

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

EN.01.0513

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 situated at Saint Mary's CEVA Primary School, Fuller Street 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 erection of a fence (between points A and B on the enclosed plan) in excess of 1 metre in height adjacent to a highway.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last four years. The fence in question is 2.4 metres in height and has been constructed from galvanised palisade steel of a type usually seen providing security at industrial locations. Consequently, it's appearance in Fuller Street is entirely out of keeping with the predominantly residential street scene, is visually intrusive and harmful to the amenity of neighbouring properties and residents. As such, the development is contrary to the following policies of the Local Plan for Kettering Borough and the Northamptonshire Structure Plan:

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough states that proposals for development, including demolition and changes of use, will be granted planning permission where the character of the development is appropriate in terms of type, scale, layout, density, design, energy conservation and crime prevention measures and where there is adequate provision for vehicular parking and access; no adverse impact on the highway network including traffic impacts on the local community; no adverse impact on the character of the area and/or the amenities of

existing or proposed nearby properties, and incorporates adequate landscaping proposals.

Policy 47 (Housing: Residential Amenity) of the Local Plan for Kettering Borough states that planning permission will not be granted for development proposals which would have a significant adverse impact upon the amenities of adjacent existing or proposed residential properties, including; demonstrable loss of privacy, demonstrable loss of sunlight, an increase in noise or atmospheric emissions, reduction in garden or car parking amenity, domination of outlook by overbearing development.

Policy GS5 (Design) of the Northamptonshire Structure Plan states that in order to promote high quality design and sustainable development, all proposals will have regard, among other considerations, to the visual appearance of the development in the context of the defining characteristics of the local area.

5. WHAT YOU ARE REQUIRED TO DO

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

- (a) Reduce the height of the fence (between points A and B on the attached plan) so that no part of it is more than 1 metre high measured from natural ground level.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15 July 2002 unless an appeal is made against it beforehand.

DATED: 6 June 2002

Signed



Head of Development 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 15 July 2002. 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 15 July 2002 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

Fence at St Mary's CEVA Primary School
Enforcement Notice EN/01/0513

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Date: 05/06/02

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Drawn by: MJCH