

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

EN.02.0203

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 have been breaches 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 the rear of 127 Stamford Road 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, change of use of an outbuilding used for ancillary storage to use as a dwelling.

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 use of the outbuilding as a separate dwelling results in an unacceptable degree of overlooking to existing dwellings and their previously private rear gardens, resulting in significant reduction in residential amenity to occupiers of those dwellings. There is also a lack of a private amenity area and off street parking for the use of the building as a separate dwelling. As such, the development is contrary to the following policies of the Local Plan for Kettering Borough:

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 47 (Housing: Residential Amenity) states that planning permission will not normally be granted for proposals for development, including changes of use, where they would have a significant adverse impact on the amenities of adjacent existing or proposed residential properties resulting in an increase in noise and other disturbances.

Policy 85 (Transportation: Car Parking and Servicing for New Development) states that planning permission will only be granted for new development or redevelopment which makes satisfactory provision for car parking, servicing and manoeuvring arrangements either within the site or, in the case of parking, on other conveniently located land under control of the applicant.

5. WHAT YOU ARE REQUIRED TO DO

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

- (a) Cease the use of the building for human habitation.
Time for compliance: three months from the date this Notice takes effect.
- (b) Permanently remove the bed, cooking equipment and fridge from the land.
Time for compliance: four months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11 July 2003 unless an appeal is made against it beforehand.

DATED: 6 June 2003

Signed



Cath Harvey
Head of Development Control
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 **Friday 11 July 2003**. The enclosed booklet "Making Your Enforcement Appeal" 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 **11 July 2003** 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

127 Stamford Road, rear of
EN/02/0203

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Date: 05/06/03

Scale: 1:1250

Drawn by: T Shields