

BLABY DISTRICT COUNCIL

Town and Country Planning Act 1990

ENFORCEMENT NOTICE

Land or Premises at

Blaby Hill Lodge, Mill Lane, Blaby,
Leicestershire

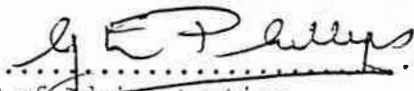
WHEREAS

1. It appears to the Blaby District Council ("the Council") being the local planning authority for the purposes of Section 172 of the Town and Country Planning Act 1990 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the land") described in Schedule 1 below.
2. The breach of planning control which appears to have taken place consists in the carrying out of development by the making of a material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
3. The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations to issue this Enforcement Notice, in exercise of their powers contained in the said Section 172, for the reasons set out in (the annex to) this Notice.
4. Planning permission is not required for the use of the land for the purpose for which it could lawfully have been used if the development to which this Notice relates had not been carried out.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken (in order to remedy the breach) within the period of six months from the date on which this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT subject to the provisions of Section 175(4) of the Act on the 22nd day of October 1992.

Date of issue: 22nd July 1992

Signed 
Director of Administration

Council Offices,
Narborough,
Leicester. LE9 5EP

SCHEDULE 1

Land or premises to which this notice relates

All that land known as Blaby Hill Lodge, Mill Lane, Blaby, in the County of Leicester as shown edged red on the attached plan.

SCHEDULE 2

Alleged breach of planning control

Change of use of the land described in Schedule 1 from residential to a mixed use as residential and for the repair, maintenance and storage of motor vehicles.

SCHEDULE 3

Steps required to be taken

Cease the use of the land for the repair, maintenance and storage of motor vehicles, remove all motor vehicles from the land and restore the land to solely residential use.

ANNEX

Reasons for serving an Enforcement Notice

The land is situated within a wider area of open countryside as identified in the policies of the Draft Blaby District Local Plan and preceding planning policies for the area. These policies, and the Structure Plan policies from which they derive, convey a presumption against the establishment of industrial and commercial uses within open countryside. Furthermore Mill Lane is inadequate in width and construction to accommodate additional heavy vehicles, as are the residential roads within Blaby village which provide the only effective means of access to the site.

For these reasons the District Planning Authority considers that formal action must be taken to ensure that the unauthorised use of these premises for the repair of motor vehicles does not become lawfully established.

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BLABY

0962 1-48
0060 1-01
0357 1-50
1265 1-88
1257 1-01
1355 1-05
1857 1-17
2554 1-91
2454 1-77
2052 1-93
2960 4-43
3956 1-38
3450 1-81
4350 1-17
3948 1-66
1444 7-01
0348 1-17
0037 1-05
0131 1-30
1030 1-53
2432 1-11
2129 1-32
3241 1-93
3228 1-08
4724 1-80
3316 7-13
4813 2-69
0616 4-91
1711 4-50
0504 2-21
1701 1-64
2901 1-18
1900 1-14

MILL LANE

Blaby Hill

Allotment Gardens

Pond

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Scale 1:2500

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58

EXPLANATORY NOTE

1. Your attention is drawn to the fact that by virtue of Section 174 of the Town and Country Planning Act 1990 you have the right to appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State before 22nd October 1992.
2. You may appeal on one or more of the following grounds which are set out in Section 174 of the Town and Country Planning Act 1990:
 - (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
 - (b) that those matters have not occurred;
 - (c) that those matters (if they occurred) do not constitute a breach of planning control;
 - (d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 - (e) that copies of the Enforcement Notice were not served as required by Section 172;
 - (f) that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 - (g) that any period specified in the Notice in accordance with Section 173(9) falls short of what should reasonably be allowed.
3. If you decide to appeal you must submit to the Secretary of State, either when you give notice of an appeal or within 14 days of receiving a notice from the Secretary of State requiring you to submit a statement in writing specifying the grounds on which you are appealing against the Notice and stating briefly the facts you intend to rely on in support of those grounds.
4. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of the Enforcement Notice which is enclosed.