

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

ISSUED BY: Blaby District Council

1. **THIS NOTICE** is issued by the Council because it appears to it 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. The Council 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 **49-51 Main Street Cosby Leicestershire** shown edged red on the attached plan. (“the Land”).

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

Without planning permission, the erection of three oak framed porch canopies to the front and rear elevations of the property (shown in blue in the approximate positions on the attached plan).

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breaches of planning control have occurred on the Land to which this notice relates within the last four years.

The property is sited in a prominent position on the well-used thoroughfare of Main Street within the Cosby Conservation Area and the Settlement Boundary of Cosby village. It lies in close proximity to the Grade II listed Coates Barn, also known as Tithe Barn, a building of special interest and the Grade II* listed Church of St Michael and All Angels, a building of particular importance and of more than special interest. In this location policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013); Policies DM1 and DM12 of the Local Plan (Delivery) Development Plan Document (2019) and Policies CNDP1 and CNDP3 of the Cosby Neighbourhood Development Plan 2023-2029 apply.

The cluster of oak framed porch canopies appear incongruous on the front and rear elevations of this property and are not in keeping with the existing built form and definitive linear character of the traditional terrace houses located off Main Street. Due to the over proliferation and proximity of these

three porch canopies in such a condensed manner, including the extent of their overhang from both the front and rear of the property 49 – 51 Main Street, the canopies are visually incongruous additions that are not sympathetic to, or representative of the character and appearance of surrounding historic properties found in the Conservation Area. Therefore, the canopies have a negative impact on the character and appearance of the Cosby Conservation Area and detract from the setting of the Grade II* listed Church of St Michael and All Angels and the Grade II listed Tithe Barn.

In addition, the applicant has failed to identify and articulate the significance found in the surrounding designated heritage assets and has failed to identify the harmful impacts caused by the development which has undermined their setting, which makes a positive contribution to their significance. Furthermore, the applicant has also failed to demonstrate a clear and convincing justification for causing harm to the significance of these designated heritage assets and has not identified any public benefits that would outweigh that harm, which is considered to amount to 'less than substantial'.

The development, therefore, is not in accordance with policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013); Policies DM1 and DM12 of the Local Plan (Delivery) Development Plan Document (2019) and Policies CNDP1 and CNDP3 of the Cosby Neighbourhood Development Plan 2023-2029. The development also fails to accord with Chapter 16 of the National Planning Policy Framework (2021) and specifically paragraphs 194, 197, 199, 200 and 202, conflicting with the relevant legislation contained within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. WHAT ARE YOU REQUIRED TO DO

- i. Remove in their entirety the three oak framed porch canopies to the front and rear elevations of the property (shown in blue in the approximate positions on the attached plan).
- ii. Where damage is caused to the front and rear elevations of the property by the removal of the three oak framed canopies, make good with the surrounding render.

6. TIME FOR COMPLIANCE

The period of compliance shall be **THREE MONTHS** after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **11TH JANUARY 2024** unless an appeal is made against it before that date.

Dated: **7th December 2023**

Signed:

Graham Perkins
Senior Enforcement Officer

on behalf of:
Blaby District Council
Council Offices
Narborough
Leicester LE19 2EP

Annex

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. Please read the attached note from the Planning Inspectorate which accompanies this notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

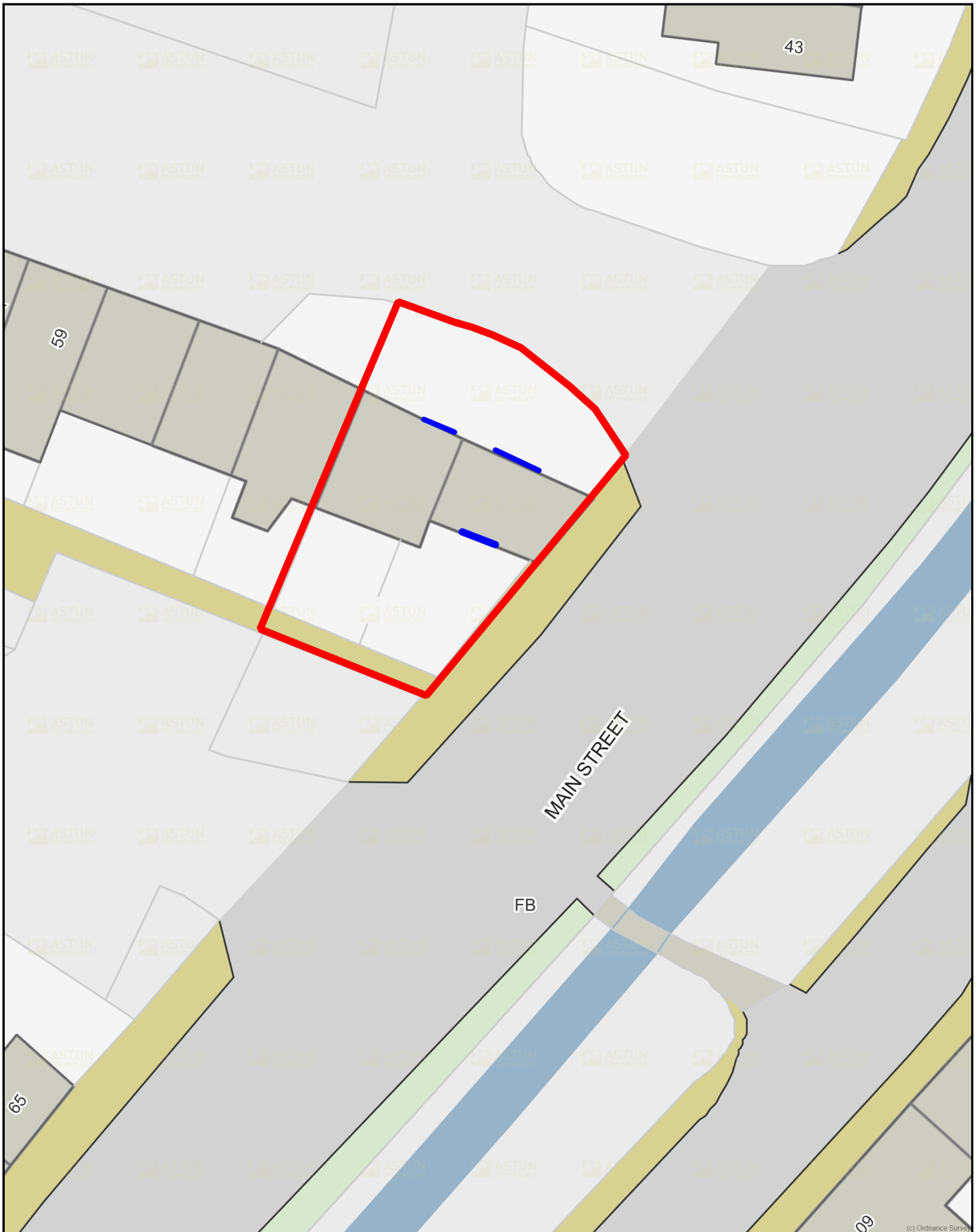
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. 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 ENFORCEMENT NOTICE

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

MR DAVID JOHN MARRIOTT
1 Ridge Gardens,
Cosby,
Leicester
LE9 1WE

MR DAVID MARRIOTT
Tithe Barn
Marriott Group Limited
Main Street
Cosby
LE9 1UW



Enforcement Notice Plan. 49-51 Main Street Cosby



N Scale: 1:250

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