

**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 to the rear of 6 Roundhill, Kirby Muxloe Leicestershire LE9 2DY 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 erection of a number of structures located in the approximate positions indicated in green, brown and orange on the attached plan.

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 Land lies adjacent to the Kirby Fields Conservation Area and is located to the north of numbers 5-7 Roundhill Kirby Muxloe in an elevated and prominent parcel of open space within an area of Green Wedge. The surrounding properties are predominantly medium to large detached houses and bungalows with spacious gardens and their position away from the main thoroughfare of the village provides for a quiet and peaceful environment. In this location, Policies CS2 (Design of New Development), CS16 (Green Wedges), and CS20 (Historic Environment and Culture) of The Blaby District Local Plan (Core Strategy) 2013 apply as well as Policies DM2 (Development in the Countryside) and DM12 (Designated and Non-Designated Heritage Assets) of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

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On 31<sup>st</sup> March 2022 the Land acquired Certificate of Lawfulness 21/1257/CLE confirming incidental residential use. However, the Land does not lie within

the curtilage of a dwellinghouse; as such there is no permitted development right for the erection of the structures

The structures vary in size with the largest, approximately 40 metres in length and 14 metres in depth. They are constructed from metals of various colours and incorporate black sheeting to some elevations. Each contains a shelter of varying designs and conditions.

The appearance of the development is of poor design and fails to provide a high quality environment which respects the distinctive local character and significance of the neighbouring Kirby Fields Conservation Area, and also fails to retain the open and undeveloped character of the Green Wedge. Furthermore, the appearance of the structures has a detrimental impact on the setting of the adjacent property 'Holmewood', which is considered to be a non-designated heritage asset that contributes positively to the Conservation Area.

The development is therefore contrary to Policies CS2; CS16; CS20; DM2 and DM12.

The structures appear to house a number of medium to large breed dogs and this has resulted in the Council receiving numerous noise complaints relating to dogs barking.

It is also considered that the noise generated by the barking of dogs housed in the structures creates an unsatisfactory relationship with the nearby residential properties within Roundhill and beyond, that is significantly detrimental to the amenities enjoyed by the existing or new occupiers of these properties by way of noise and disturbance. The development is therefore contrary to Policy DM2.

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

- i) Remove from the land and properly dispose of the structures located in the approximate positions indicated in green, brown and orange on the attached plan.
- ii) Where the Land has been dug out in the process of the siting and erection of the structures, restore the Land to existing adjacent levels and re-seed with grass seed.

## **6. TIME FOR COMPLIANCE**

The period of compliance shall be 56 days after this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **18<sup>th</sup> July 2023** unless an appeal is made against it before that date.

Dated: 16<sup>th</sup> June 2023

Signed:

Jonathan Hodge  
Planning Enforcement Manager

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.

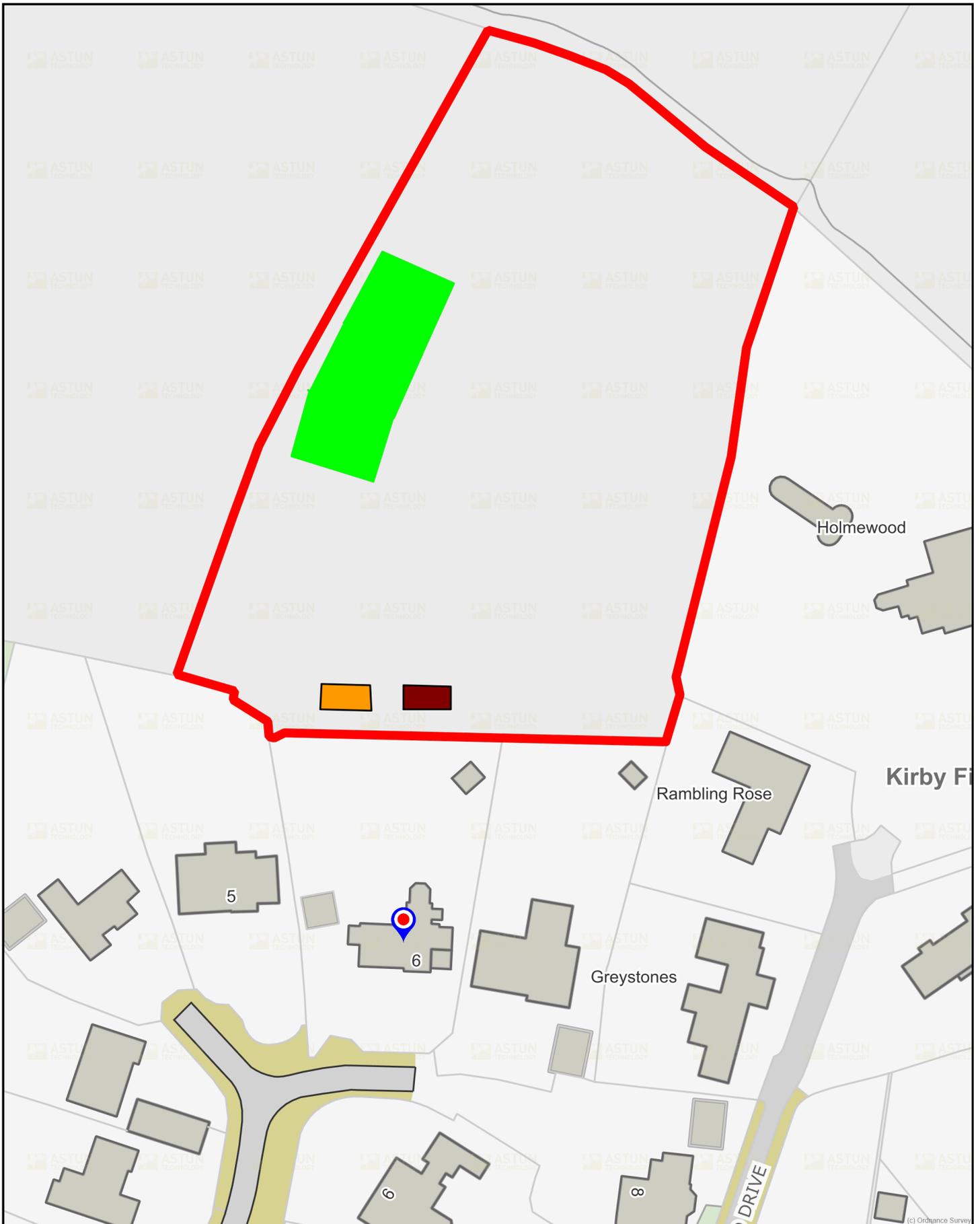
## **PERSONS SERVED WITH ENFORCEMENT NOTICE**

