

**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**

**1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the Act, at the land described below. They consider 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 TO WHICH THE NOTICE RELATES**

Land at 'Raman Reti', 43 Church Road, Kirkby Mallory, Leicester, Leicestershire, LE9 7QE ("the Land") shown edged in red on the attached plan

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of the stables and manege from a use incidental to the enjoyment of a dwellinghouse (C3) to a riding school (D2) on the Land.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred on the land to which this notice relates within the last ten (10) years.

The stables and horse riding manege at the site were approved under 78/01516/4M and 99/00910/FUL with planning conditions attached that restricted the use of the facilities to remain at all times incidental to the enjoyment of the host dwelling and for use in connection with the occupiers own livestock with no trade, livery, riding school or any other business or commercial use permitted. These restrictions were originally imposed to ensure that the development and use of the facilities remain compatible with the surrounding area and in the interests of road safety.

Prior to the unauthorised use of the site for the riding school currently in operation, the site and surrounding area were residential in character with a low key ancillary equestrian recreational use compatible with its tranquil residential surroundings.

By virtue of the significant increase in the intensity of horse riding within the site including additional comings and goings by third parties, increase in the level and duration of noise and disturbance and extended use of the flood light facilities, the use has resulted in significant adverse impacts on the previously peaceful residential character of the surrounding area to the detriment of the amenity, privacy, quality of life and well-being of the occupiers of neighbouring residential properties which are in close proximity to the site. The development is therefore in conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

In addition, the development results in adverse impacts on the highway network, failing to provide a safe and appropriate vehicular access. The site has been assessed by Leicestershire County Council (Highways) who consider that the access to the site is substandard to serve a development of the use class subject of this Notice. It is considered that appropriate visibility could not be achieved to provide a safe and suitable access from the site, particularly as the use of the site is generating traffic from larger, slower moving vehicles compared with the existing residential properties. Accordingly the Local Highway Authority considers that the residual cumulative highway impacts of the development would not be in the best interests of highway safety and is therefore in conflict with Policies DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 108 and 109 of the NPPF (2019).

There is no provision for on-site parking that meets the requirements as required by Leicestershire County Council (Highways) and is therefore contrary to policy DM18 of the Site Allocations and Development Management Policies DPD (2016)

The Council do not consider that planning permission should be given, because planning conditions could not overcome clear policy led objections to the development.

## **5. WHAT YOU ARE REQUIRED TO DO**

- (i) Cease the use of the Land as a riding school (Class D2).

## **6. TIME FOR COMPLIANCE**

The period of compliance shall be Three (3) months after this Notice takes effect

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

This notice takes effect on **1<sup>st</sup> March 2020**, unless an appeal is made against it beforehand.

**Dated:** 30/1/2020

**Signed:**



Sally Hames

Team Leader (Planning Enforcement)

**On behalf of:**

Hinckley & Bosworth Borough Council

Hinckley Hub

Rugby Road

Hinckley

Leicestershire

LE10 0FR

# Raman Reti, 43 Church Road, Kirkby Mallory

Not Set



**Scale:** 1:1,250

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Organisation	Hinckley and Bosworth BC
Department	
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