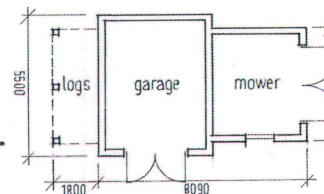
plain clay tiles

ci rwp

painter's timber doors



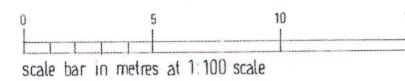
north west elevation



south east elevation

north east elevation

south west elevation



REVISIONS

A	Front porch omitted & further information added.	2 3 15
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NEW COTTAGE AT CADEBY HALL  
FOR MR & MRS S WARNER  
PLANS & ELEVATIONS

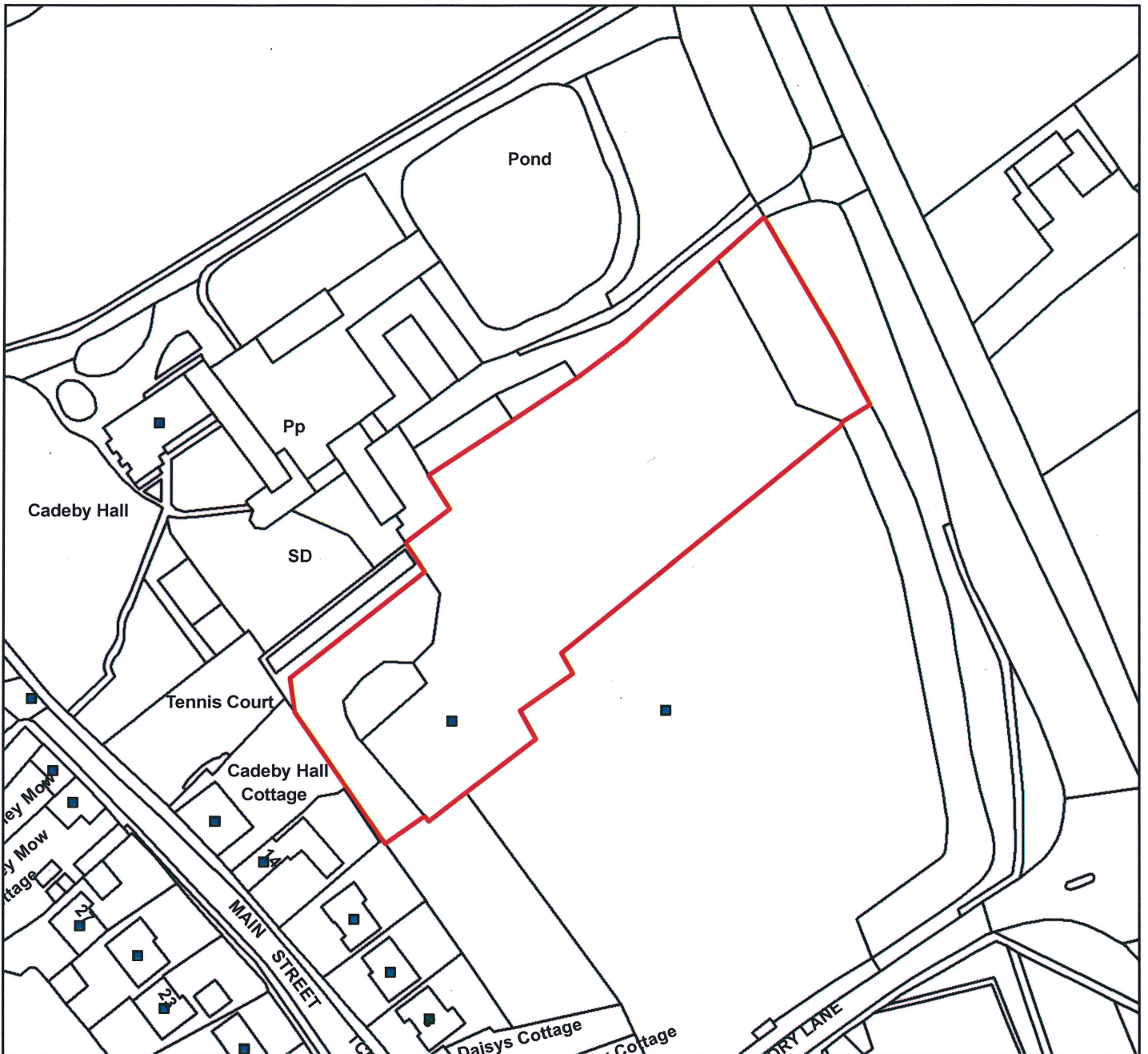
1:200 & 1:100 at A1 15 1 15

db  
David F Barnes Dip Arch RIBA  
14 Pyeharps Road Burbage LE10 2JE  
Telephone 01455 633410

B14/27/PRS3/01A

# The Land

Not Set



**Scale:** 1:1,250

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Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
Date	18/07/2018
PSMA Number	100018489