

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 Mill Bank House, Leicester Road, Sapcote, Leicestershire, LE9 4JF 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 two-storey rear extension (edged 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 to the northern side of Leicester Road, in a prominent position on a main thoroughfare to the east of the village of Sapcote. The Land currently hosts the existing two storey traditional farmhouse known as "Mill Bank House"; to which the unauthorised development forms a large two storey rear extension. In the close surrounding are located; an agricultural barn, a brick built enclosure and some unfinished concrete foundations, blockwork and brickwork. The Land is served by an existing vehicular access from Leicester Road.

The Land is situated within the Countryside as set out in the policies map and in this location, Policies CS2, CS18 and CS20 of Blaby District Local Plan (Core Strategy) Development Plan Document (2013) apply as well as Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

Policy CS20 takes a positive approach to the conservation of heritage assets and the wider historic environment through ensuring that development proposals protect and enhance heritage assets. Development is required to avoid harming the significance of historic sites, buildings or areas, including their setting, recognising their contribution to Local Distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development. In this instance the unauthorised development completely fails to make any positive contribution to the character and distinctiveness of the local area and also fails to consider the potential archaeological interest of the site and potential impacts on buried archaeological remains and the historic environment, conflicting with Policy CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document.

Policy DM2 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.

The unauthorised development which is the subject of this Notice is a significant edifice in its own right and this is compounded by its attachment to the existing dwellinghouse which it essentially doubles in size. This is at odds with Policy DM2 which seeks to prevent substantial extensions to buildings in the countryside.

Furthermore, the unauthorised development coupled with the existing dwellinghouse and the existing agricultural barn results in an undue proliferation of the built form within this countryside location, in turn creating an urbanising appearance which is detrimental to the open and undeveloped character and appearance of the countryside.

This conflicts with Policy CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), as well as Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document. and the National Planning Policy Framework and Planning Practice Guidance, which seek to restrict and control development in the countryside and to ensure that it is not significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Specifically in terms of the appearance of the unauthorised development, the external bricks that have been used are not sympathetic to the existing dwelling and are obviously very different, giving the clear indication of the modern unauthorised development being attached to a much older property when approaching the site from both directions on Leicester Road, consequently causing a substantial detrimental to the character and appearance of the street scene in the countryside location. As such, the extension is again considered contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document and Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document.

Taking into account the works that have occurred, the District Planning Authority considers that the erection of a two-storey rear extension conflicts with policies CS2, CS18 and CS20 of Blaby District Local Plan (Core Strategy) Development Plan Document (2013) as well as Policy DM2 and of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

5. WHAT ARE YOU REQUIRED TO DO

Remove from the Land the entirety of the unauthorised two-storey rear extension and reinstate the Land to its previous land levels.

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 10th September 2023 unless an appeal is made against it before that date.

Dated: 11 August 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 John Mac
The Chalet
Hinckley Road
Wolvey
Hinckley
LE10 3HQ

Mr John Mac
Spinney Farm
Main Street
Withybrook
Coventry
CV7 9LX

Mrs Heather Mac
The Chalet
Hinckley Road
Wolvey
Hinckley
LE10 3HQ

Mrs Heather Mac
Spinney Farm
Main Street
Withybrook
Coventry
CV7 9LX

C/O Band Hatton Button LLP
53-55 Butts Road
Coventry
CV1 3BH

Whom It May Concern
Land at Mill Bank House
Leicester Road
Sapcote
Leicestershire
LE9 4JF



(c) Ordnance Survey

EN Plan - Approximate location of the unauthorised development edged in blue

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Scale: 1:1250



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