

Appendix 4a – Enforcement Notice

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| IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY |
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**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them 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. They 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 Dukes Walk, Leominster, Herefordshire, HR6 8AE shown edged red on the attached plan. (OS Grid Reference 52°13'36.5"N 2°44'06.5"W)

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

Without planning permission the erection of two semi-detached houses in the approximate position marked with a cross on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years. The building in question was substantially completed less than four years ago. The buildings appears to look like and have been designed as dwelling houses.

The development is considered to constitute a poor quality design which does not respond positively to the site context or respect local distinctiveness. Consequently it has a detrimental impact upon the character and appearance of the surrounding townscape and the designated Leominster Conservation Area within which the development is located. The development is contrary to policies SD1, LD1, LD4 and SS6 of the Herefordshire Local Plan Core Strategy and policies LANP3, LANP14 and LANP14 of the Leominster Neighbourhood Development Plan.

The scheme facilitates direct views between the internal habitable spaces of residential properties and thereby would have a detrimental impact upon the residential amenity of

both existing and future residents through means of overlooking and subsequent loss of privacy. The development is therefore contrary to policy SD1 of the Herefordshire Local Plan Core Strategy, Policy LANP15 of the Leominster Neighbourhood Development Plan and the principles set out in Chapter 12 of the National Planning Policy Framework.

The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC). The nature of the development triggers the requirement for a Habitat Regulations Assessment to be undertaken which has not been done. The development would generate additional foul water / phosphates from the two dwellings and as such the Local Planning Authority is unable to conclude that the development would not have an adverse effect on the integrity of the River Lugg / River Wye SAC. As a result, the development would fail the Appropriate Assessment required by The Conservation of Species and Habitats Regulations 2017 and is contrary to Policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out in Paragraphs 174-177 of the National Planning Policy Framework.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Demolish the pair of semi-detached houses as shown on the attached plan and marked with a cross.
- (ii) Remove from the land all building materials and rubble arising from compliance with point (i) above.
- (iii) Restore the land to its former condition before the breach took place by levelling the ground and re-seeding with grass.

6. TIME FOR COMPLIANCE

6 months after the date this notice comes into effect for compliance with points (i), (ii) and (iii) above.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20/01/2020 unless an appeal is made against it beforehand.

Dated: 13/12/2019

Signed: 

Mark Tansley – Development Manager

Telephone Number: 01432 260 507

Nominated Officer: Sam Henton

On behalf of: The Herefordshire Council
The Shirehall,
St Peter's Square,
Hereford. HR1 2HX

ANNEX

IMPORTANT. PLEASE READ THE INFORMATION BELOW

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 Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

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[s] 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.

Appendix 4b – Enforcement Plan



Location: Land at Dukes Walk
Leominster
Herefordshire
HR6 8AE
OS Grid Reference
52°13'36.5"N 2°44'06.5"W)
Map Scale: 1:400

This is the plan referred to in an enforcement
notice relating to the Land at Dukes Walk,
Leominster, Herefordshire, HR6 8AE.

Signed by



