

Item No. 2

Enforcement Reference Number E/21/0262

Developer: Mr and Mrs J Sugden
Breach: Material change of use from plant nursery to residential use (Class C3).
Location: Former Ulverscroft Grange Nursery,
Priory Lane,
Ulverscroft,
Leicestershire,
LE67 9PB
Parish: Ulverscroft
Case Officer: Sarah Hallam
Ward: Forest Bradgate
Tel No: 07713 885344

This case has been brought to plans committee with the agreement of the Chair of Plans Committee and the Head of Planning and Regeneration.

Description of the Site

The unauthorised development consists of the conversion and use of the site for a residential use. The 1.79-acre site was formally a plant nursery and it is understood that the nursery activities ceased on the site in around 2007 with the various buildings on the site falling into disrepair until the current owners purchased the site in October 2017.

Description of the Unauthorised Works

The unauthorised development consists of the conversion and use of the site for a residential use. The 1.79-acre site was formally a plant nursery and it is understood that the nursery activities ceased on the site in around 2007 with the various buildings on the site falling into disrepair until the current owners purchased the site in October 2017.

The site contains a number of buildings that are in various states of disrepair with a number of these buildings being renovated by the current owner. More specifically the building located centrally in the site has been renovated into residential accommodation with decking installed to the front of the building (see photographs at the end of the report). Early on in the investigations into the matter a Planning Contravention Notice was served and the owner, who, in their response, confirmed that the works to convert the building into a residential use commenced November 2017 and were completed October 2018. They also confirmed that it was not their intention to permanently reside on the site but for it to be only used for occasional occupation by the owner, their family and friends. The owner also keeps bees on the site and frequents the site regularly to attend to the hives.

The owner enlisted an agent in August 2021 who indicated that they would submit an application in an attempt to regularise the matter however, as yet

no application has been submitted. As the use will become lawful in October 2022 the Council must consider whether formal enforcement action should be pursued to address the breach.

The site affords electricity but does not have running water and therefore drinking water is brought onto site. Washing water is collected on site by rainwater harvesting and there is a compostable toilet, which is emptied by the owner and removed from the site.

There are permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Class Q part 3, schedule 2 to allow the conversion of redundant agricultural buildings into dwellings however prior to such works taking place the developer must submit a prior notification application to the Local Planning Authority detailing the works they wish to undertake. A prior approval application cannot be submitted retrospectively and therefore this option is no longer available to the owners. If, however an application had been submitted prior to the works taking place the application would have been refused as the development as built does not fully fall with the permitted limits. This is because works on the southern elevation of the building project beyond the external dimensions of the existing building.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

- Policy CS1 - Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing Needs
- Policy CS11 – Landscape and Countryside
- Policy CS12 – Green Infrastructure
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS16 – Sustainable Construction and Energy
- Policy CS25 – Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan 2004

- Policy ST/2 – Limits to Development
- Policy CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation
- Policy CT/2 – Development in the Countryside
- Policy EV/1 – Design
- Policy TR/18 – Parking Provision in New Development

Other Material Considerations

The Charnwood Local Plan: Pre-submission Draft (July 2021)

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd December 2021. The examination sessions began in June 2022, however were adjourned to deal with the apportionment of Leicester's unmet housing need following discussions at the Matter 1 hearing session. The next hearing sessions are expected to commence late this year following a consultation of further information.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to;

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following emerging policies are considered relevant:

DS1 Development Strategy
DS5 High Design Quality
C1 Countryside
H3 Internal Space Standards
T3 Car parking standards
EV1 Landscape
EV4 Charnwood Forest and the National Forest
EV6 Conserving and Enhancing Biodiversity and Geodiversity

At present, these policies can only be given limited weight however, as the plan progresses more weight will be able to be given to these policies in line with Paragraph 48 of the NPPF.

