

**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 **Cedar Cottage, Broad Street, Enderby, LE19 4AA** shown edged red on the attached plan. ("the Land").

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

- i. The erection of a semi enclosed timber framed outbuilding (shown in blue in the approximate position on the attached plan).
- ii. The erection of an enclosure, including timber fence, gates, fence posts and infill panels (shown in green in the approximate position on the attached plan).

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 four years.

Cedar Cottage lies within the settlement boundary of Enderby and is located within Enderby Conservation Area on the northern half of Broad Street. The property comprises a two storey, brick-built dwelling and is a curtilage listed building, having once been a coach house that previously served the Grade II listed property at The Cedars, on Broad Street. There are also several other outbuildings within the grounds of The Cedars that are curtilage listed.

Although Cedar Cottage is set back from the highway, the dwelling, former garages and barns (now known as Cedar Barns) and their associated courtyard are all discernible from Broad Street and can be clearly read as a range of outbuildings that once provided an important functional and supporting role to the principal listed (The Cedars).

In this location policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policies DM1 and DM12 of the Local Plan (Delivery) Development Plan Document (2019) apply.

An enclosure, including timber fence posts, bamboo infill panels and a timber gate, has been constructed to segregate Cedar Cottage from the courtyard. The enclosure spans approximately 20 metres, running from the north-western corner of the former garages to the south-western corner of a detached outbuilding within the curtilage of The Red House, which is also a Grade II listed building. In addition, a timber-framed structure has also been erected immediately to the south of the principal elevation of Cedar Cottage and the northern flank elevation of the former garage. The structure is built from similar materials to the enclosure and includes a polycarbonate flat roof.

By virtue of its length, height and location, the timber fence and gates create a physical division which incongruously separates the former coach house from the otherwise traditionally open courtyard between The Cedars and Cedar Barn. The open courtyard setting is considered to make an important historical and visual contribution to the heritage significance of the principal listed building, including its ancillary outbuildings. In addition, the enclosure obstructs the previously unhindered views of Cedar Cottage from the vehicular entrance from Broad Street and it is considered that these views would have made a positive contribution to the character and appearance of the Conservation Area. Furthermore, the roof and posts of the timber structure sit prominently above the upper limits of the enclosure in an undesirable and visually discordant manner, detracting from the architectural interest, character and appearance found in this range of historic buildings.

The accumulation of these structures as constructed, have undesirably eroded the open character of the courtyard and have partially severed the important visual relationship that this ancillary building would have once had with the principal listed building. As such, the development has failed to preserve the setting of The Cedars and neither preserves or enhances the special character and appearance of Enderby Conservation Area. The absence of any form of application for planning permission prior to the erection of these structures indicates that there has been no consideration of the site's historic context, or an objective assessment on the harm that the development would have on the heritage significance of several designated heritage assets.

The development, therefore, is not in accordance with Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policies DM1 and DM12 of the Local Plan (Delivery) Development Plan Document (2019). The development also fails to accord with Section 16 of The National Planning Policy Framework (2024) and specifically paragraphs 200, 205, 206 and 208, conflicting with the relevant legislation contained within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 5. WHAT ARE YOU REQUIRED TO DO

- i Remove in its entirety the semi enclosed timber framed building (shown in blue in the approximate position on the attached plan).
- ii Remove in their entirety the timber fence, gates, fence posts and infill panels (shown in green in the approximate position on the attached plan).
- iii Reinststate the ground that has been disturbed by the erection and subsequent removal of the semi enclosed timber framed building, fence, gates, fence posts and infill panels to its previous condition that existed prior to the breach occurring.

## 6. TIME FOR COMPLIANCE

The period of compliance shall be **TWO MONTHS** after this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **5<sup>TH</sup> JULY 2024** unless an appeal is made against it before that date.

Dated **31<sup>st</sup> May 2024**

Signed:

Jonathan Hodge  
Group Manager – Planning and Strategic Growth

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.

