

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 To The South East Of Granitethorpe Quarry, Leicester Road, Sapcote, Leicestershire, shown edged red on the attached plan. ("the Land").

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

On 3rd February 2017 planning permission was granted by the Council under reference number 16/1656/FUL for the "Erection of hay barn" subject to conditions.

Condition 2 of the permission is:

"The development hereby approved shall be built in strict accordance with the following approved plans:-

Location Plan - Drwg no B16/23/L01

New Hay Barn - Drwg no B16/23/P01B - 01-02-17"

Condition 3 of the permission was:

'Notwithstanding the materials indicated on the Planning Application Forms and approved plans, the proposed development shall not be commenced until details of the materials and colour to be used on all external elevations and roofs have been submitted to and agreed in writing by the District Planning Authority. The development shall be carried out in strict accordance with the approved details.'

It appears to the Council that the conditions have not been complied with as the hay barn now only has one small opening on the front elevation as opposed to all sides being open as shown on approved plan *New Hay Barn - Drwg no B16/23/P01B - 01-02-17*. In addition it has been erected using materials including, grey blockwork, red brickwork and timber, as opposed to Cemsix Big Six Corrugated Fibre Cement Sheets colour Natural Grey, which were approved under discharge of condition application reference 18/1697/DOC.

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 is located to the South East of the Disused Granitethorpe Quarry which is accessed off Leicester Road, Sapcote, by a single track private way which forms part of Public Right of Way V44 which is located on the northern boundary of the Land, which is a prominent Bridleway, widely used by the local community. The Land is predominately bounded by open countryside with stables and holiday let within the locality.

The Local Plan Policies Map (2019) identifies that the site is located in Countryside where Policy CS18 Countryside of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) applies. Within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significant adverse effect on the appearance or character of the landscape. Policy DM2 of the Local Plan Delivery DPD provides detail on development that is appropriate in the Countryside and the criteria that should be taken into account when determining planning proposals. Policy DM2 states that development proposals consistent with Local Plan Core Strategy Policy CS18 Countryside will be supported where: the development is in keeping with the appearance and character of the existing landscape and provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Policy CS2 Design of New Development of the Council's Core Strategy and FV6 Design of the Fosse Villages Neighbourhood Plan (2021) take a positive approach to the design of new development, with aims to protect the important areas of the District's natural environment and landscape. In this regard the design of development should be appropriate to its context and development proposals should demonstrate that they have taken account of the landscape and other features and are sympathetic to their surroundings.

The District Planning Authority considers that the type of materials used in the construction of the hay barn, united with a tall and enclosed design is unsympathetic and has an unduly urbanising appearance compared with the site's rural context. This has resulted in an unsatisfactory form of development that is significantly out of keeping with the character and appearance of this countryside location.

As such the development conflicts with Policies CS18 and CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) , Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and Policy FV6 of the Fosse Villages Neighbourhood Plan (2021).

5. WHAT YOU ARE REQUIRED TO DO

Remove from all four elevations all unauthorised materials (grey blockwork, red brickwork and timber) and complete all four elevations in strict accordance with the approved plan *New Hay Barn - Drwg no B16/23/P01B - 01-02-17*" approved under planning permission 16/1656/FUL; and in Cemsix Big Six Corrugated Fibre Cement Sheets colour Natural Grey as approved under discharge of condition application reference 18/1697/DOC.

6. TIME FOR COMPLIANCE

The period of compliance shall be 3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 4th March 2022 unless an appeal is made against it before that date.

Dated: 3 February 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.

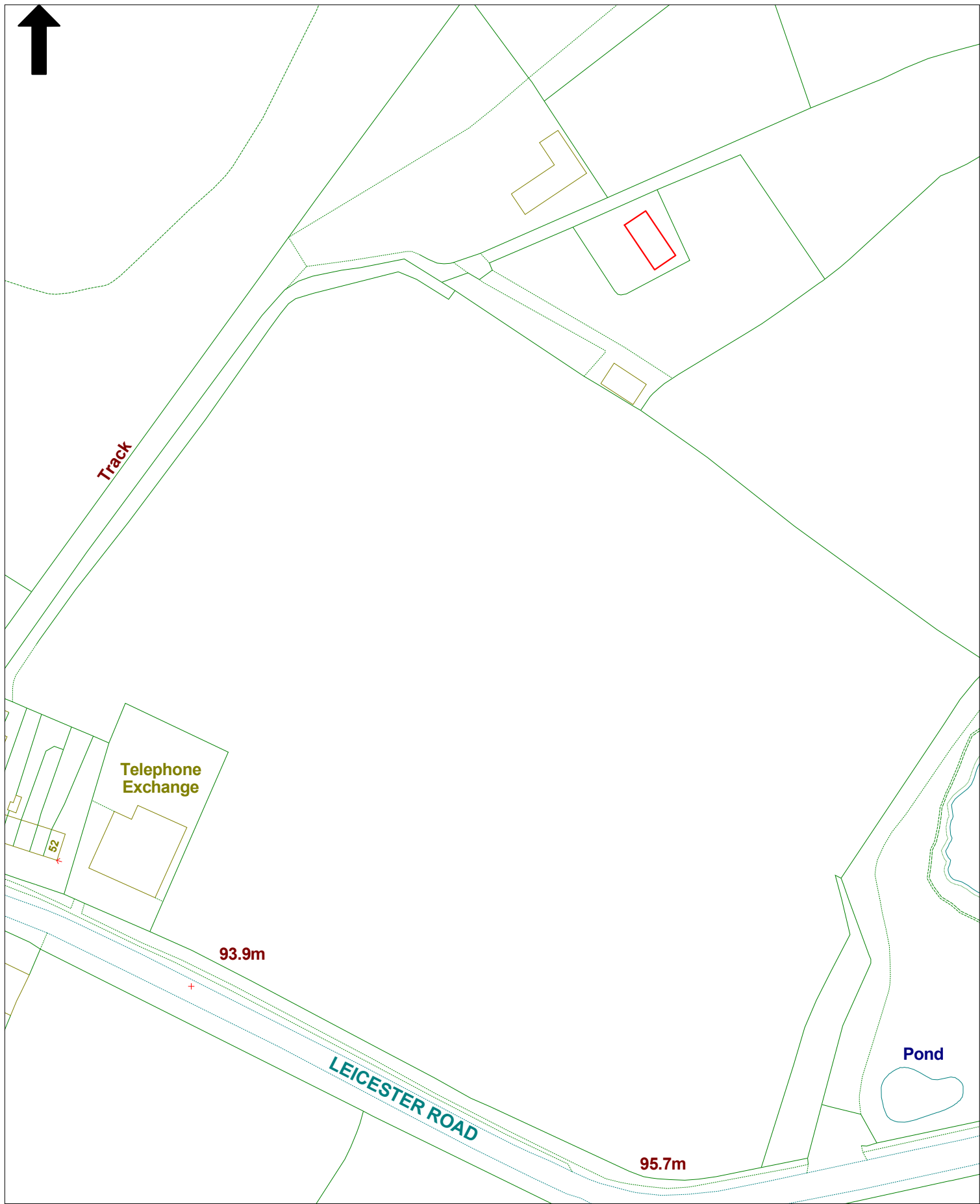
WHAT HAPPENS IF YOU DO NOT APPEAL

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 John Mac
The Chalet
Hinckley Road
Wolvey
Hinckley
LE10 3HQ



Scale 1:1250
Map Ref: SP4993SE

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office(C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. BLABY DISTRICT COUNCIL Licence No. 100018176 2020

Approximate location of hay barn shown in red

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.