Other Material considerations

The National Planning Policy Framework 2019 (NPPF)

The paragraphs of relevance are 7, 8, 10, 11, 15-33, 38, 48, 59, 60, 74, 79, 80, 84, 111, 119, 126-135, 174, 180, 182 and 185

Paragraph 59 states Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

National Forest Company Destination Plan (2015-2025)

Landscape Character Assessment 2012

Housing Supplementary Planning Document (2017)

The Housing and Economic Needs Assessment (HEDN) – 2022

Housing Needs Assessment 2020

Technical Housing Standards – Nationally described space standards (March 2015)

The Leicestershire Highways Design Guide (2018)

Supplementary Planning Document - Charnwood Design (January 2020)

The Crime and Disorder Act 1998

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the authorisation of enforcement proceedings.

The issue of **human rights** is also a material consideration in the determination of planning applications and enforcement issues. Article 8 of the Human Rights Act 1998 requires respect for private and family life and the home while Article 1 of the First Protocol provides an entitlement to peaceful enjoyment of possessions. However, these rights are “qualified” and it is necessary to consider whether refusing planning permission and/or issuing an enforcement notice would interfere with the developer’s human rights. If it would, the Committee must decide whether any interference is in accordance with the law, has a legitimate aim and is proportionate.

The impact on the human rights of the developer must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area. In this case, the balance points to protecting the openness of the countryside, the biodiversity and ecology of the site and surrounding area.

Relevant Planning History

P/85/0336/2 – Site for the erection of one single storey detached dwelling
Granted Conditionally 18 April 1985

P/87/1961/2 – Site for the erection of single storey detached dwelling renewal
of planning permission P/85/0336/2 – Refused

P/97/1686/2 - Erection of replacement office and toilet (48 sq.m.) and 6
polytunnels (418 sq.m.) – Granted Conditionally 12 February 1998

Responses of Statutory Consultees

The County Council Highways Officer has been consulted and has raised no objections to a dwelling on the site when comparing this against the previous use as a plant nursery. They indicate that the nursery would have generated more vehicle trips compared to a single dwelling.

Other Comments Received

Neighbouring residents have raised the following concerns;

- the increased use of the shared driveway and the costs of its upkeep and maintenance
- that the site does not benefit from a water supply or sewage system
- concern over access bridge to the site as it is in a poor state of repair
- access rights over the shared access
- external CCTV cameras on the site and their impact on neighbours privacy
- safety of Priory Lane when accessing and leaving the site
- deliveries to the site blocking shared driveway
- the increased use of the shared driveway undermines the security of the property which owns the driveway
- impact on the neighbouring brook where water is being pumped out and dirty water placed back in the brook
- bonfires
- parties
- loss of privacy
- noise
- design of development

Consideration of the Planning Issues

The site is outside the limits of any settlement and is therefore within Countryside as defined in the Borough of Charnwood Local Plan (policies CT/1 and CT/2). The site is accessed via a shared driveway off the North side of Priory Lane which serves one other dwelling and an agricultural field. To the North of the site is Coalburn Wood, which is an ancient woodland and local wildlife site (LWS) and on the opposite side of Priory Lane to the site is Ulverscroft Wood, which is also an ancient woodland and local wildlife site (LWS).

The site when purchased contained a number of derelict buildings that previously served Ulverscroft Nurseries, which it is understood ceased operating on the site in around 2007. From the photographs included at the end of the report it can be observed that the open sided building has been extensively remodelled to enable it to be converted into a dwelling. Other buildings on the site are also being renovated in association with the residential use and the owner's hobbies, which includes bee keeping.

The starting point for decision making is that the decision as to whether to take action must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.04 years at 31/3/22), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at NPPF paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas

or archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered in this instance paragraph 11d i) would apply.

The key issues to inform whether or not the development is acceptable are included below;

- The Principle of the development
- Design of resultant dwelling and other buildings on the site and impact on the character of the area
- Highways and Car parking
- Biodiversity and landscape impact.
- Impact on residential amenity
- Implications if the breach is not remedied and allowed to gain immunity

The Principle of the development

Saved Policy CT/1 of the Local Plan 2004 does not support new residential development within the countryside, the policy supports the re-use and adaptation of rural buildings where it meets certain identified criteria. Saved Policy ST/2 also identifies built development will be confined to allocated sites and other land within the limits to development. Both policies are over 5 years old and arguably are not fully compliant with the NPPF, it is considered that it would only have moderate weight as an important policy in the determination of any appeal where planning permission would be considered.

