

Hinckley & Bosworth Borough Council

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 –OPERATIONAL DEVELOPMENT

ISSUED BY: HINCKLEY & BOSWORTH BOROUGH COUNCIL (“The 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 above 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 39 Wykin Road, Hinckley, Leicestershire LE10 0HU, (the “Land”) shown edged in red on the attached plan (the “Plan”).

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

Without planning permission, the erection of a fence exceeding 1 metre above ground level fronting a highway on the Land (the “unauthorised development”), as shown in the photograph(s) under **Appendix 1** of this notice.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The unauthorised development has a significantly harmful effect on the character of the local street scene and general locality due to its height and general overall appearance. Furthermore, due to its height, the fence causes a highway and pedestrian safety risk as it obstructs visibility to the adjoining highway. Subsequently, the unauthorised development conflicts with Policy DM10 (Development and Design) and DM17 (Highways and

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Transportation) of the Hinckley & Bosworth Borough Council Site Allocations and Development Management Plan Document (2016) and Part 3, Figure DG17 of the Leicestershire Highways Design Guide and NPPF Paragraph 10.

The Council does not consider that planning permission should be given for this development, because planning conditions could not overcome the objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

a. Remove the fence and associated fence posts in their entirety

Or,

b. Reduce the fence and associated fence posts to a height not exceeding 1 metre from ground level.

6. TIME FOR COMPLIANCE

Three months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the **23rd January 2024**, unless an appeal is made against it beforehand.

Dated: 23rd November 2023

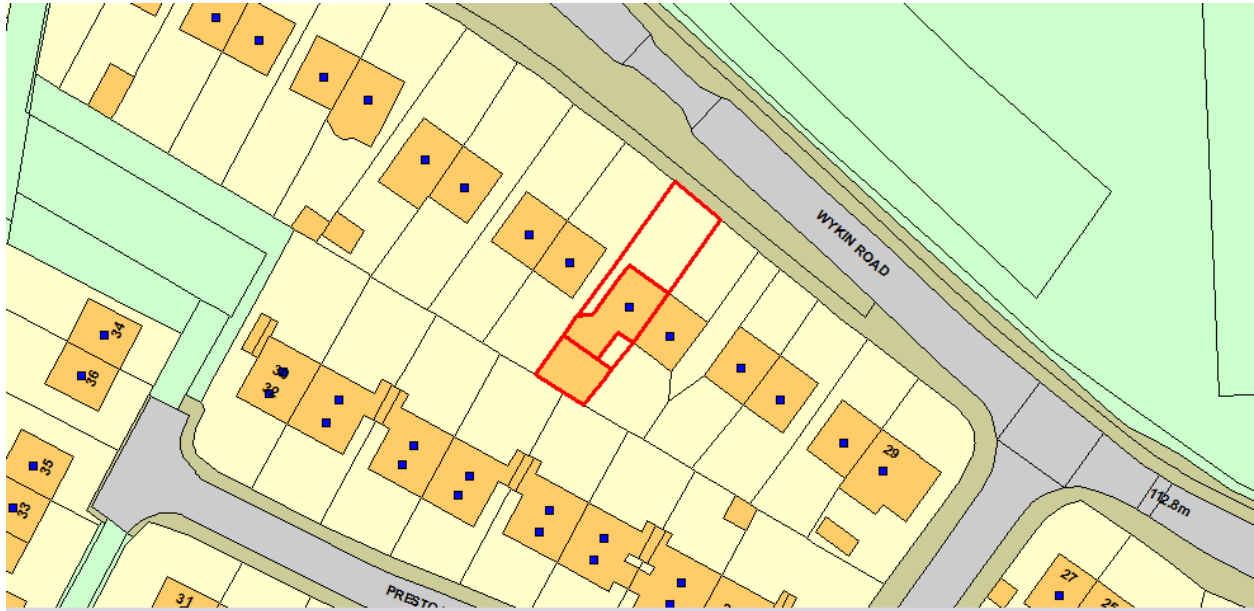
Signed:



Duly Authorised Officer
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

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THE PLAN - 39 Wykin Road, Hinckley, Leicestershire LE10 0HU



Appendix 1



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ANNEX

YOUR RIGHT OF APPEAL

Hinckley & Bosworth Borough Council has issued an enforcement notice relating to **39 Wykin Road, Hinckley, Leicestershire LE10 0HU** and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have been served on the parties listed at the end of this Annex

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 which is the **23rd January 2024**.

A copy of the Planning Inspectorate Enforcement appeals: procedural guide can be found using the following link:

<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>

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 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.

PERSONS SERVED WITH THE ENFORCEMENT NOTICE

Town and Country Planning (Enforcement Notices & Appeals) (England) Regulations 2002 Part 2, 5(c)

The following persons have been served with a copy of this notice:

The Owner, Occupier, and any other person with an interest in the land, 39 Wykin Road, Hinckley, Leicestershire LE10 0HU.

Angelo Carrino 39 Wykin Road, Hinckley, Leicestershire LE10 0HU.

Jacqueline Carrino 39 Wykin Road, Hinckley, Leicestershire LE10 0HU.