

# **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 **4 Green Lane, Countesthorpe Leicestershire LE8 5QQ** 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 unauthorised construction of a timber framed outbuilding ("the building"); decking; alterations to land levels and the installation of lawn edging timbers in the approximate position shown solid green 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.

4 Green Lane, Countesthorpe is a Grade II listed, early 19<sup>th</sup> century brick built farm house lying within the Countesthorpe Conservation Area which is in turn located within the settlement boundary of the village of Countesthorpe, Leicestershire. Development Management Policies DM1 and DM12 of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019) as well as Policies CS2 and CS20 of the Local Plan (Core Strategy) Development Plan Document (2013) therefore apply. All of these policies seek 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.

### **Policy DM1: Development within the Settlement Boundaries**

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; and,
- e) Not prejudice the comprehensive development of a wider area.

### **Policy DM12: Designated and Non-designated Heritage Assets states:**

All new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported.

All proposals affecting either a designated or non-designated heritage asset and/or its setting will need to submit a statement which includes the following:

- a description of the heritage asset and its setting, proportionate to its significance;
- a clear identification of the impacts of the development proposal on the heritage asset and its setting;
- a clear justification as to why the impacts could be considered acceptable; and
- demonstrate how the proposal is consistent with Core Strategy Policy CS20

The Council will consider the submitted information having regard to the importance of the heritage asset(s) as follows:

Designated heritage assets and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

### **Policy CS2: Design of New Development requires that:**

In order to secure a high quality environment, all new development should respect distinctive local character and should contribute to creating places of a high architectural and urban design quality, contributing to a better quality of life for the local community.

Design should be appropriate in its context and should take any opportunities available to improve the character and quality of an area and the way it functions. Development proposals should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings through urban design, landscaping (including tree planting), architecture and architectural detailing. At the same time, the Council will support innovative design that is appropriate to its context.....

The design of new development should take account of and provide opportunities to enhance the natural and historic environment, including improvements to Green Infrastructure and opportunities to promote biodiversity.

### **Policy CS20: Historic Environment and Culture**

The Council takes a positive approach to the conservation of heritage assets and the wider historic environment through:

a) Considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting.

Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

b) Expecting new development to make a positive contribution to the character and distinctiveness of the local area.

c) Ensuring that development in Conservation Areas is consistent with the identified special character of those areas, as well as working, where appropriate, to identify other areas of special architectural merit or historic interest in designating additional

Conservation Areas;

d) Securing the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation.

### **Paragraph 194 of the National Planning Policy Framework states:**

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**Paragraph 199 of the National Planning Policy Framework states:**

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

**Paragraph 200 of the National Planning Policy Framework states:**

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

**Paragraph 201 of the National Planning Policy Framework states:**

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

**Paragraph 202 of the National Planning Policy Framework states:**

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## **The Building**

The building sits within the curtilage of the listed farm house in the rear garden, approximately 17m to the west. The building is obscured from view in certain locations to the rear of the dwelling, but then is highly visible in others. Additionally, the building can be seen from numerous aspects within the far-western rear garden. It measures approximately 12 metres long by 4 metres wide by 3.64 metres in height. The building is timber framed and has been fitted with upvc windows (grey), composite (recycled timber and plastic) tongue and groove cladding (brown, timber effect) with a Welsh slate roof. The building can clearly be seen beyond the site from the north in the courtyard and curtilage of 4a and 4b Green Lane. The building projects above the fence-line, with its windows, eaves and roof clearly visible. The two roof lights in the northern roof slope are visible and depending from where you experience the building are be more incongruous from certain positions.

The Council considers that the materials used in the construction of the building conflict with the traditional materials found in the farmhouse and give the building a modern appearance which appears out of keeping with the context of the host dwelling and does not preserve or enhance its setting.

Furthermore, given its visual relationship with several buildings and its numerous vantage points within the setting of the heritage asset, the Council believes that the building detracts from what was previously an unspoilt residential garden. On this basis, the development negatively intrudes on the setting of the listed building and neither preserves nor enhances the setting of the Countesthorpe Conservation Area.

It is acknowledged that an assessment of the building's impact on the setting of designated heritage assets was not required during the consideration of application 20/1246/CLP for a certificate of proposed lawful development for the use of land to station a mobile home granny annexe for use incidental to the main dwelling.

However, given the nature of the breach of planning control, an assessment of the building's planning merits would need to be considered in full, including the impact and level of harm caused to the significance of designated heritage assets.

The absence of a heritage impact assessment as required by Policy DM12 of the Council's adopted Core Strategy and paragraph 194 of the NPPF, removes a fundamental process in the consideration of development proposals that impact on designated heritage assets and their settings. On this basis, there is no clear or convincing justification for the development, and the relevant balancing exercise for weighing any harm caused by the development that may affect a designated heritage asset against any public benefits, has not been undertaken.