Core Strategy Policy CS1 identifies the locations suitable for housing in the borough and the countryside is not listed as one.

The site is located within the countryside outside the limits of development within an isolated location. Whilst saved Policy CT/1 lends support to the re-use and adaptation of rural buildings where there would not be a significant adverse environmental impact this is subject to the listed criteria in the policy of which this development does not meet any. In addition, it has not been demonstrated that the development could not be reasonably located within or adjacent to an existing settlement. The site owners have made it clear that the residential use is occasional for them, their friends and family, as they permanently reside in Newtown Linford. In addition, the site is used for hobby activities such as the keeping of bees but such use does not justify a residential use on the site. The development is therefore contrary to Policies CS1, of the Core Strategy and Policies CT1 and ST/2 of the Borough of Charnwood Local Plan.

Although. the development does not meet any of the listed criteria as being essential for the efficient long-term operation of agriculture, horticulture or forestry etc. Because of the age of the policy and it arguably being not fully compliant with the NPPF, it is considered that it would only have moderate

weight as an important policy in the determination of any appeal where planning permission would be considered.

The site is well-screened from public vantage points and the condition of and indeed existence of existing buildings is not readily apparent from any street scenes due to existing trees and the topography of the site. The condition of the site was that naturally arising from disuse but this was not harmful to the overall character of its rural setting. More recently, buildings have been renovated and the land progressively maintained to create usable areas for relaxing and other residential activities, but it is not considered that these works significantly enhance the immediate setting. It is considered that none of the criteria of Paragraph 80 of the NPPF are met as:

- no evidence has been provided to show there is an essential need for a rural worker to live permanently at or near their place of work in the countryside
- the development does not represent the optimal viable use of a heritage asset or be appropriate enabling development to secure the future of heritage assets
- does re-use redundant and disused buildings however it is not considered that the reuse of these buildings enhance its immediate setting
- does not involve the subdivision of an existing residential building
- the design of the development is not of exceptional quality reflecting the highest standards in architecture and significantly enhance its immediate setting

Therefore, the works undertaken are in variance with the NPPF when read as a whole and as the NPPF is up to date this policy can be given significant weight when considering any appeal on the matter.

Paragraph 80 of the NPPF is less restrictive and talks about 'redundant' and 'disused' buildings, which the buildings prior to remodelling would have been described as such. Therefore, the 'redundant' and 'disused' nature of the site did not have a negative contribution to the rural landscape and had no significant harm to the character or appearance of the Charnwood Forest Landscape Area that would warrant and support the current development of the site. These works therefore are not considered acceptable as they do not enhance the immediate setting.

The site did originally provide employment opportunities however the nursery use, which falls within agriculture, ceased a number of years ago. The site is therefore not designated as employment land within the Development Plan.

It is considered that the site is located in an unsustainable remote location with no local bus service and the occupants reliant upon their car to visit the site. In addition, there is a lack of facilities such as shops etc. in the local vicinity and Priory Lane has no footpath further making the occupants further reliant on their car. Therefore, the residential use of the site would be contrary to CS25 of the Core Strategy which can be given significant weight in consideration of this matter.

The Charnwood Local Plan 2021-37 has been submitted for examination and examination hearing sessions have begun. The emerging policies in the plan are material considerations. Emerging policy DS1 directs 0% of housing development to hamlets (including Ulverscroft). The hamlets do not have defined Limits to Development but are considered countryside where policy C1 applies. Policy C1 does not support a residential dwelling on the site and therefore the development is contrary to emerging policies DS1 and C1 of the Charnwood Local Plan 2021-2037. At present, these policies can only be given limited weight however, as the plan progresses more weight will be able to be given to these policies in line with Paragraph 48 of the NPPF.

