

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 at 2 Pimpernel Close, Narborough, Leicestershire LE19 3RZ shown edged **RED** on the attached plan. ("the Land").

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

The unauthorised erection of a fence (shown in **BLUE** in the approximate position on the attached plan).

On 3rd May 2024 planning permission was granted by the Council under reference number 23/0344/HH for "Erection and retention of 1.8m close boarded fencing (revised scheme to 23/0004/HH)" subject to conditions.

Condition 1 of the permission states:

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

Location Plans - Dwg: 1280.SS.21.001 Issue B (received 21.04.2023)

Proposed Drawings - Dwg: 1280.SS.21.003 Issue F (received 09.04.2024)

It appears to the Council that this condition has not been complied with as Drawing 1280.SS.21.003 Issue F clearly shows that the fence will be repositioned away from the highway boundary.

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 ten years.

- i) The District Council considers that the erection of the 1.8 metre fence at this prominent position on Pimpernel Close represents an incongruous feature in the street scene to the detriment of the character and appearance of the area. The fence is positioned such that it erodes the open and verdant character of the area, which is predominantly characterised by open site frontages, low level boundary treatments or hedges. The fence forms a visual barrier to this open character, partially enclosing the side of the site and exhibiting an incongruous feature within the street scene. As such the proposal is contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).
- ii) It is considered that the height, length and scale of the fence, results in inadequate pedestrian visibility at the rear parking area, which could lead to an increase in the risk of conflict between pedestrians and vehicles emerging from the access and therefore lead to dangers to pedestrians contrary to Paragraph 110 of the National Planning Policy framework and Policy DM8 of the Blaby Local Plan DPD 2019.

5. WHAT ARE YOU REQUIRED TO DO

Either

- i) Reposition the fence in strict accordance with drawing 1280.SS.21.003 Issue F (attached to this Notice) approved under planning permission 23/0344/HH; or,
- ii) Reduce the height of the fence in its entirety to a height not exceeding 1m measured from the ground level upon which it is erected; or,
- iii) Remove the fence in its entirety.

6. TIME FOR COMPLIANCE

The period of compliance shall be **15 months** after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **30TH JUNE 2025** unless an appeal is made against it before that date.

Dated: 16th May 2025

Signed:

Jonathan Hodge
Planning and Strategic Growth Group 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

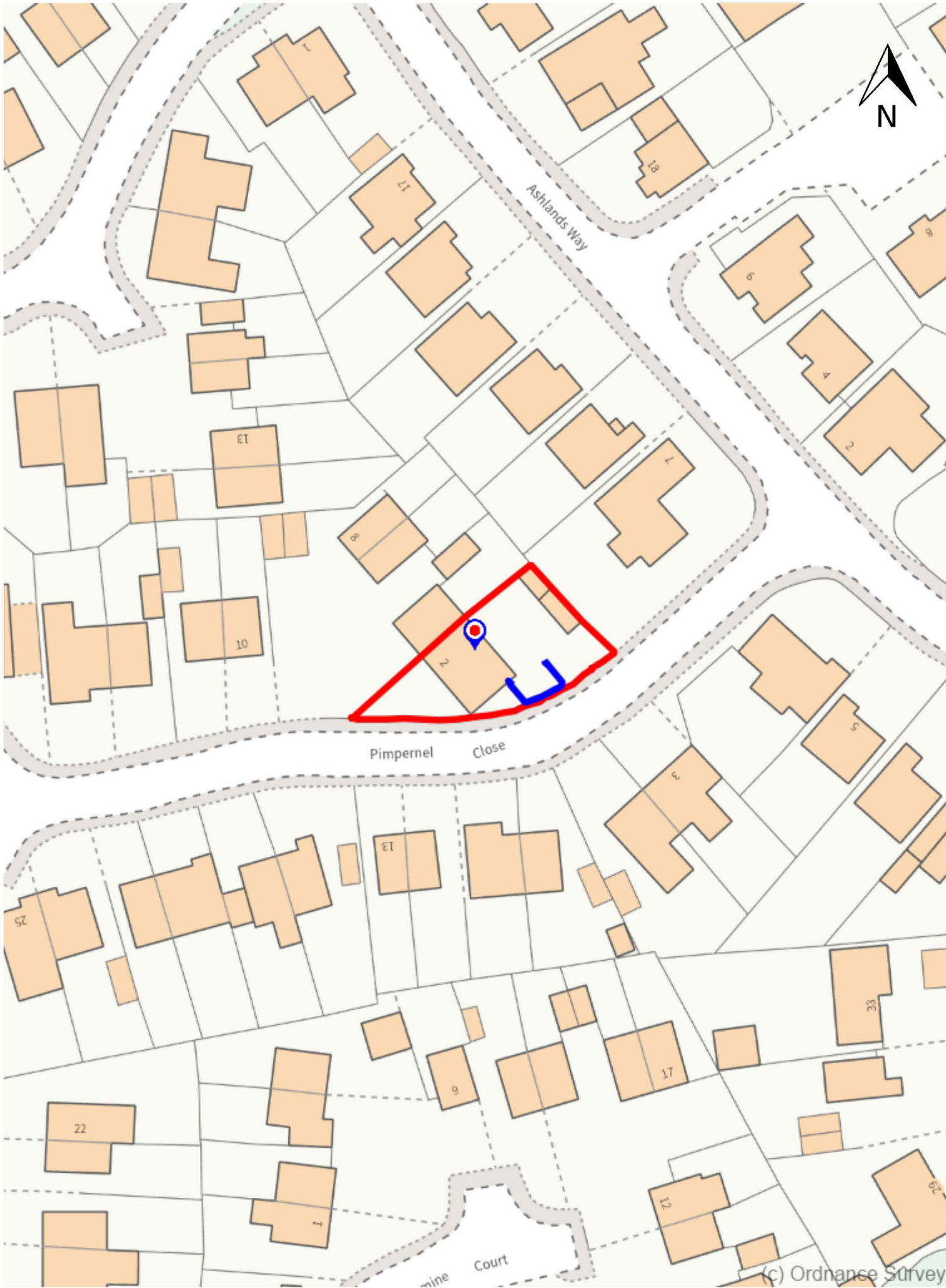
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. 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)**

