

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

EN.03.0214 (3)

ENFORCEMENT NOTICE

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

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 Rushton Road, Glendon 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 mixed use for agriculture and for the storage and processing of salvaged building materials; together with the storage of plant equipment, industrial storage containers, commercial vehicles, industrial materials and equipment, and the erection of 2.4 metre high metal access gates and supporting piers. Also as part of the unauthorised change of use; hardcore and other materials have been imported and deposited to construct areas of hardstanding for the unauthorised storage and processing activities (in excess of the areas permitted by planning permission KE/99/0386 for livestock hardstanding) in the approximate positions shown in green on the plan attached to the enforcement notice.

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 has introduced industrial activity onto the land which includes substantial amounts of storage together with physical operations to the land; all of which result in an incongruous and intrusive impact

adversely affecting the character and appearance of the agricultural field and the surrounding open countryside. As such, the development is contrary to the following policies and adopted supplementary planning guidance of the Development Plan:-

Policy 7 (Environment: Protection of the Open Countryside) of the Local Plan for Kettering Borough states that planning permission for development within the open countryside will not be granted except where otherwise provided for in the plan.

Policy 12 (Environment: Polluting Activities) of the Local Plan for Kettering Borough states that planning permission will not be granted for proposals involving operations, uses or activities which would result in contaminated land or discharges of damaging material into the atmosphere. Conditions will also be imposed on planning permissions to control other operations, uses or activities within acceptable environmental limits.

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough 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.

Policy 54 (Employment: Open Storage Uses) of the Local Plan for Kettering Borough states that planning permission will be granted for open storage uses where the proposal is associated with an existing or proposed industrial use and is discretely located on an existing or proposed industrial area in association with an existing industrial use, and is not intrusive in the locality in terms of height or visual amenity.

Policy 60 (Employment: Rural Area) of the Local Plan for Kettering Borough states that proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 in the rural areas of the Borough will be considered in relation to Policies RA10 and RA11 of the Plan.

Policy RA11 (Rural Area: Employment in the Restraint and Scattered Villages and Open Countryside) of the Local Plan for Kettering Borough specifically prohibits the granting of planning permission for uses within classes B1 to B8 (industrial uses and storage) except where the scale of the development is small and/or benefits the rural environment and is compatible with the countryside.

Policy GS5 (Design) of the Northamptonshire County Structure Plan states that development proposals need to promote high quality design by taking account of the visual appearance of the development in the context of the defining characteristics of the local area.

Policy IC1 (Industrial and Commercial Development) of the Northamptonshire County Structure Plan states that industrial and commercial provision will be concentrated within the urban areas, strategic development areas, and other urban extensions. Sites for industrial and commercial development will make full use of brownfield land, existing buildings and infrastructure; be well related to housing, shops and other facilities; and not have a significant adverse impact on the environment, local amenity and traffic.

Policy RE1 (Small-Scale Employment-Related Development in Rural Areas) of the Northamptonshire County Structure Plan states that small-scale industrial and commercial development will be limited to within the established confines of villages.

5. WHAT YOU ARE REQUIRED TO DO

The steps required for the purposes of remedying the injury to amenity resulting from the breach of planning control are:-

- (1) Cease the importation of salvaged building materials, other materials, and equipment connected with the unauthorised use onto the site.
Time for compliance: 1 week from the date this Notice takes effect.
- (2) Cease the use of the land for the storage and processing of salvaged building and other materials and permanently remove all such materials from the land.
Time for compliance: 1 month from the date this Notice takes effect.
- (3) Permanently remove from the land all industrial storage containers, vehicles, plant equipment, and all other equipment and materials brought onto the land in connection with the unauthorised use.
Time for compliance: 1 month from the date this Notice takes effect
- (4) Permanently remove from the land the metal access gates and supporting piers.
Time for compliance: 3 months from the date this Notice takes effect.
- (5) Take up and permanently remove all hardcore and other materials (other than used in the formation of the access track) deposited on the land to form the areas of hardstanding at the positions shown hatched in green on the plan attached to the enforcement notice.
Time for compliance: 3 months from the date this Notice takes effect.
- (6) Following the completion of step 5 above; sow the remediated areas with grass seed to restore the land to its former condition.
Time for compliance: 5 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2 August 2004 unless an appeal is made against it beforehand.

DATED: 21 June 2004

Signed



Cath Harvey
Head of Development Services
Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
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 2 August 2004. 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 August 2004 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

Land at Rushton Road, Glendon

EN.03.0214

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Kettering
Borough Council

Date: 21:06:04

Scale: 1:5000

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