

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY****ISSUED BY:****KETTERING BOROUGH COUNCIL****ENFORCEMENT NOTICE****OPERATIONAL DEVELOPMENT**

**TOWN AND COUNTRY PLANNING ACT 1990  
(As amended by The Planning and Compensation Act 1991)**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a), under 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 this notice and the enclosures to which it refers contains important additional information.

2. **THE LAND AFFECTED**

Greenfield site as shown edged in Red and LAND ON THE NORTH SIDE OF BRAYBROOKE ROAD, DESBOROUGH, KETTERING NN235509 (LAND TITLE edged in Blue) and hatched in GREEN the location of the breach of planning control.

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

Without planning permission as shown on attached Plan A:

Without planning permission, within the land edged in Red (for identification purposes only) the carrying out of operations on the land title NN235509, resulting in the provision of a hard-surfaced access track, as shown approximately hatched in Green to the Northern end of the Hedgerow marked XY within the last 4 years.

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the breach of planning control has occurred within the last 4 years.
2. The operational development was substantially completed less than 4 years ago and results in an unjustified development within the open countryside and is considered to have a visually intrusive and discordant feature in a surrounding rural area that has a detrimental effect on the rural character and appearance of the landscape and fails to contribute to or enhance the natural and local environment by protecting and enhancing valued landscapes contrary to paragraph 15 of the National Planning Policy Framework.
3. As such, the development conflicts with the aims and objectives of the following policies of the Development Plan:-

Policy 3 (a, b and c) of the Joint Core Strategy states to conserve and where possible enhance the character and qualities of the local landscape through appropriate design and management, make provision for the retention and where possible enhance the features of landscape importance, safeguard and where possible, enhance important views and vistas including skylines within the development layout.

4. The rolling open slopes and the landscape are important for the cumulative contribution they make within the broader countryside setting and therefore the Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

**5. STEPS REQUIRED TO RECTIFY THE BREACH (WHAT YOU ARE REQUIRED TO DO):**

- (1) Remove the compact hardcore materials that form the access track as approximately shown shaded in GREEN and all materials comprising its construction from the land.

**Time for compliance: 2 month from the date this Notice takes effect.**

- (2) Remove from the land all debris resultant from compliance with Step (1).

**Time for compliance: 2 weeks from completion of Step (1).**

- (3) Restore the land identified, as approximately shaded in GREEN, back to its agricultural condition before the breach took place by levelling the ground, laying topsoil and re-seeding it with grass.

**Time for compliance: 1 month from the completion of Steps (1) and (2).**

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **16<sup>th</sup> March 2020** unless an appeal is made against it beforehand.

**DATED: 14<sup>th</sup> February 2020**

Signed: 

James Wilson  
Interim Head of Development Services  
Kettering Borough Council  
Municipal Offices  
Bowling Green Road  
KETTERING  
Northamptonshire NN15 7QX

## **ANNEX**

### **THE RIGHT TO APPEAL**

Who can appeal? See page 4 of the document '*Enforcement Notice Appeals: How to complete your appeal form*' <https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

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 6 of the notice.

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

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds [Not all of these grounds may be relevant to you]: That;

Ground (\*):

- (a) in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) those matters have not occurred;
- (c) those matters (if they occurred) do not constitute a breach of planning control;
- (d) at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) copies of the enforcement notice were not served as required by Section 172;
- (f) the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£468.00**. Fees should be made payable to "Kettering Borough Council". Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

### **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 6 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 5 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.

**Parties on whom the enforcement notice has been served:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]