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

Mr Andy Pedu Nelson  
6 Roundhill  
Kirby Muxloe  
Leicestershire  
LE9 2DY

Ms Monic Edwards  
6 Roundhill  
Kirby Muxloe  
Leicestershire  
LE9 2DY

Mr Jamieson Lewis  
c/o Leicester Lettings (2016) Ltd  
42 Western Road  
Leicester  
LE3 0GH



**Enforcement Notice Plan - Land to the Rear of 6 Roundhill Kirby Muxloe**

N Scale: 1:1000



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## Appeal Decisions

Site visit made on 19 August 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

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### **Appeal Refs: APP/T2405/C/23/3326115 (Appeal A) and 3326116 (Appeal B) Land to the rear of 6 Roundhill, Kirby Muxloe, LEICESTER, LE9 2DY**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Miss Monic Edwards (Appeal A) and Mr Andy Nelson (Appeal B) against an enforcement notice issued by Blaby District Council.
- The notice was issued on 16 June 2023.
- The breach of planning control as alleged in the notice is *the unauthorised erection of a number of structures* (as identified on an accompanying plan).
- The requirements of the notice are to: (i) remove and properly dispose of the structures from the land; and (ii) restore the land to existing adjacent levels and re-seed with grass.
- The period for compliance with the requirements is 56 days.
- The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

**Summary Decision: the appeals are dismissed and the enforcement notice upheld.**

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### **Main Issues**

1. The main issue in the appeal is whether planning permission is required for the structures (now partly removed). The ground of appeal raises the two issues of (i) whether the structures amount to buildings, or some other form of operational development requiring permission; and (ii) whether any such permission would have been granted under permitted development rights applying to development within the curtilage of a dwellinghouse.

### **Reasons**

2. At my site visit I understood that the two appellants have since vacated the site, retaining no interest in the land, and that the house at 6 Roundhill is now occupied by a new tenant who has no desire to retain the structures. These are not relevant matters in the appeal, and it is not for me to say who would be responsible for complying with the requirements of the notice if it is upheld.
3. The appellants' first contention was that the structures were temporary ones that could be dismantled and erected within minutes. This was plainly not the case. The largest structure partly remains, with a series of tall green metal posts embedded into concrete in the ground and some rigid metal fencing remaining between them. Dismantling this is not the work of minutes but would require machinery. Other cage and shed structures, also still remaining although in disarray, were laid on concrete bases and were in the nature of buildings, having the appearance of permanence and attachment to the land. The structures are undoubtedly the result of operational development.
4. As to whether they may have amounted to permitted development, the appellants made no case as to what the structures were used for and therefore it is not

possible to say that they were reasonably required for a purpose incidental to the use of the dwellinghouse. Thus I cannot be satisfied that they can have amounted to permitted development, whatever my views about the curtilage. However, on that issue I have no reason to disagree with the previous Inspector visiting the site in April last year (APP/T2405/W/23/3332756) who opined that the appeal site then under consideration “comprises part of the curtilage of No 6, and a large grass field to the rear. Though the latter is now in ancillary residential use, it retains the essential characteristics of an agricultural field”.

5. The field, although now lacking any boundary treatment between it and the immediate garden to the house, is plainly separate from it and does not appear to form part of the building or to serve it in any necessary or reasonably useful way. Thus the structures could not have benefitted from any permitted development rights arising within the curtilage of a dwellinghouse, because they are not found within the curtilage of the house.

### **Conclusion**

6. For the above reasons, I consider that the appeals should not succeed.

### **Formal Decision**

7. The appeals are dismissed and the enforcement notice is upheld.

*Laura Renaudon*

INSPECTOR