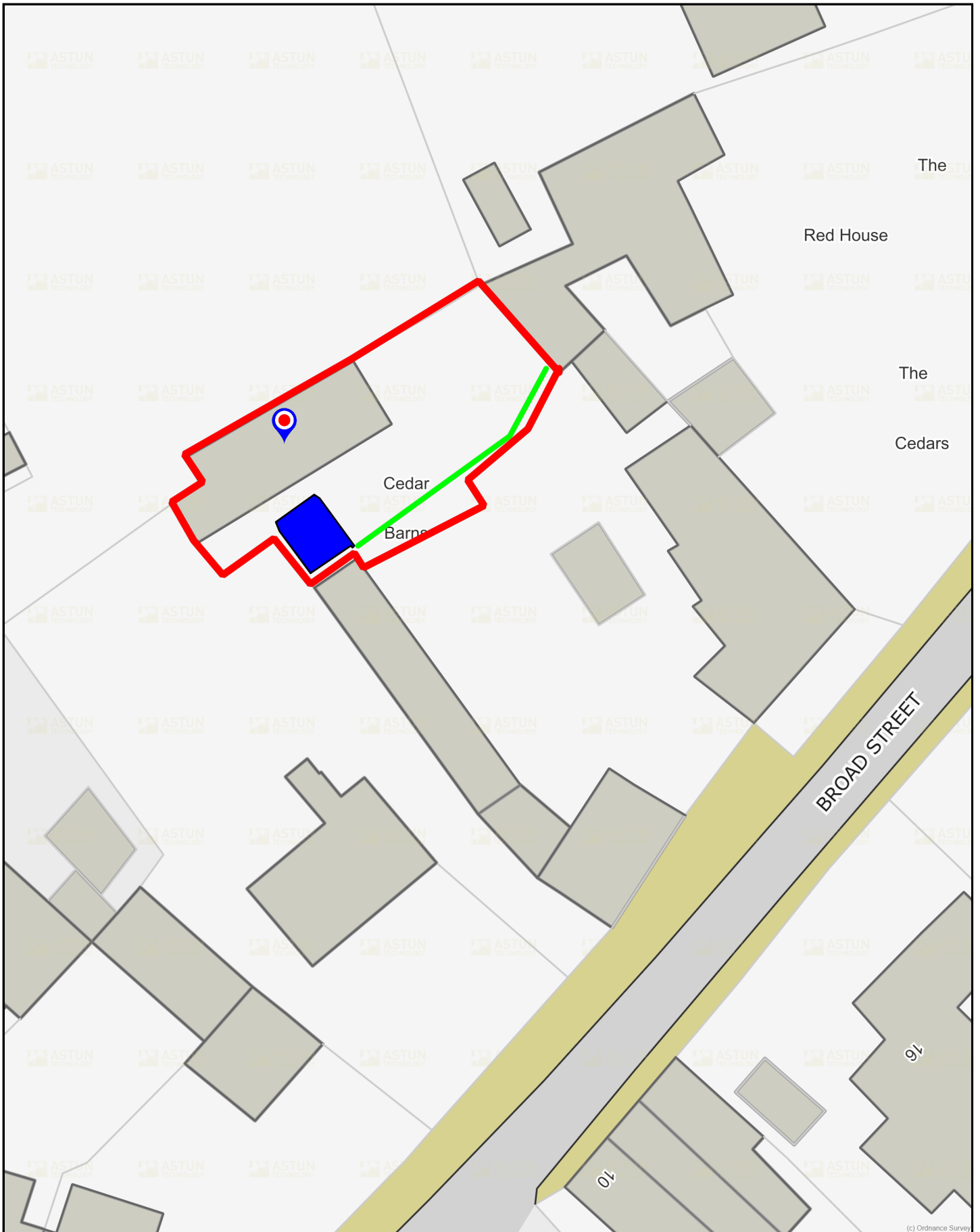
## **WHAT HAPPENS IF YOU DO NOT APPEAL**

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)**

James Demitriou  
Cedar Cottage  
Broad Street  
Enderby  
Leicestershire  
LE19 4AA



**Enforcement Notice Plan Cedar Cottage, Broad Street, Enderby, LE19 4AA**

N Scale: 1:350



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