

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (As amended by the Planning and Compensation Act 1991) ENFORCEMENT NOTICE ISSUED

BY: Melton Borough Council (herein after referred to as "the Council")
Parkside, Station Approach
Burton Street Melton Mowbray
Leicestershire
LE13 1GH

TO: [REDACTED]
Field OS6763
East End
Long Clawson
Leicestershire

1. THIS NOTICE is issued by the Council because it appears to them 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. They 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 lying to the north of East End, Long Clawson, Melton Mowbray, as shown edged in red on the attached plan and highlighted within land registry plan (Reference LT539463).

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

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Without planning permission, the erection of a mobile home in the approximate position marked with a circle on the attached image `Fig 1`.

4. REASONS FOR ISSUING THIS NOTICE

On 13th July 2022 Melton Borough Council received a formal complaint (Our Ref: 22/00083/USE) regarding an unauthorised development situated on agricultural land in a field adjacent to East End Long Clawson. A site visit confirmed that a residential structure, namely a mobile home had been sited on the land with two permanent residents living in the property. The Council considers the structure to be both operation development, and a material change of use of the land.

Having engaged with the site owner and explained that the structure was unlikely to get planning permission based on the residential property being situated on a green field site adjoining a conservation area. It was also highlighted that the only access to the property was via private land owned by the Parish Council who were unlikely to grant access.

In December 2022 the owner of the site submitted a retrospective planning application (22/01339/FUL) to Melton Borough Council, seeking to retain the mobile home. On 28th March 2024 planning application 22/01339/FUL was refused on the following bases.

The proposed residential development is on land beyond the Limits to Development as defined in the Clawson Harby and Hose Neighbourhood Plan. The Neighbourhood Plan defines this site as countryside where development should be restricted in line with national policies. The NPPF seeks to restrict development in the countryside. The proposed residential unit is not considered to fall within a development type that is necessary or appropriate within the open countryside. Therefore, it represents unsustainable development contrary to the aims of Policies SS1 and SS2 of the Melton Borough Council Local Plan and is contrary to Policies H1, H3 and H4 of the Neighbourhood Plan and the NPPF.

The proposal, by reason of siting and layout, would not conform to the established linear character of the settlement by extending the built form into the open countryside. As such, the proposal would be visually intrusive, contrary to policies EN1, EN6 and D1 of the Local Plan and Policies H4 and H7 of the Neighbourhood

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Plan. Page 2 of 3 The site is adjacent to Long Clawson Conservation Area which runs along the boundary of adjacent houses that front onto the highway. The development of this site would change part of the setting of the designation by creating a small residential development on a field that currently provides part of the rural setting to the conservation area. The development by reason of its siting and design would not preserve or enhance the setting of the conservation area and is therefore contrary to S72 of the Listed Building and Conservation Area Act 1990, Policy EN13 of the Melton Local Plan and the NPPF resulting in less than substantial harm to the designated asset which is not outweighed by public benefits. The Applicant has failed to demonstrate that a safe and suitable vehicular access would be provided and the proposal, if permitted, could consequently result in an intensification of use of a substandard access leading to dangers for highway users and contrary to policies D1 and IN2 of the Melton Local Plan, and paragraph 110 and 111 of the National Planning Policy Framework (2021).

The current Enforcement Policy for Melton Borough Council provides a framework to ensure a consistent and proportionate approach to planning enforcement, ensuring a consistent and impartial treatment of those who breach planning legislation. The theme of the policy ensures that the planning enforcement option is only considered necessary after the route of engage, explain, and encourage has been followed. The Council now considers that this route has been followed in full, the only viable option left is to take enforcement action.

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5. WHAT YOU ARE REQUIRED TO DO

The Council requires removal of the caravan and all existing residents, individuals, and any other persons to cease residency within the mobile home, and for the land to be reinstated to its original form.

6. TIME FOR COMPLIANCE

No later than Monday 5th August 2024

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on at 00:01 Hours on Monday 13th May 2024,

Dated: 10th April 2024

Signed:

██████████

Planning Development Manager

On behalf of:

**Melton Borough Council
Parkside, Station Approach
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Leicestershire
LE13 1GH**

Nominated Case Officer: ██████████

Email:

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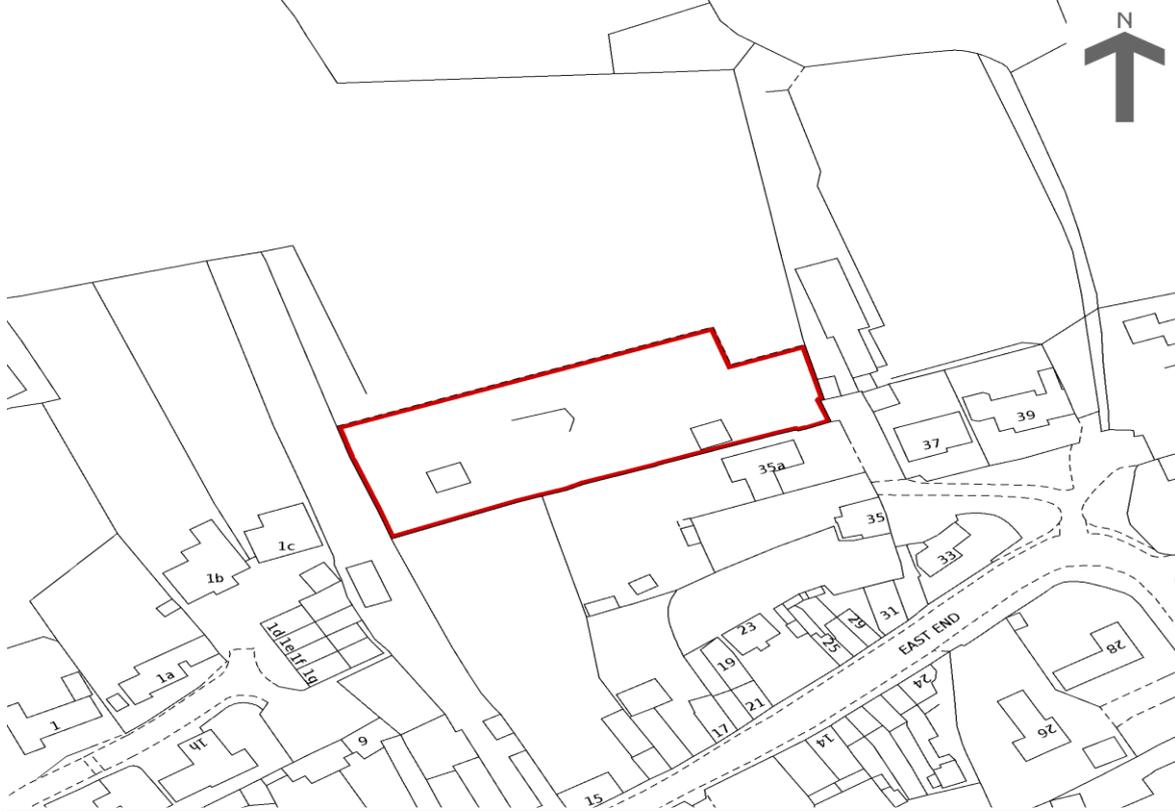
SITE PLAN

HM Land Registry
Current title plan

Title number **LT539463**
Ordnance Survey map reference **SK7227NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Leicestershire :**
Harborough



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Fig 1



ANNEX YOUR RIGHT OF APPEAL

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You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal [link to <http://www.planningportal.gov.uk/uploads/pins/enfinfo sheet.pdf>] **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[s] 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.

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