

# PLANNING STATEMENT

58 Equity Road East, Earl Shilton, Leicestershire, LE9 7FY

|                                      |                                                                                                                         |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Application type</b>              | Full planning permission - retrospective                                                                                |
| <b>Proposal</b>                      | Change of use of land adjoining the rear garden to residential garden land, together with retention of boundary fencing |
| <b>Planning Portal reference</b>     | PP-15243005                                                                                                             |
| <b>Council enforcement reference</b> | 26/00232/UNUSES                                                                                                         |

## 1. Introduction

This statement supports a retrospective application for the change of use of land adjoining the rear garden of 58 Equity Road East to residential garden land, together with the retention of the existing boundary fencing. The application is submitted following discussions with Hinckley & Bosworth Borough Council's Planning Enforcement service.

## 2. Site and surrounding context

The application site comprises the existing dwelling and garden at 58 Equity Road East together with the adjoining area included within the application boundary. The adjoining land has been enclosed by boundary fencing and is currently used in association with the dwelling as residential garden land. The application plans identify the precise extent of land to which the application relates.

## 3. Background

Before the fencing was erected, enquiries were made in an attempt to establish the ownership of the adjoining land. The applicant has been unable to establish the name and address of the owner despite those enquiries. The planning application is therefore being made using the appropriate ownership certification procedure.

## 4. Development for which permission is sought

Planning permission is sought retrospectively for two related elements: the use of the adjoining land as part of the residential garden serving 58 Equity Road East, and the retention of the boundary fencing already erected around that area. No new dwelling or other residential unit is proposed. The proposal does not seek any alteration to the existing vehicular access or parking arrangements.

## 5. Character and appearance

The application should be assessed having regard to the effect of the enclosed land and fencing on the character and appearance of the surrounding area and streetscene. The fencing provides a defined residential boundary to the land now used with No. 58. The application gives the local planning authority the opportunity to assess the existing arrangement on its planning merits, including its scale, siting, appearance and relationship with neighbouring land.

## 6. Residential amenity

The proposal does not introduce an additional dwelling or a materially different intensity of residential occupation. The land is used as garden land ancillary to the existing dwelling. The application should therefore be considered principally in terms of the relationship of the enclosed garden area and

fencing to neighbouring properties and the wider surroundings.

## **7. Open land and planning status**

The applicant acknowledges that the local planning authority has identified the previous character and use of the adjoining land as a material consideration. This application does not seek to make any assertion about legal ownership of that land. Land ownership and planning permission are separate matters, and the appropriate ownership certification and notice procedures are being followed. The planning application asks the authority to determine whether the present residential garden use and fencing are acceptable in planning terms.

## **8. Landscaping, access and parking**

The proposal does not create a new access, alter the existing highway access to No. 58, or increase the number of dwellings. Existing parking arrangements for the property are unaffected. The application concerns the use of the adjoining land as garden land and retention of the existing fencing. Any existing soft landscaping within the application site can continue to be maintained as part of the residential garden.

## **9. Enforcement background**

The application follows contact with the Council's Planning Enforcement service under reference 26/00232/UNUSES. The Council has confirmed that a retrospective planning application may be submitted so that the planning merits of the change of use and fencing can be formally considered. The applicant has therefore submitted this application to regularise the planning position.

## **10. Conclusion**

The applicant respectfully requests that the local planning authority assess the application on its planning merits. The proposal is for the continued use of the enclosed adjoining land as residential garden land serving 58 Equity Road East and retention of the existing boundary fencing. The applicant is willing to engage constructively with the authority regarding any reasonable planning matters arising during determination of the application.

Note: This statement addresses planning matters only and does not assert or determine legal ownership of the adjoining land.