Taking into account the above the development does not comply with Policies CS1 of the Core Strategy, Policies CT1 and ST/2 of the Borough of Charnwood Local Plan and paragraph 80 of the National Planning Policy Framework and therefore in principle is not considered to be acceptable.

Design of resultant dwelling and other buildings on the site and impact on the character of the area

Setting aside the arguments of principle, the current dwelling on the site is of a modest size and the design of the conversion of the building is sympathetic with the use of wooden cladding and corrugated tin roof, which is considered acceptable within the rural setting. However, it is not just this building that is being used for residential activities it is the whole site and the paraphernalia that comes with residential uses that is considered detrimental to the isolated rural setting of the site. The dwelling already has decking installed with stone, paved and planted areas akin to a residential garden. Outdoor seating is also present on the decked area with the before and after photographs at the end of the report clearly detailing how the character of the site has significantly changed since the current owners purchased the site. The design of the one building may be acceptable but as a whole, the change of use of the site and resultant development that has been undertaken and that could be undertaken through various permitted development rights that would be allowed if the residential use of the site was unrestricted would not be considered to enhance the immediate setting. At present the whole site is associated with the residential building (SH1) located within the centre of the site with paths throughout the site allowing it all to be used for residential activities.

A further building to the south of the dwelling (SH2) has recently been clad with timber, had windows and a door installed, and a pitched roof installed. This is very much akin to a log cabin and is currently being used by the owners for their bee keeping activities incidental to the residential use. This could however, with very little works, be turned into additional living accommodation incidental to the main dwelling (SH1). If more buildings on the site are renovated into residential uses the modesty of the current dwelling (SH1) will be lost with the extent of the residential use sprawling all over the site.

In addition, there are a number of other buildings on the site which were under renovation during a site visit undertaken. It therefore is unclear as to what the final finish and design of these buildings will be and therefore it is unclear as to whether these works would be acceptable.

New development is required to respect and enhance the character of the area having regard to (inter alia) layout and access arrangements. Saved Policy EV/1 seeks to ensure a high standard of design that (inter alia) respects and enhances the local environment including the scale, location, character and function of the open and undeveloped nature of the countryside. Policy CS11 requires development in rural areas to respect the character of the countryside and landscape by (inter alia) protecting landscape character and requiring new development to take into account and mitigate its impact on tranquillity.

Emerging policies EV1 and EV4 aim to manage development to protect the Borough's distinctive landscape and the Charnwood Forest. The development does not comply with either of these policies as there is no evidence that the development protects the landscape character or protects and enhances the distinctive landscape character of the Charnwood Forest.

In terms of visual amenity, already with the addition of decking and paved areas and the continuing redevelopment of the other buildings on the site it is unclear to the extent of the residential sprawl which potentially could result in harm to the character and appearance of the rural landscape. The site is of substantial size with no restrictions on the limit of the residential curtilage. Therefore the whole site is considered to be the extent of the residential curtilage. An unrestricted dwelling in the countryside and the potential works that could be undertaken under the permitted development rights is considered to have significant harm to the rural setting and the character and appearance of the rural landscape. Under the permitted development rights substantial extensions could be undertaken to the dwelling (SH1) with other buildings on the site being converted to residential uses associated and incidental to the dwelling. In addition there are permitted rights to install hardstanding, fencing and erect other buildings. All these works would cause harm to the Countryside, by introducing further built form of more urban characteristics than the rural open nature of the current site. Taking account of the above, the development is not considered to be wholly in accordance with Policies CS2 and CS11 of the Core Strategy and saved policies EV/1 and CT2 of the Borough of Charnwood Local Plan as well as Paragraphs 130 and 174 of the NPPF.

Highways and Car parking

The existing gated shared access to the site appears to provide good visibility in both directions with the gates well set back so that vehicles can stand clear of the highway. The residential use has significantly fewer vehicle activities compared to what the previous nursery use would have had. This use however ceased some time ago but the ability to use the access did not cease. The current occupiers of the property that own the access driveway

have become used to their only use of the access drive. Concern has been raised on the increased use of the driveway since the current owners purchased the site. Leicestershire County Highways have raised no highways objections to a dwelling on the site.