Accordingly the outbuilding conflicts with Development Management Policies DM1 and DM12 of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019); Policies CS2 and CS20 of the Local Plan (Core Strategy) Development Plan Document (2013) as well as Section 16 of the National Planning Policy Framework.

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

- i) Remove the building, decking and lawn edging timbers from the land
- ii) Reinststate the land to the adjacent land level and reseed with grass seed.

**6. TIME FOR COMPLIANCE**

The period of compliance shall be **9 months** after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **31<sup>st</sup> August 2022** unless an appeal is made against it before that date.

Dated: **27<sup>th</sup> July 2022**

Signed:

Jonathan Hodge  
Senior Planning 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**

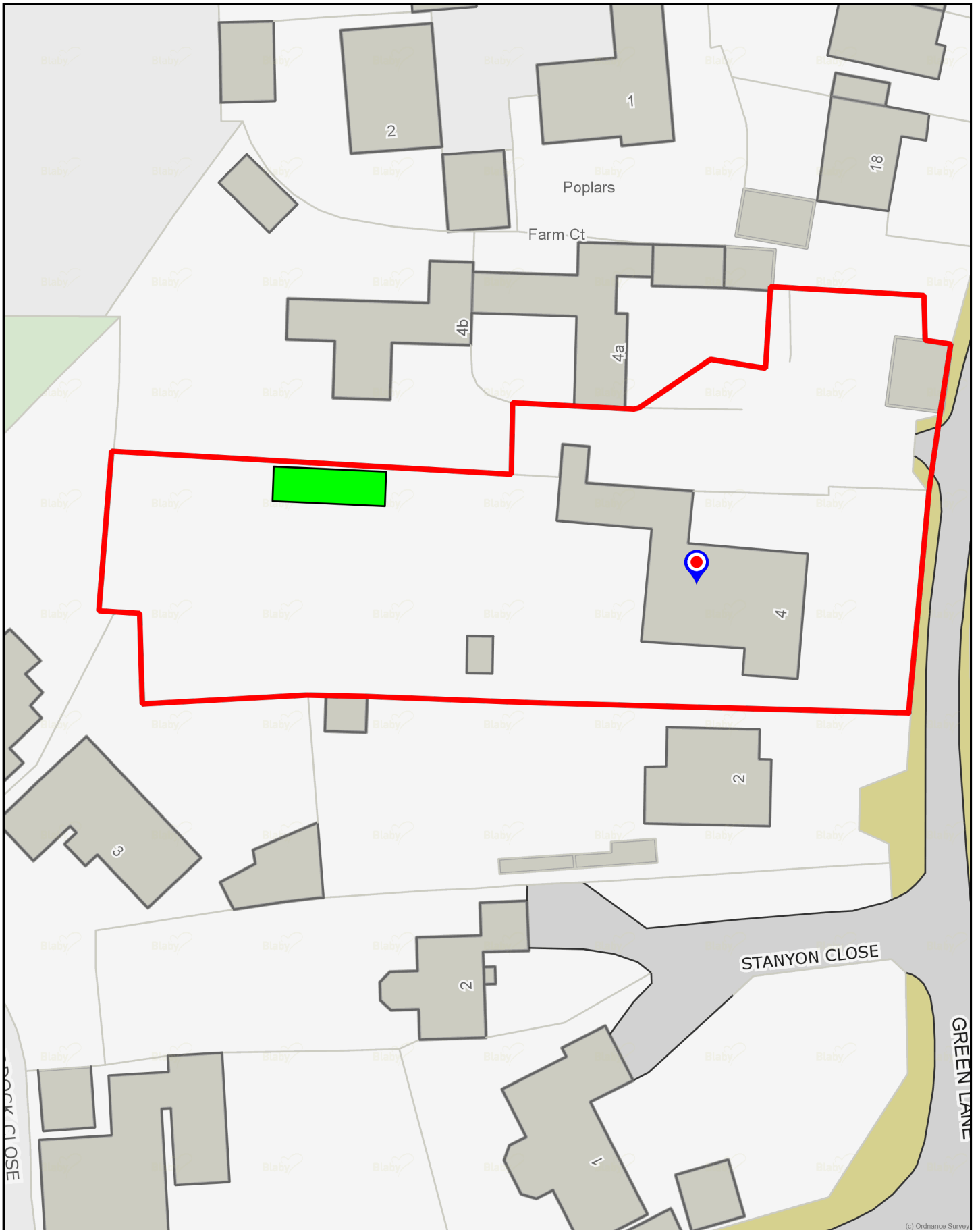
**Town and Country Planning (Enforcement Notices & Appeals) (England)  
Regulations 2002 Part 2, 5(c)**

Mr John Rowley  
4 Green Lane  
Countesthorpe  
Leicestershire  
LE8 5QQ

Mr Michael Rowley  
4 Green Lane  
Countesthorpe  
Leicestershire  
LE8 5QQ

Mrs Rebecca Rowley  
4 Green Lane  
Countesthorpe  
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# Enforcement Notice - 4 Green Lane Countesthorpe



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Scale: 1:500

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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.