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Mr Matthew Johnstone
Planning Enforcement Officer
Development Management
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LE11 2TN

Email: development.control@charnwood.gov.uk

25th March 2021
Our Ref: P/300/15.1/AM
Charnwood BC Ref.: E/21/0048

Dear Mr Johnstone,

RE: E/21/0048 – PLANNING CONTRAVENTION NOTICE FOR ALLEGED CHANGE OF USE OF LAND TO RESIDENTIAL INCLUDING THE CONSTRUCTION OF A RESIDENTIAL DRIVEWAY TO ACCESS THE DWELLING AT BRAND HILL HOUSE, BRAND HILL, WOODHOUSE EAVES, LE12 8SX

I am writing to you on you on behalf of our Client, Mr G Mattu, in response to the Planning Contravention Notice served by Charnwood Borough Council on 10th March 2021 in relation to an alleged change of use of land to residential including the construction of a residential driveway to access the dwelling at Brand Hill House, Brand Hill, Woodhouse Eaves.

In response to the alleged breach, and in relation to the requests for further information, I can confirm the following relevant details:

Brand Hill House is a private residential property owned and occupied by Mr Mattu; the adjacent agricultural land also lies within their ownership. The adjacent agricultural land consists of a single grassland field, containing a derelict former stable building, and is currently vacant. The land is maintained by our Landowner Clients who commission a local independent gardener and Bradgate Estate Management to mow the paddock with drive-on lawnmowers, utilising the driveway which provides access to the field. The local, independent gardener mows the grassland using drive-on lawnmowers, as shown on the enclosed

Directors: Peter Buckingham BSc (Land Management) Jill Griffiths MARLA, MNAEA Rupert Harrison FRICS, FAAV Chartered Surveyor Stephen Mair MSc, MRTPI Andrew Robinson BSc (Hons) FRICS Chartered Surveyor Mark Sandall MSc SURV MRICS Chartered Surveyor David Woodfield FNAEA, MARLA

Consultant: Andrew Granger FRICS, FAAV

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photographs, alongside their operations in maintaining the gardens of Brand Hill House. The agricultural land also provides access to the woodland to the north for similar maintenance and/or enhancement purposes.

In relation to the alleged breach referenced in the Council's Panning Contravention Notice [Ref: E/21/00048], we can confirm that the Site is not being used in the manner specified in the contravention notice. The access driveway referenced as part of the alleged breach is used to provide access to the paddock field, and to the woodland to the north, for maintenance purposes. Whilst there is a connection between the driveway and Brand Hill House, this is not used for residential purposes; rather it is solely used for the purposes of allowing the gardening contractors, who service the House, to safely access the agricultural land using the drive-on lawnmowers in order to maintain the land.

In 2014, the Landowners replaced the existing gated access, as shown on the enclosed images, from Brand Hill into the agricultural land. This work was undertaken under the Permitted Development Rights established within the Town and Country Planning (General Permitted Development) Order 1995, which was the statutory framework in place at the time of the works. Schedule 2, Part 2 (Minor Operations) Class A sets out the permitted development rights in relation to the replacement of a gate and, as such, formal planning permission was not considered necessary for these works.

At the same time, the existing track into the agricultural field was extended to connect into the main driveway of Brand Hill House. As mentioned, this was undertaken for the purposes of allowing the gardening contractor to service and maintain the agricultural field using the equipment provided for the servicing of the main property's gardens. This work was undertaken on the basis of the Permitted Development Rights set out in the Town and Country Planning (General Permitted Development) Order 1995; Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse) Class F, which allowed for the provision of a hard surface where it is incidental to the enjoyment of the dwellinghouse. These works utilised an existing break in the boundary between Brand Hill House and the adjacent agricultural land and, therefore, did not entail the removal of any substantial vegetation. Our Landowner Clients are fully aware that the trees on the Site are protected either as part of a formal Tree Preservation Order and/or by virtue of the Conservation Area location. As above, formal planning permission was not considered necessary for these works.

An all-weather access track, which was an extension to an existing hardstanding track, was implemented in July 2017 following receipt of Prior Approval from Charnwood Borough Council [Ref: P/16/2384/2]. This prior approval was granted subject to works being carried out in accordance with the submitted details and within five years of the date of the approval (8th November 2016). We can confirm that the works undertaken fully accorded with the above conditions. Subsequently, the all-weather access track has been used to service the woods to the north of the site, which has included planting 1000 new trees for wildlife and wildflower

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benefits and the implementation of a number of other minor ecological enhancements, undertaken by Lockhart Garratt.

I trust that the above information and enclosures is sufficient to satisfy any concerns about an alleged breach of planning control. However, should you have any questions, or require any further information, please do not hesitate to contact me.

Yours Sincerely,

Adam Murray, BSc (Hons) MSc MRTPI
Planner

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Enc.

- Photographs

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Figure 1: Drive-on Lawnmower used to service Brand Hill House and adjacent agricultural land.





Figure 2: Photographs of Former Gated Access (replaced in 2014)