

**KETTERING BOROUGH COUNCIL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN & COUNTRY PLANNING ACT 1990**  
**(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)**

EN.00.0497

**ENFORCEMENT NOTICE**

ISSUED BY: KETTERING BOROUGH COUNCIL of Municipal Offices, Bowling Green Road, Kettering in the County of Northampton

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, under Section 171A(1)(a) 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.

2. THE LAND AFFECTED

Land adjacent to 21 Braithwaite Close at Kettering in the County of Northamptonshire as is shown for the purposes of identification only on the attached plan and edged in red.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission, the change of use of the land from public amenity land to domestic garden, by the removal of shrubs and trees planted as part of a housing development landscaping scheme, and the erection of a 2 metre high fence around the boundary of the land so as to wholly incorporate the land within an extended curtilage of 21 Braithwaite Close.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last ten years. The change of use of the land results in the loss of a significant area of amenity land which, as a grassed area with a substantial border planted with shrubs and trees, provided an open and pleasant visual aspect within the local area. The 2 metre high fence itself imposes an unjustifiable outward projection of wooden fencing, having no public amenity value, and is a very poor substitute for the previous high quality of the open amenity land. The fence also causes an unacceptable impact on highway safety resulting from a loss of visibility for visitors and occupiers in respect of 22 and 23 Braithwaite Close. As such, the development is contrary to the following policies of the Local Plan for Kettering Borough:

Policy 16 (Environment: Landscape Planting) states that planning permission will not be granted for proposals for development which fail to make provision for landscaping,

planting and the retention of existing natural landscape features within and immediately adjacent to the site.

Policy 30 (Environment: New Development) states that proposals for development, including changes of use, will be granted planning permission where the character of the development is appropriate in terms of type and scale, and there is no adverse impact on the character of the area or on the amenity of existing or proposed nearby property.

Policy 37 (Housing: Density and Site Layout) states that planning permission will be granted for residential development where among other things there is adequate space about buildings, private space, car parking, open space and landscaping.

Policy 84 (Transportation: New Development Access and Layout Considerations) states that planning permission for proposals including the layout of new roads will be granted only where, among other things, the appropriate standards of the relevant highway authority regarding layout, access and road design are incorporated and there is a satisfactory relationship between highway standards, safety and the environment.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control are:

- (a) Permanently remove from the land the fence erected along the boundary between points A and B and marked in green on the attached plan.

Time for compliance: one month from the date this notice takes effect.

- (b) Replace the removed shrubs and trees by replanting the land in accordance with the detailed specifications as shown on the attached drawing 433D/02A.

Time for compliance: twelve months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2 April 2001 unless an appeal is made against it beforehand.

DATED: 26 February 2001

Signed



Head of Legal Services  
(Proper officer for this Purpose)

Kettering Borough Council  
Municipal Offices  
Bowling Green Road  
KETTERING  
Northants NN15 7QX

