

Birchfield Springs Enforcement Appeal Update

Planning enforcement action was taken in May 2020 against Lyndon Thomas (Ltd), to stop ongoing breaches of planning control at the Birchfield Springs site in Desborough. This was appealed and is to be determined by the Planning Inspectorate by way of a Public Inquiry.

To date, the landowner has submitted various legal disputes to the allegations, which have delayed this enforcement action. The Council has however been successful in defending the first judicial review against the Council's decision to issue the Enforcement Notice. The Landowner is seeking to appeal that decision.

The Public Inquiry was held in abeyance by the Planning Inspectorate due to the judicial review against the Enforcement Notice; the Planning Inspectorate has now agreed to restart the Appeal.

Should you wish to make any representations on the appeal these must be made by 3rd August 2021 directly to the Planning Inspectorate (please see the LPA letter (North Northamptonshire Council's Kettering Planning Office) dated 19 July 2021 for details on how to make comments – this letter is available on the Council's website at <https://www.kettering.gov.uk/enforcement/details/764>).

There is currently no date set for the Public Inquiry – the Planning Inspectorate are responsible for setting this date and the Council will be advised on this in due course.

Guidance on enforcement appeals and the Public Inquiry procedure can be found on the Planning Inspectorate's website

<https://www.gov.uk/government/organisations/planning-inspectorate>

[Procedural Guide: Enforcement notice appeals - England - GOV.UK \(www.gov.uk\)](#)

[Planning appeals dealt with by an inquiry: taking part - GOV.UK \(www.gov.uk\)](#)

Planning Law holds no legal powers relating to the use of the highways or damage to the highways, which is governed under its own statutory regulations. In addition to the Council's enforcement action, investigations are also ongoing from the Environment Agency (EA) and the Driver and Vehicle Standards Agency (DVSA).

Due to the ongoing activities at the site, any waste incident reports from members of the public should be directed to the EA's incident hotline 0800 807060 so that they can respond accordingly.