Policy TR/18 states permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. Within the site there is ample parking for numerous vehicles to meet the needs of a dwelling, in accordance with the Leicestershire Highways Design Guide. Therefore from a highways point of view the development does not conflict with paragraph 111 of the NPPF or with saved Policy TR/18 of the local plan and is considered to be acceptable.

Emerging policy T3 of the Charnwood Local Plan 2021-2037 requires that there is adequate parking provision for development. The development is considered to comply with this policy.

Biodiversity and landscape impact

It is unclear on the impact the current use has on the biodiversity, geodiversity and the countryside as no ecological surveys or impact reports have been provided by the site owners. The owners and their agent made it very clear that they would be submitting an application in an attempt to regularise the matter and as part of this would submit the necessary surveys and detailed mitigation measures, in order to ensure the development does not result in a net loss of biodiversity. No such application has been submitted. In the absence of the necessary surveys and mitigation measures it is unclear what the full impact the development has and in light of this it is concluded that the development may conflict with policy CS13 of the Core Strategy which can be given significant weight in the decision making process and paragraphs 174, 108 and 182 of the NPPF.

The development also conflicts with emerging policies EV4 and EV6 of the Charnwood Local Plan 2021-2037. These policies aim to protect the Charnwood Forest and National Forest along with conserving and enhancing biodiversity and geodiversity.

Impact on residential amenity

Policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan 2004 seeks to protect the amenity of existing and future residents. The emerging policy DS5 states that new development will be required to protect the amenity of people who live nearby and those who live in the new development. Emerging policy H3 requires compliance with the nationally described space standards.

There is one residential property that adjoins the site and shares the access and they have raised concern that the impact the increase in comings and goings from the site has upon their amenity as the shared driveway runs

through their property and along the side of their dwelling. These residents have had many years with very limited vehicle movements other than their own activities but if the nursery reopened, the Council would not have control over the vehicle movements, which would be significantly more than a single dwelling.

It is understood that the owners of the site have a right of access over the neighbours' land therefore the driveway owners do have some control over the usage of the shared driveway and could take their own civil action if the frequency of use was not to their liking or if maintenance and repair fees of the access driveway were required.

An additional nearby resident has also echoed the concerns raised by the adjacent resident but they have also raised concern regarding the noise caused by the residential use. It is not considered that the residential use causes noise disturbance which would be of detriment to the neighbouring residential properties. The current use is relatively low level with the occupiers and their family and friends only visiting the site. If the nursery use was to take place the use would be more intense with the potential of more noise on a daily basis.

The accurate dimensions of the converted outbuilding for residential use (SH1) are not fully known as detailed drawings have yet to be provided. A rough estimate of the floor area of the building is 62 square metres and therefore this would comply with the Technical Housing Standards for a 2-bed property for three people but could fall short if the accommodation was for 4 people and therefore without further detailed information from the owner the Local Planning Authority would question its compliance with the Technical Housing Standards.

Taking into account the points raised by the local residents and if the owner can show that the building for residential occupation (SH1) complies with the Technical Housing Standards it is not considered that the use of the site for residential purposes has a detrimental impact upon residential amenity for current and future occupiers and therefore would comply with policy CS2 of the Core strategy, saved policy EV/1 of the Local Plan 2004.

If the owner can show that the building for residential occupation (SH1) complies with the Technical Housing Standards, the development is considered to comply with emerging policies DS5 and H3 of the Local Plan 2021-2037.

Implications if the breach of planning control is not remedied and allowed to gain immunity

When a dwelling is either granted unconditional planning permission or gains permission by being present for in excess of 4 years and gains immunity there are a raft of permitted development rights that the dwelling automatically affords. These permitted development rights could allow for a multitude of development, such as extensions to the buildings currently on the site, new

buildings being erected, decking and other hard surfacing of the land. In addition, various paraphernalia such as tables and chairs, washing lines etc. associated with a dwelling would be permitted which would have a significant detrimental impact upon the open countryside, biodiversity and the rural setting this site affords. Enforcement action should therefore be pursued to ensure only development that is acceptable is allowed to remain and that if there is any development that is considered acceptable that this obtains the necessary permission (i.e. planning permission) and it is suitably controlled via conditions to ensure protection is afforded to the above.

