

**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:**  
**Thimble Hall**  
**Melton Road**  
**Lovesby**  
**Leicestershire**  
**LE7 9DH**

**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 at Thimble Hall, Melton Road, Lovesby, Leicestershire, LE7 9DH, as described in Land Registry document LT272151 and shown edged in red on the attached plan- See Appendix 1.

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

In February 2020, the present owner of the property sought permission to convert an existing garage/Outbuilding to an incidental residential annexe (Ref: 20/00164/FULHH). On 20<sup>th</sup> March 2020, the application was permitted subject to four specific conditions. `Condition 2` of planning application 20/00164/FULHH specifically states that the conversion should be built according to the plans submitted to the Local Planning Authority on 5<sup>th</sup> February 2020 (4330 1, 2b,3,4,5,6b and & 7a). The decision notice documents a rationale for each of the four conditions.

In December 2022, a formal complaint was made (Ref: 22/00157BOC) by the local Parish Council. It highlighted concerns that the owner of the property completed the build other than in accordance with the approved plans. A site visit with the applicant in January 2023 concluded that the front of the property differed significantly from the approved plans. It was also noted that a side building had been added along with a 1<sup>st</sup> floor balcony.

In February 2023, MBC received a further planning application (Ref;23:00107/FULHH). In summary, the application was retrospectively seeking to retain deviations from the original 20/00164/FULHH application. This was refused on the basis that its size, design, and siting were an attempt to create a new residential dwelling.

**4. REASONS FOR ISSUING THIS NOTICE:**

In February 2023, MBC received a planning application (Ref;23:00107/FULHH). The application was retrospectively seeking to retain deviations from the original 20/00164/FULHH application. After careful consideration the application was refused for a number reasons including size, design. It was also documented that the siting was an attempt to create a new residential dwelling. As such the Planning Enforcement Officer now considers that having exhausted options to retain the structure, there is minimal prospect that the owner can retain the annex in its current form.

Having previously invited the property owners to voluntarily comply with `Condition 2` of planning application 20/00164/FULHH there seems little prospect of them agreeing to complying with the condition without formal action, as such it is now considered both necessary and proportionate to take further action to achieve compliance.

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

On 25<sup>th</sup> March 2020 Melton Borough Council approved planning permission 20/00164/FULHH subject to specific planning conditions.

`Condition 2` specifically states that the conversion (Annex) should be built according to the plans submitted to the Local Planning Authority on 5<sup>th</sup> February 2020 (4330 1, 2b,3,4,5,6b and & 7a).

- A) You are required to Dismantle, deconstruct and remove from site all materials that do not comply with the plans submitted to the Local Planning Authority on 5<sup>th</sup> February 2020 (4330 1, 2b,3,4,5,6b and & 7a). This includes the unauthorised extension and associated balcony.**

**6. TIME FOR COMPLIANCE:**

**The instructions documented within Section 5 will be completed in full within 3 calendar months of when this notice takes effect (Thursday 19<sup>th</sup> December 2024)**

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

This notice takes effect on specific date at **00:01 hours on Thursday 19<sup>th</sup> September 2024**, not less than 28 clear days after date of issue, unless an appeal is made against it beforehand.

**Dated:** 15<sup>th</sup> August 2024

**Signed:**

**Planning Development Manager**

**On behalf of:**

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

**Nominated Case Officer:**

**Email:**

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**Appendix 1 - SITE PLAN**

H.M. LAND REGISTRY		TITLE NUMBER
		LT272151
ORDNANCE SURVEY PLAN REFERENCE	SK 7109	Scale 1/2500
COUNTY LEICESTERSHIRE	DISTRICT HARBOROUGH	© Crown Copyright 1994



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**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 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/enfinfosheet.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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