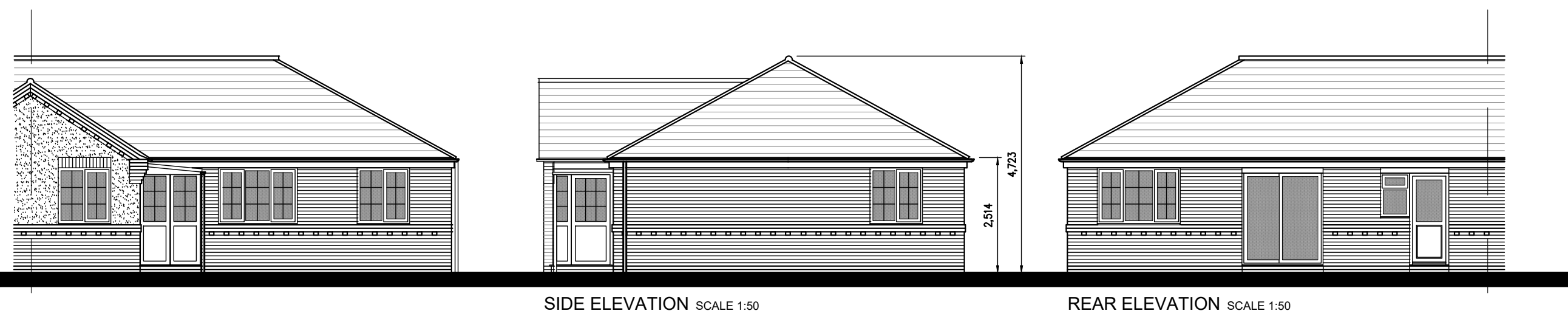
Ian Paul Smith
2 Pimpernel Close,
Narborough,
Leicester,
LE19 3RZ

Hilary Smith
2 Pimpernel Close,
Narborough,
Leicester,
LE19 3RZ.