Conclusion

The development is not acceptable in principle, as the provision of a dwelling in this location does not meet national or local policy objectives of directing development to sustainable locations. The condition of the site prior to the current owner's occupation was not considered so unsightly that the development of it for residential use was the only option.

In addition, no agricultural or other justification has been given to support the retention of the residential use on the site and in the absence of an assessments that details the impact the development has upon the biodiversity and the geodiversity it is unclear as to the full impact of the development. . The site is of substantial size with no restrictions on the limit of the residential curtilage. Therefore the whole site is considered to be the extent of the residential curtilage. An unrestricted dwelling in the countryside and the potential works that could be undertaken under permitted development rights is considered to have significant harm to the rural setting and the character and appearance of the rural landscape. Under permitted development rights substantial extensions could be undertaken to the dwelling (SH1) with other buildings on the site being converted to residential uses associated and incidental to the dwelling. In addition, there are permitted rights to install hardstanding, fencing and erect other buildings. All these works would cause harm to the Countryside.

The harm identified to the countryside and the unsustainable location is considered to be significant and demonstrable. Whilst the development would result in the addition of a dwelling this is not considered a benefit which would outweigh the harm identified.

Therefore, it is considered that formal enforcement action should be pursued.

Recommendation

Authorise Enforcement Action

It is **RECOMMENDED** that Members:

Authorise the Head of Planning and Regeneration responsible, in accordance with the Councils constitution to take enforcement action under the Town and Country Planning Act 1990 and to institute and

conduct any legal proceedings necessary to secure compliance with the enforcement notice.

give the following reasons why it is expedient to authorise enforcement action:

- 1) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- 2) In the absence of any assessments that details the impact the development has upon the biodiversity and the geodiversity of the site and area, it is unclear as to the full impact the development has. In light of this it must be concluded that the development may conflict with policy CS13 of the Charnwood Local Plan Core Strategy 2011-2028
- 3) The site is located within the countryside where a strict approach is taken towards the development of isolated homes. The dwelling currently on the site does not in the opinion of the local authority, meet any identified need for an agricultural or forestry workers dwelling, does not facilitate the diversification of the rural economy or improve facilities for recreation or leisure uses. In addition, it has not been demonstrated that the development could not be reasonably located within or adjacent to an existing settlement. The development is therefore contrary to Policies CS1, CS11 and CS25 of the Core Strategy, Policies ST/2 and CT/1 of the Borough of Charnwood Local Plan and paragraph 80 of the National Planning Policy Framework.
- 4) The Council does not consider that planning permission should be given as planning conditions could not overcome these objections.

confirm that the notice will require the following steps to be taken:

- 1) Cease the residential use of the site
- 2) Remove (all domestic items from inside the buildings detailed in the attached photographs SH1 and SH2 including but not limited to furniture, kitchen units and appliances, TV, log burner and bathroom)
- 3) Remove decking, hard surfaced areas (gravelled areas, paths and paving) around building as identified in Photograph SH1
- 4) Return the building as identified on photograph SH1 back to an open sided building as detailed in the attached photograph SH1
- 5) Return the container back to its former condition as detailed in the attached photograph SH2
- 6) Remove from the site any other residential items such as, but not limited to; washing lines, garden furniture, household furniture, kitchen units and appliances, TV aerial, burner flue, lighting, roller shutter, CCTV cameras etc.
- 7) Remove all resulting debris from the site.

Time for Compliance

06 months from the date the Notice takes effect

for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report.

Photographs

Building SH1

Before



After



Building SH2

Before

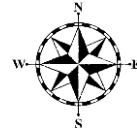




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Reference No:

E/21/0262

Location:

Former Ulverscroft Grange Nursery, Priory Lane, Ulverscroft, Leicestershire, LE67 9PB

Scale:

1:2500

