

## **Breach of Condition**

### **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 (b) 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 "The Haven", Station Road, Elmsthorpe, Leicestershire, shown edged red on the attached plan. ("the Land").

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

On 23<sup>rd</sup> March 2019 planning permission was granted by the Council under reference number 19/0092/HH for "Part single storey, part two storey front, side and rear extensions" subject to conditions.

Condition 2 of the permission states:

"All external materials used in the proposed development shall match those used in the existing building unless otherwise agreed in writing by the District Planning Authority."

It appears to the Council that this condition has not been complied with as the south elevation and an area of the west elevation of the single storey rear extension remain finished in blockwork and not white render to match the existing building.

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 ten years. The Land comprises of a detached dwelling fronting the B582, Station Road Elmesthorpe.

The Local Plan Policies Map (2019) identifies that the site is located within a Settlement Boundary where Policy CS2 “Design of New Development” of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM1 “Development within the Settlement Boundaries” of the Local Plan Delivery DPD (2019) apply.

The objective of Policy CS2 is to improve the design quality of all new developments in the District.

Policy DM1 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:

- b) Be in keeping with the character and appearance of the area; or
- d) Have a satisfactory layout, design and external appearance.

The District Planning Authority considers that the type of materials used in the external elevations of the single storey rear extension are out of keeping with the character and appearance of the remainder of the building as well as forming an unsatisfactory relationship with adjacent properties.

As such, it is contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

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

Finish the exposed blockwork of the single storey rear extension in white render to match the existing building as approved under planning permission 19/0092/HH.

## **6. TIME FOR COMPLIANCE**

The period of compliance shall be 2 months after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 9<sup>th</sup> July 2022 unless an appeal is made against it before that date.

Dated: 8<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)**

Mr Joseph James Skubala  
The Haven  
Station Road  
Elmesthorpe  
Leicestershire  
LE9 7SG

Ms Lucy Hannah Martha Skubala  
The Haven  
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Customer Support Team  
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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.



## BOCEN Location Plan "The Haven", Station Road, Elrington, North Ayrshire



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Scale: 1:500

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Direct Line 0303-444 5000  
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