

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: 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 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 TO WHICH THE NOTICE RELATES**

Land at 27 High Street, Enderby, Leicestershire LE19 4AG shown edged red on the attached plan (the Land).

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

Without planning permission, at the approximate location shown solid green on the attached plan; the material change of use of an outbuilding to an independent residential dwelling.

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 breach lies within the Land associated with 27 High Street in the village of Enderby, Leicestershire, which is situated within a Settlement Boundary as set out on the Policies Map where Policy DM1 of the Blaby District Plan Delivery Development Plan Document (2019) and Policies CS2 and CS20 of the Blaby District Local Plan Core Strategy (2013) apply.

Policy DM1 of the Local Delivery Plan DPD states that:

Within the Settlement Boundaries, as set out on the Policies Map, development proposals consistent with other policies of the Local Plan will be supported where the following criteria are met. The development proposal will:

- a) *Provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of:*
 - i) *privacy, light, noise, disturbance and overbearing effect;*

- ii) vibration, emissions, hours of working, vehicular activity.*
- b) Be in keeping with the character and appearance of the area;*
- c) Not result in the overdevelopment of the site due to factors including footprint, scale and massing;*
- d) Have a satisfactory layout, design and external appearance.*

The strategic objectives of Policy CS2 and CS20 of the Blaby District Local Plan Core Strategy (2013) include:

(v) To improve the design quality of all new developments in the District including the need to design out crime;

(vii) To preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.

The Local Planning Authority considers that:

1) The change of use of the existing building to a dwelling would result in an unsatisfactory relationship with neighbouring dwellings numbers 27 and 25 High Street Enderby. The proximity of the windows and doors of the new dwelling would create overlooking of the rear rooms of both existing dwellings and their gardens and will result in a significant detrimental amenity impact through loss of privacy. The outdoor amenity space for the new dwelling, including its necessary boundary treatment, would result in the loss of outdoor amenity space for both existing dwellings numbers 27 and 25 High Street Enderby. The very small gardens are north facing and would be enclosed by boundary treatment, resulting in a further significantly detrimental impact on the amenity of those dwellings. The development is contrary to policy DM1(a) of the Blaby District Plan Delivery Development Plan Document (2019) and the material consideration of the National Planning Policy Framework (NPPF) paragraph 127.

2) The insertion of the UPVC glazed side door does not respect the distinctive character of the building, and the design and layout of the outdoor amenity space is harmful to the character and quality of the area and the way it currently functions. The separation of the outbuilding from number 27 High Street Enderby, and the creation of separate outdoor space will create an unsatisfactory and cramped layout for the new dwelling and will be overdevelopment of the existing land associated with 27 and 25 High Street Enderby. The development is contrary to policy CS2 of the Blaby District Local Plan Core Strategy (2013) and DM1(b, c, d) of the Blaby District Local Plan Delivery Development Plan Document (2019) and the material consideration of NPPF paragraph 127.

3) The proposal would not provide a satisfactory relationship between the new dwelling and the neighbouring dwellings numbers 25 and 27 High Street Enderby. The windows of the new dwelling and its garden would be overlooked by the existing dwellings due to their close proximity. This would result in a significant detrimental amenity impact for further occupiers through loss of privacy. The development is contrary to policy DM1(a) of the Blaby District Local

Plan Delivery Development Plan Document (2019) and the material consideration of NPPF paragraph 127.

4) The development will not preserve or enhance the character or appearance of the Enderby Conservation Area. The outbuilding has a historical association with number 27 High Street Enderby and the severance of the relationship and the subdivision of the garden will not preserve this character. The public benefit of a single new dwelling in the context of a housing land supply of 7.07 years is not considered to outweigh the identified harm to the Conservation Area. The subdivision of the outbuilding from its associated house (number 27) and the sub-division of the outdoor space would be significantly harmful to the setting of the outbuilding, considered to be a non-designated heritage asset. The development is therefore contrary to policy CS20 of the Blaby District Local Plan Core Strategy (2013) and policy DM1(b) of the Blaby District Local Plan Delivery Development Plan Document (2019), and the following material considerations: Enderby Conservation Area Appraisal (2003) and NPPF paragraphs 192-197.

5. WHAT YOU ARE REQUIRED TO DO

i) Cease the use of the outbuilding as an independent residential dwelling.

6. TIME FOR COMPLIANCE

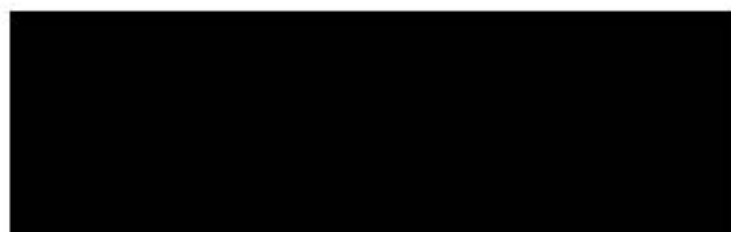
Four months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2nd November 2019 unless an appeal is made against it before that date.

Dated: 4th October 2019

Signed:

A black rectangular box redacting the signature of Jonathan Hodge.

Jonathan Hodge
Senior Planning Enforcement Officer
Blaby District Council
Council Offices
Narborough
Leicester
LE19 2EP

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31

27

103.3

35

HIGH STREET

PH²⁶

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Date :- 02 October 2019

O. S. Map Ref. :- SP5399SE

Scale :- 1:300



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 Maurice Mackenzie Dibbs
27 High Street,
Enderby
Leicestershire
LE19 4AG

Mr Maurice Mackenzie Dibbs
The Stable House
Ingarsby Road
Keyham
Leicester
LE7 9JU

Ms Joanne Lowther
c/o 27 High Street,
Enderby
Leicestershire
LE19 4AG

Bank of Scotland PLC
Birmingham Midshires Division
Pendeford Business Park,
Wobaston Road
Wolverhampton
WV9 5HZ



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.