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Ask for: Steve Holmes  
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14 January 2025

Dear Sir/Madam

## **TOWN AND COUNTRY PLANNING ACT 1990**

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|---|--|
| <b>Alleged breach:</b>                  | Change of use of existing vehicle access point and part of an agricultural and forestry track to a mixed use of agriculture, forestry and residential, and installation of an additional section of track for residential use, low-level lighting along the track and intercom system. |
| <b>Location:</b>                        | Land on the East side of Brand Hill, Woodhouse Eaves, Leicestershire, LE12 8SX   |
| <b>Planning Inspectorate reference:</b> | APP/X2410/C/24/3357878 and APP/X2410/C/24/338006   |
| <b>Councils reference number</b>        | E/21/0048  |
| <b>Appellant(s):</b>                    | Mr Gurdev Mattu  |
| <b>Appeal start date:</b>               | 09 January 2025  |

I refer to the above details. This appeal has been made to the Secretary of State against an enforcement notice issued by Charnwood Borough Council on 19 November 2024.

The enforcement notice was issued for the following reasons:

1. It appears to the Council that the above breaches of planning control have occurred within the last 10 years.
2. The development and encroachment of a residential use in the countryside broadly conflicts with Policies CS11 and CS12 of the Charnwood Local Plan Core Strategy 2015 and saved Policies CT/1 and CT/2 of the 2004 Local Plan which seek to restrict development in the countryside unless specific circumstances apply. None of those circumstances apply to the development and it is therefore unacceptable in principle. The development also conflicts with Policy H3 of the Woodhouse Eaves Parish Neighbourhood Plan and Policy C1 of the emerging Charnwood Local Plan 2021-2037. The development therefore constitutes an unwarranted intrusion into the countryside and location within the Charnwood Forest thus fails to protect or enhance its intrinsic character and beauty and also conflicts with policies CS2, CS11 and CS12 of the Core Strategy, Policy EV/1 of the saved Local Plan and Policies DS5, EV1 and EV4 of the emerging Local Plan.

3. As a result of the encroachment of the domestic curtilage into the countryside that forms part of the Conservation Area and the domestic activity through the comings and goings along the track, the development is not considered to preserve nor enhance the character and appearance of the Woodhouse Eaves Conservation Area as required by Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. The development is therefore contrary to policy CS 14 of the Charnwood Local Plan Core Strategy 2015 and Policy EV8 of the emerging Charnwood Local Plan 2021-2037 which seek appropriate forms of development that conserve and protect heritage assets and their settings. The harm identified is less than substantial and is not outweighed by the public benefits of the development and is therefore contrary to paragraph 208 of the NPPF.
4. The low-level lighting bollards and intercom system on the access gates are an integral part of the residential use. These would not be required for a forestry or agricultural use. The lighting and intercom system introduces a more domestic character, visible to highway users, where previously the domestic curtilage of the house was screened by existing boundary trees and hedges. This encroachment of the domestic curtilage is harmful to the existing character and appearance of the open countryside and contrary to policy H3 of the Woodhouse Eaves Parish Neighbourhood Plan and Policy C1 of the emerging Charnwood Local Plan 2021-2037.
5. There is no evidence before the Council to show that the development has not caused harm to the features of biodiversity, protected species or their habitats and that the appropriate mitigation can be provided. The development is therefore contrary to paragraph 186 of the NPPF which indicates that development should contribute to and enhance the local environment by minimising impacts on biodiversity. In addition, the development is contrary to policy CS 13 of the Charnwood Local Plan Core Strategy 2015, policy EV6 of the emerging Charnwood Local Plan 2021-2037 and the Council's Biodiversity Planning Guidance document 2022.
6. Planning permission P/24/0258/2 for the installation of track and use of existing vehicular access point and the track for access to existing dwelling house with associated works (Retrospective) was refused permission on 08 November 2024. The refusal of permission indicates that the Council does not consider that planning conditions could overcome these objections.

The enforcement notice requires the following steps to be taken:

1. Cease the residential use of the vehicular access, existing track and additional section of track. The additional section of track is hatched blue on the plan ref 101-925/(P)102D and attached as appendix 1.
2. Remove all hard surfacing, surface dressing, base material, subbase material, and geotextile/textile matting from the additional section of track hatched blue on the plan ref 101-925/(P) 102D and attached as appendix 1.
3. Place topsoil to the same level as the neighbouring land on the area where the hard surfacing has been removed and reseed with a pasture grass mix.
4. Remove the low-level lighting bollards, disconnecting the electricity supply to the lighting bollards and remove any electrical servicing cables associated with the lighting bollards.

5. Remove the intercom system, disconnecting the electricity supply to the intercom system and remove any electrical servicing cables associated with the intercom system.
6. Remove from the land any plant, machinery, tools, debris, waste, and materials arising from undertaking steps 2 - 5.

The appellant has appealed against the notice on the following grounds:

- (c) that there has not been a breach of planning control.
- (d) that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.
- (f) that steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.
- (g) the time given to comply with the notice is too short.

as set out at Section 174(2) of the 1990 Act.

The appellant has also appealed the refusal of planning application P/24/0258/2 for Installation of track and use of existing vehicular access point and the track for access to existing dwellinghouse with associated works (Retrospective) and this appeal (APP/X2410/W/24/338006) is now linked to the Enforcement appeal and will be considered at the inquiry.

The appeal will be determined on the basis of a public inquiry. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Inquiry Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk/>. If you do not have access to the internet, you can send your comments to:

Mr Ben White  
Room 3B  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN.

**All representations must be received by 20 February 2025.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference APP/X2410/C/24/3357878 and APP/X2410/C/24/338006.**

**From 1 April 2024 the Planning Inspectorate will no longer accept interested party comments sent via email. Any comments submitted by email will not be considered and will be returned. Comments from interested parties on appeals will only be accepted through the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/>, or via letter to Temple Quay House.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The Planning Inspectorate will not acknowledge representations. They will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s).

You may inspect the documents relating to the appeal at the council's Customer Service Centre on Southfield Road between the hours of:

9am – 4pm (Monday to Friday)

You may also view them electronically on the Planning Explorer page on the Council's website: [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

The Planning Inspectorate will publish a copy of the decision on their website [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

Yours faithfully

Steve Holmes  
Team Leader Customer Support and Performance