

**KETTERING BOROUGH COUNCIL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

EN.03.0001(2)

**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 Bowd Field, Desborough Road, Stoke Albany, 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 planning permission, change of use of the land from agriculture to a use for motocross, incorporating the use of the land for riding motor cycles, together with the erection of bunds and fencing, and the creation of excavations and the laying of rubble hardcore, all carried out as part of the change of use.

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 use of the land for riding motor cycles has resulted in an adverse impact on the character and appearance of the countryside and the normally open and uninterrupted views across the Special Landscape Area. The works carried out as part of the change of use result in unsightly and unjustified alterations which are alien features to the natural topography of the countryside and the Special Landscape Area. The motor-cycling activity also results in a loss of visual amenity and noise intrusion to people living in the surrounding area and making use of nearby footpaths.

As such, the development is contrary to the following policies of the Development Plan:

Policy 7 (Environment: Protection of the Open Countryside) of the Local Plan for Kettering Borough generally seeks to protect the countryside from unwarranted development. It does so by presuming against any such development unless it is provided for within other policies of the Development Plan.

Policy 9 (Environment: Special Landscape Areas) of the Local Plan for Kettering Borough and Policy AR1 (Special Landscape Areas) of the Northamptonshire County Structure Plan give priority to the protection of particular identified areas of countryside which have been designated Special Landscape Areas (SLA's) because of their unique attributes, such as: outstanding scenic qualities, local character, absence of urban intrusion, remoteness and tranquillity. The Welland Valley SLA is one such area renowned for its natural unspoilt and panoramic aspects, and is of exceptional significance to the environmental quality of the Borough.

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough and Policy GS5 (Design) of the Northamptonshire County Structure Plan support proposals for development where the character, type and scale of the development is appropriate to the location, and there is no adverse impact on the character of the area and surrounding countryside, and where adequate landscaping can be achieved.

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:

1. Cease the use of the land for the riding of motorcycles and permanently remove all vehicles brought onto the land in connection with the use.  
Time for compliance: 14 days from the date this Notice takes effect
2. Permanently remove the portable toilet block and portable individual toilets, and all fencing, scaffolding, rope, signs and equipment brought onto the land in connection with the unauthorised use.  
Time for compliance: 1 month from the date this Notice takes effect.
3. Take up and permanently remove from the land all rubble hardcore brought onto the land in association with the unauthorised use  
Time for compliance: 1 month from the date this Notice takes effect.
4. De-construct down to natural ground level all of the bunds created on the land in association with the unauthorised use, and permanently remove all resulting materials from the land.  
Time for compliance: 2 months from the date this Notice takes effect.
5. In-fill all of the excavations created on the land with subsoil, and finish with top-soil to adjacent natural ground level.  
Time for compliance: 2 months from the date this Notice takes effect

6. Following the completion of the steps 1 to 5 above grade the land so that the contours of the land are restored to their former natural levels, and sow with grass seed to restore the land to its former state.

Time for compliance: 6 months from the date this Notice takes effect.

#### 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16<sup>th</sup> day of July 2003 unless an appeal is made against it beforehand.

DATED: 10 June 2003

Signed



Cath Harvey  
Head of Development Services  
Kettering Borough Council  
Municipal Offices  
Bowling Green Road  
KETTERING  
Northants NN15 7QX

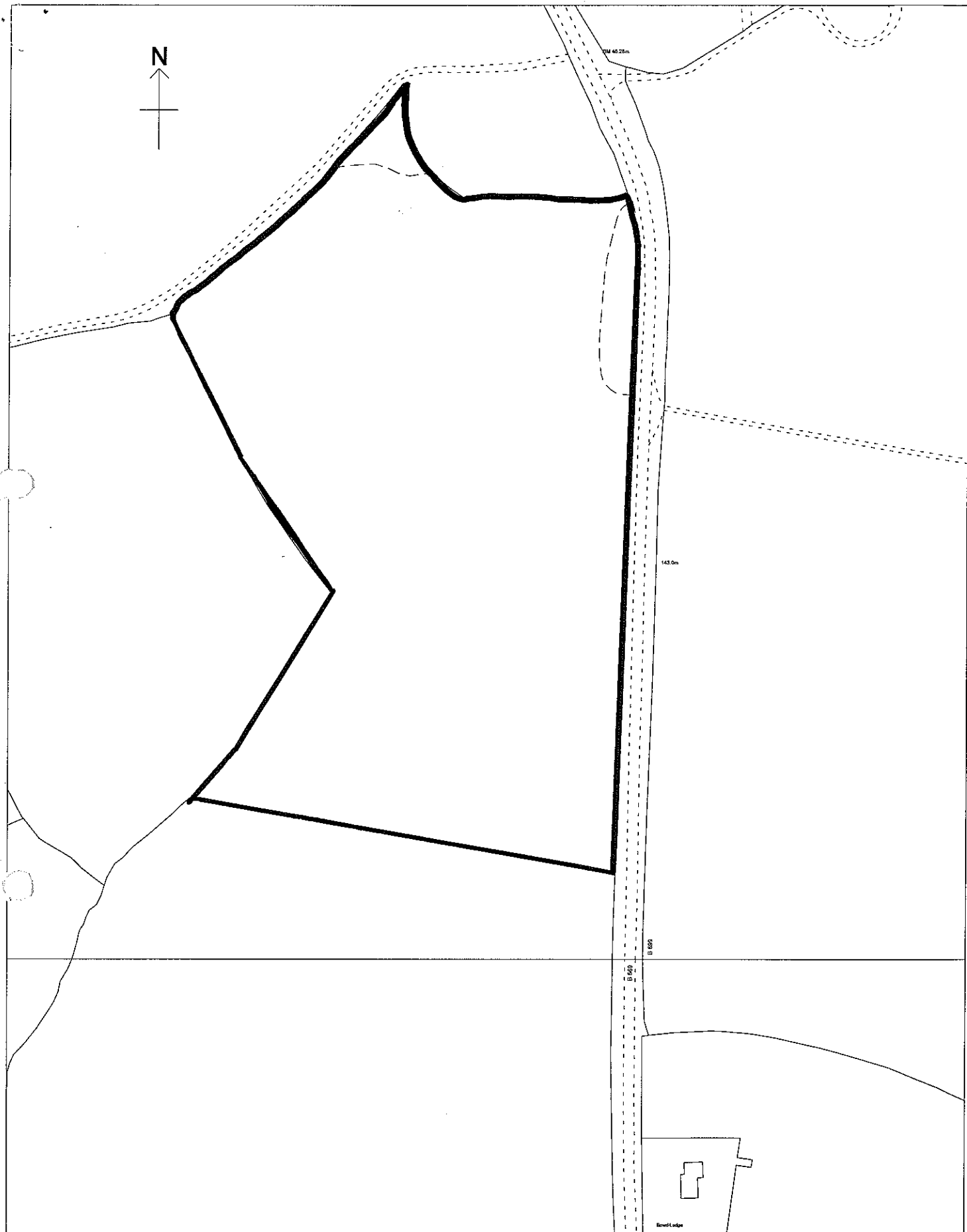
### ANNEX

#### 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 16 July 2003. 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 16 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

Title:

Bowd Field

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Date: 10:06:03

Scale: 1:2500

Drawn by: T Shields