

**Town and Country Planning Act 1990**

**Town and Country Planning**

**(Enforcement) (Inquiries Procedure)**

**(England) Rules 2002**

**Enforcement Notice Appeal ref**

**APP/X2410/C/24/3347294**

**Local Planning Authorities ref. E/18/0476**

**Land adj Moor Lane,**

**Loughborough,**

**Leicestershire**

**Local Planning Authority: Charnwood Borough Council**

**Appellant: Mr and Mrs Gallagher**

**Statement of Common Ground**

**August 2024**

## **A - Matters on which the Council and the Appellant are agreed**

The Council and the Appellant agree on the following:

### Alleged breach of planning control

- A.1 The description of the breach of planning control detailed in the Enforcement Notice dated 29 May 2024 as being 'Raising of ground levels within the floodplain'.

### Site location

- A.2 The site location plan attached to the Enforcement Notice dated 29 May 2024 correctly details the location of the Site.

### Date on aerial photograph attached to Enforcement Notice

- A.3 The date on the aerial photograph attached to the Enforcement Notice should be 2011 and not 2018.

## **B. Matters on which the Council and the Appellant do not Agree**

The Council and the Appellant do not agree the following:

### Immunity timescales

- B.1 The Council consider that the works to raise ground levels were not substantially complete 4 years prior to the Council taking enforcement action and therefore have not gained immunity from planning control.
- B.2 The Appellant considers that the raising in ground levels were substantially completed by 2018 and therefore have gained immunity.

### Continuous or separate operations

- B.3 The Council consider that the works to raise ground levels on the Site was a continuous operation from the time the scrap yard was removed.
- B.4 The appellant considers that the works of ground raising was a distinct operation substantial completed by 2018 and any subsequent ground works, namely the creation of the security bund and removal of the spoil heap undertaken in 2019 were a separate operation.

### Section 106 Agreement for the site

- B.5 The Council does not agree that the Section 106 Agreement required or permitted the works to raise the ground levels undertaken on the Site.
- B.6 The appellant considers that the Section 106 Agreement required the removal of all buildings, materials and hard surfaced areas from the Site and as well as the clearance of the Site, all of which would affect the ground levels within the Site, as well as the vegetation including trees and grassland within it.

### Steps required by the Enforcement Notice

- B.7 The Council is of the opinion that the steps required within the Notice are fair and proportionate to resolve the breach of planning control.
- B.8 The appellant contends that the steps are excessive as set out in the Appellant's Statements.

Signed: *CAMay*

Date: 14 August 2024

Mr C May of Freeths LLP on behalf of the Appellant

Signed: *S Hallam*  
Date: 14 August 2024

Miss SJ Hallam of Charnwood Borough Council