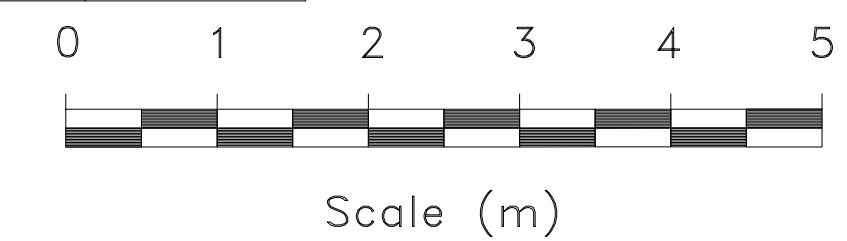




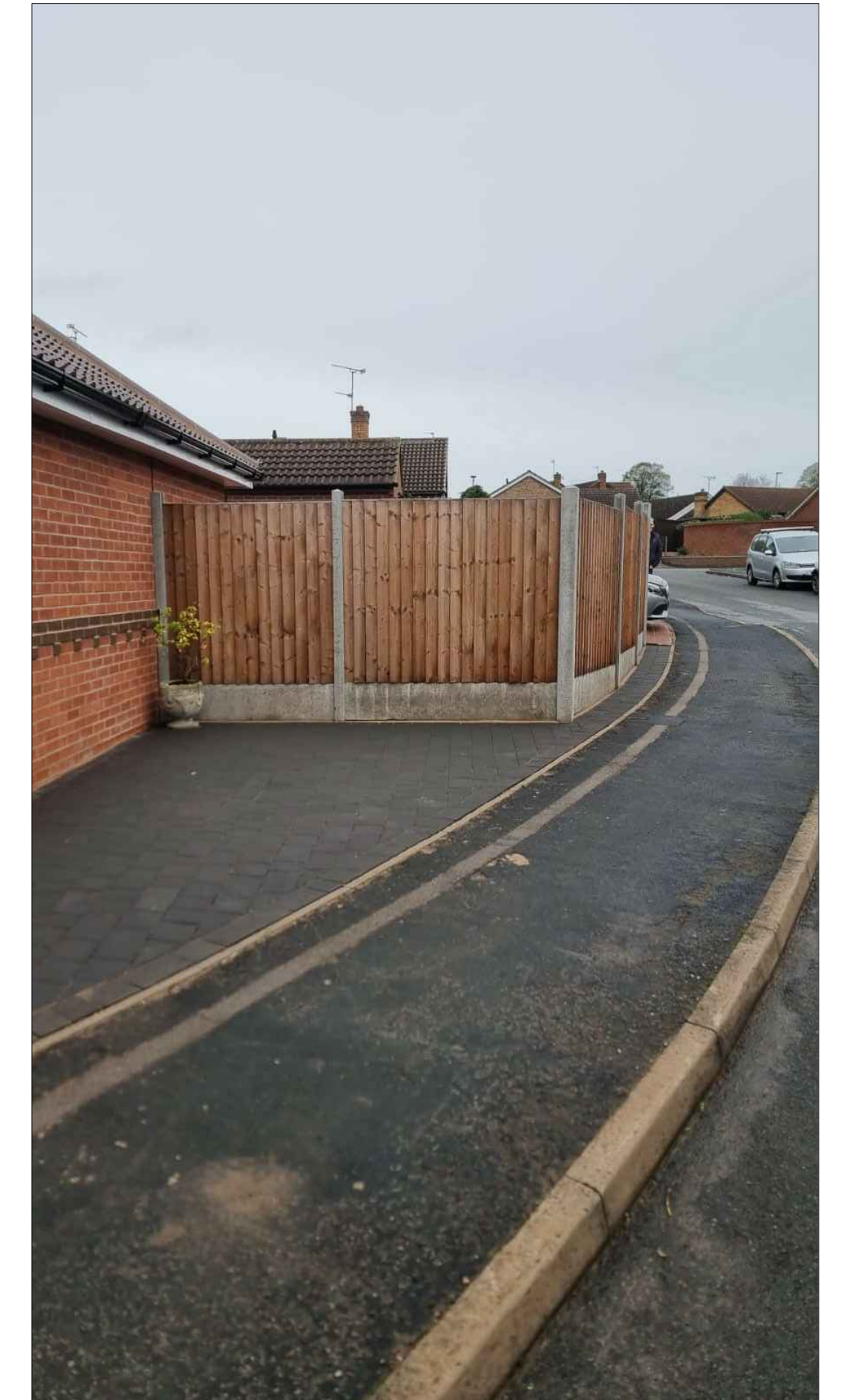
Proposed Site Plan Scale 1:50



House Elevations Scale 1:100



Close Boarded Fence to be moved back to 2m behind back of highway as part of the proposals



Close Boarded Fence to be moved back to 2m behind back of highway as part of the proposals

CLIENT:
Sam Smith
2 Pimpnel Close
Narborough
Leicester
LE19 3RZ

PROJECT:
Erection of new 1.8m close board fence:
2 Pimpnel Close

DRAWING: 1280.SS.21.003

ISSUE: F

DATE: JUNE 2021

SCALE: 1:50 & 1:100

PLANNING APPLICATION:

PROPOSED DRAWINGS

