

# **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 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 10 Tweed Street, Lubbethorpe, Leicester, Leicestershire, LE19 4BH (previously Plot 55 of Parcel R7)(“The Land”).

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

Without planning permission the unauthorised erection of a timber fence forward of the principal elevation of the original dwellinghouse. The approximate location of the fence is marked in blue on the attached plan.

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 four years.

The Land is located in the area known as Lubbethorpe and comprises of a large 2 storey detached dwelling with integral double garage set a short distance back from the Highway of a prominent street within the locality.

Policy CS2 and CS3 of Blaby District Local Plan (Core Strategy) Development Plan Document (2013) apply in this circumstance as well as Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) due to the Land being situated within the Settlement Boundary as well as Sustainable Urban Extension as set out on the Policies Map.

The Council has a vision for the development at Lubbesthorpe, one element of which is to achieve a high quality of design. These aspirations are also reflected in Policy CS2 of the Council's Core Strategy which takes a positive approach to the design of new development, with aims to improve the design quality of all new developments in the District as well as preserving the cultural heritage of the District and recognising its contribution to local distinctiveness. This view is further enhanced within the supporting text of Policy CS3 of the Council's Core Strategy.

Policy DM1 echoes these strategic aims by ensuring that new development within Settlement Boundaries will; be in keeping with the character and appearance of the area; as well as having a satisfactory layout, design and external appearance.

The Design Code requirement for formal hedgerow boundary treatments on many of the plots throughout the wider Lubbesthorpe development and especially on those fronting main roads is a carefully considered urban design feature in order to create attractive and pleasant streets with a strong landscape identity and a rich and bio-diverse environment, reflecting the landscape setting of New Lubbesthorpe.

Furthermore the removal of the native hedgerow boundary treatments which are abundantly provided at Lubbesthorpe, are detrimental to the unique landscape character of the wider development. The break in native hedgerow in this location may also negatively impact on the quality of this wildlife corridor which leads to green space (Brook Park) to the south.

The replacement of the native hedgerow with a timber fence introduces an urban and alien boundary treatment, which creates an obtrusive and discordant element onto this highly prominent street, and adds further to the detriment of the high quality character and appearance of the area.

Consequently the development is contrary to Policy CS2 and CS3 of the Blaby District Local Plan (Core Strategy) Development Plan Document Adopted 2013 and Policy DM1 of the Blaby District Local Plan 2019.

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

Remove the timber fence and reinstate the native boundary hedgerow in accordance with the approved landscaping scheme of permission 15/0832/RM. (Drawing Reference GL0368 03C, enclosed)

**6. TIME FOR COMPLIANCE**

The period of compliance shall be 90 days after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 8<sup>th</sup> July 2022 unless an appeal is made against it before that date.

Dated: 9<sup>th</sup> June 2022

Signed:

Jonathan Hodge  
Senior Enforcement Officer  
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**

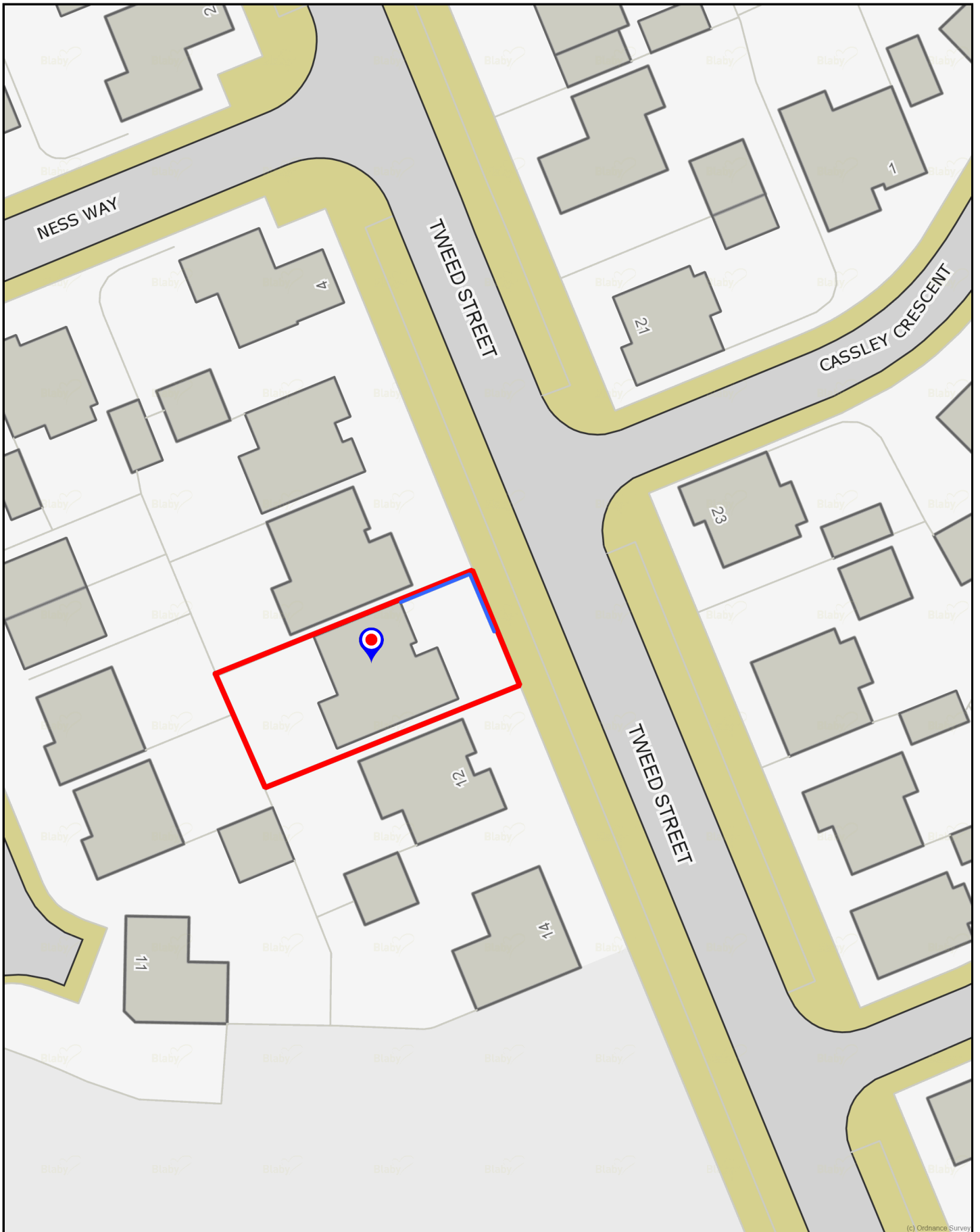
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice.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

Stephen James King  
10 Tweed Street  
Lubbesthorpe  
Leicestershire  
LE19 4BH

Louise Ann Layton  
10 Tweed Street  
Lubbesthorpe  
Leicestershire  
LE19 4BH



## EN Plan 10 Tweed Street Lubbethorpe



N Scale: 1:500

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Customer Support Team  
Temple Quay House  
2 The Square  
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Direct Line 0303-444 5000  
Email [enquiries@planninginspectorate.gov.uk](mailto: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.