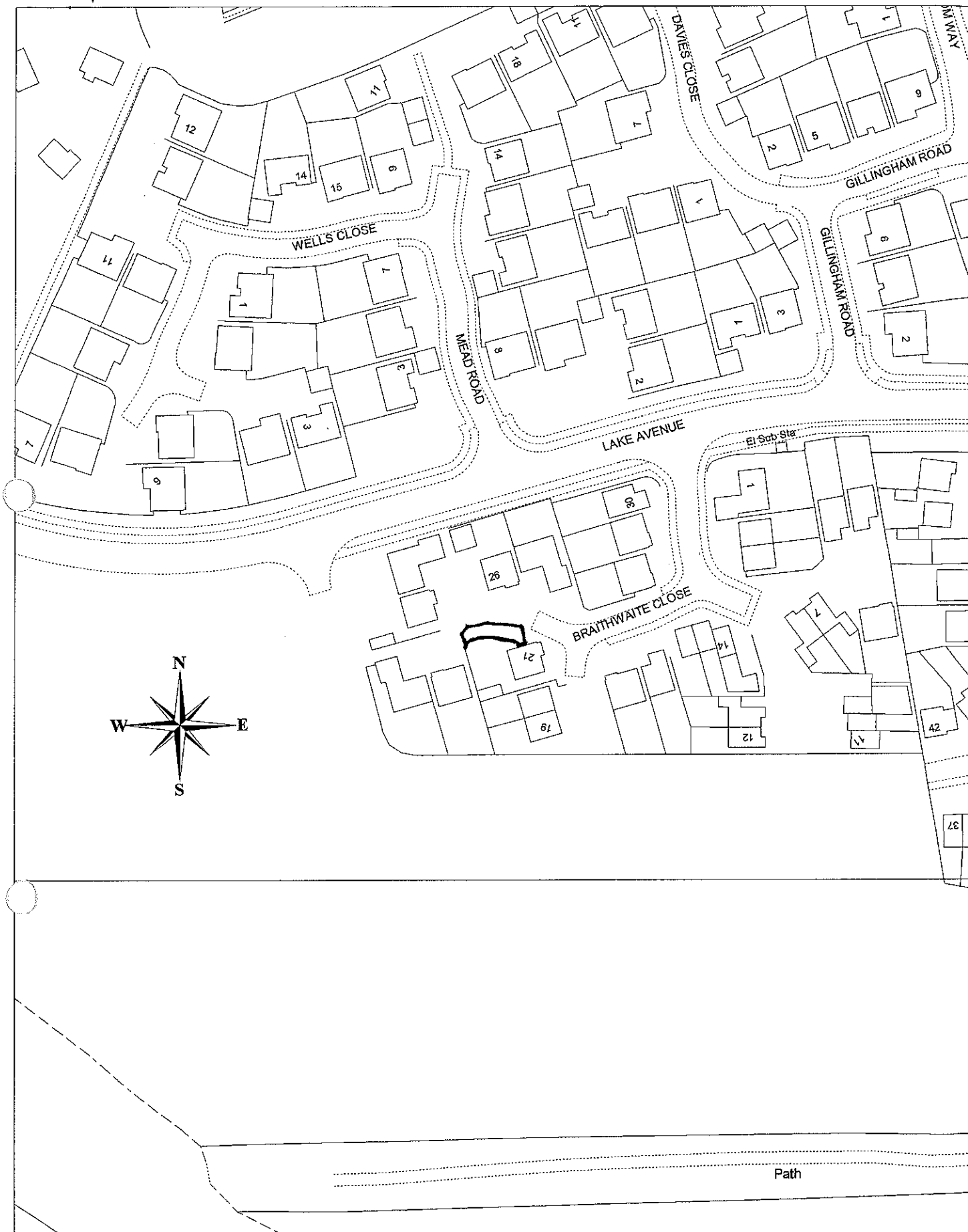
## ANNEX

### 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 Secretary of State before Monday 2 April 2001. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 2 April 2001 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 specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.



# Title

21 Braithwaite Close, Kettering  
Enforcement Notice EN/00/0497

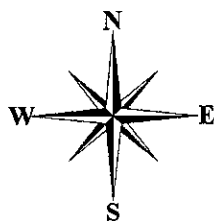
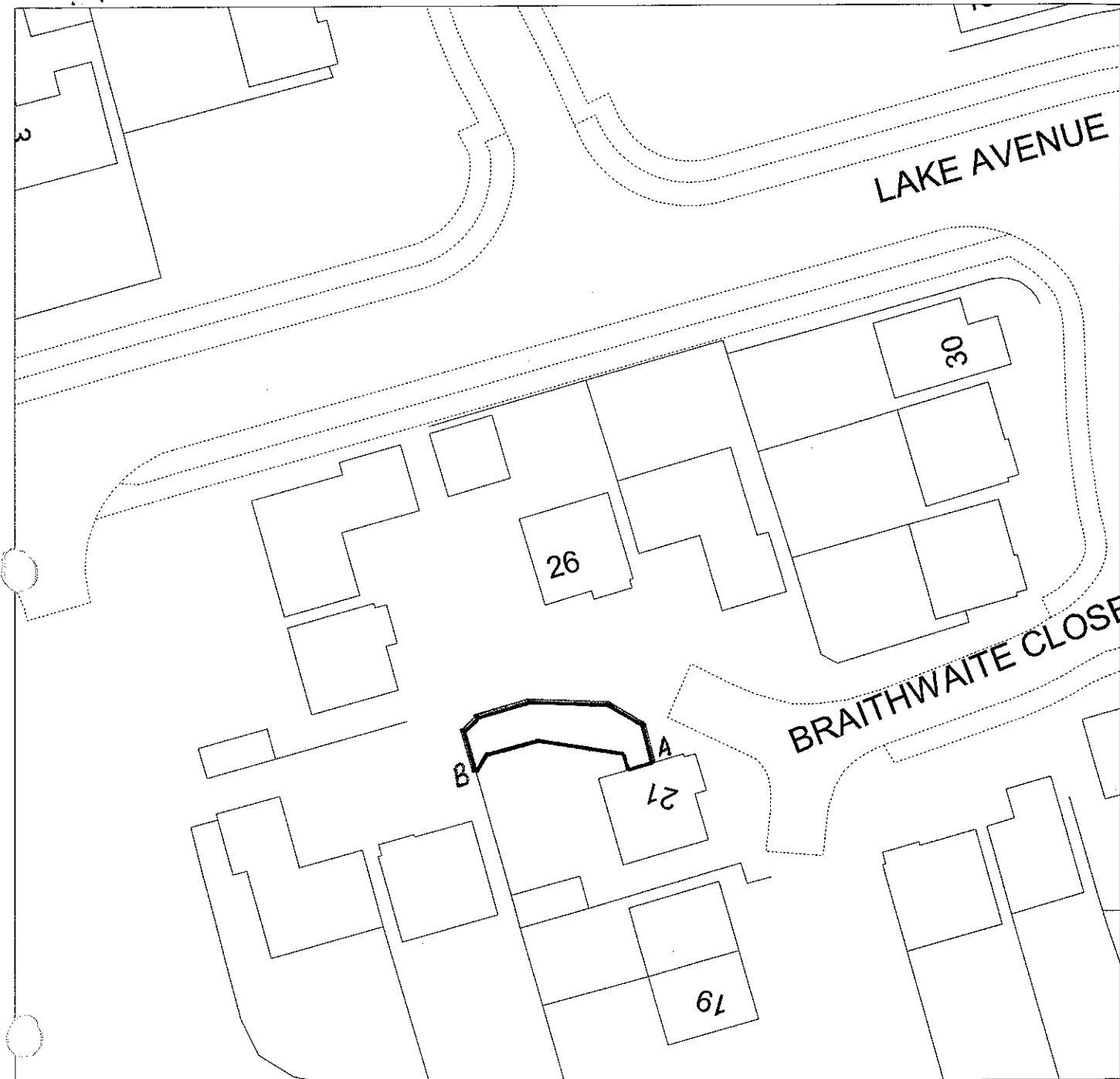
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LA078344

Date: 23/02/01

Scale: 1:1250

Drawn by: MJCH



**Title**

21 Braithwaite Close, Kettering  
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