

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

KETTERING BOROUGH COUNCIL

ENFORCEMENT NOTICE

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ISSUED BY: KETTERING BOROUGH COUNCIL

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 The White Horse Inn, 1 Harborough 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 the benefit of planning permission, the erection of timber trellis fencing, posts, and joists to form two pergolas of approximately 2.5 metres in height, shown in the approximate positions marked in green on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last four years. As constructed, the unauthorised development is of a simple functional design which is appropriate to its intended garden/patio use and respects the scale and hierarchy between the primary listed building and secondary buildings within the site. Its design and finished appearance does not currently detract from the special architectural and historic interest of the listed building, or from its setting, or from the character and appearance of the Conservation Area, and is likely to enhance the commercial viability of the listed building as a public house. However, the unauthorised development is constructed of stained timber and is permanently exposed to the elements. The

Council considers that if the pergolas are not kept in their current form, or if they are not appropriately maintained, their appearance could quickly deteriorate and harm the architectural and historic interest of the listed building and its setting, and the character and appearance of the Conservation Area. The Council therefore considers that the pergolas should not remain on the site without any Local Planning Authority control over them. As such, the development conflicts with the aims and objectives of the following policies of the Development Plan:-

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

Policy AR6 (Environmental Assets and Natural Resources: Cultural Heritage) of the Northamptonshire County Structure Plan states that development proposals affecting the character, appearance or setting of Conservation Areas and/or the architectural or historic interest of listed buildings or their settings, will be required to demonstrate that such assets will be conserved and, where appropriate, enhanced.

Policy 22 (Environment: Development in Conservation Areas) of the Local Plan for Kettering Borough seeks to ensure that development within Conservation Areas is sympathetically designed to reflect the statutory duty of preserving or enhancing the character and appearance of those areas.

Policy 24 (Environment: Listed Buildings) of the Local Plan for Kettering Borough inter alia, reflects the statutory duty of the Local Planning Authority to secure a form and quality of development in keeping with the external appearance, character, historic interest, and the setting of Listed Buildings.

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 or on the amenity of existing or proposed nearby property.

5. WHAT YOU ARE REQUIRED TO DO

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

- (1) Maintain the existing construction of pergolas, posts, and trellis fencing in their existing positions, form, and colour at all times, unless altered in accordance with details which shall have received the prior written approval of the Local Planning Authority, or unless they are completely removed in compliance with step (2).

Time for compliance: 1 week from the date this Notice takes effect.


- (2) No later than 5 years from the date of this Notice coming into effect, take down and completely remove from the site all of the trellis fencing, posts, joists and supporting brackets, unless planning permission and Listed Building consent has been granted for their retention before the expiry of the 5 year period.

Time for compliance: 60 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on Monday 16 January 2006 unless an appeal is made against it beforehand.

DATED: 8 December 2005

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

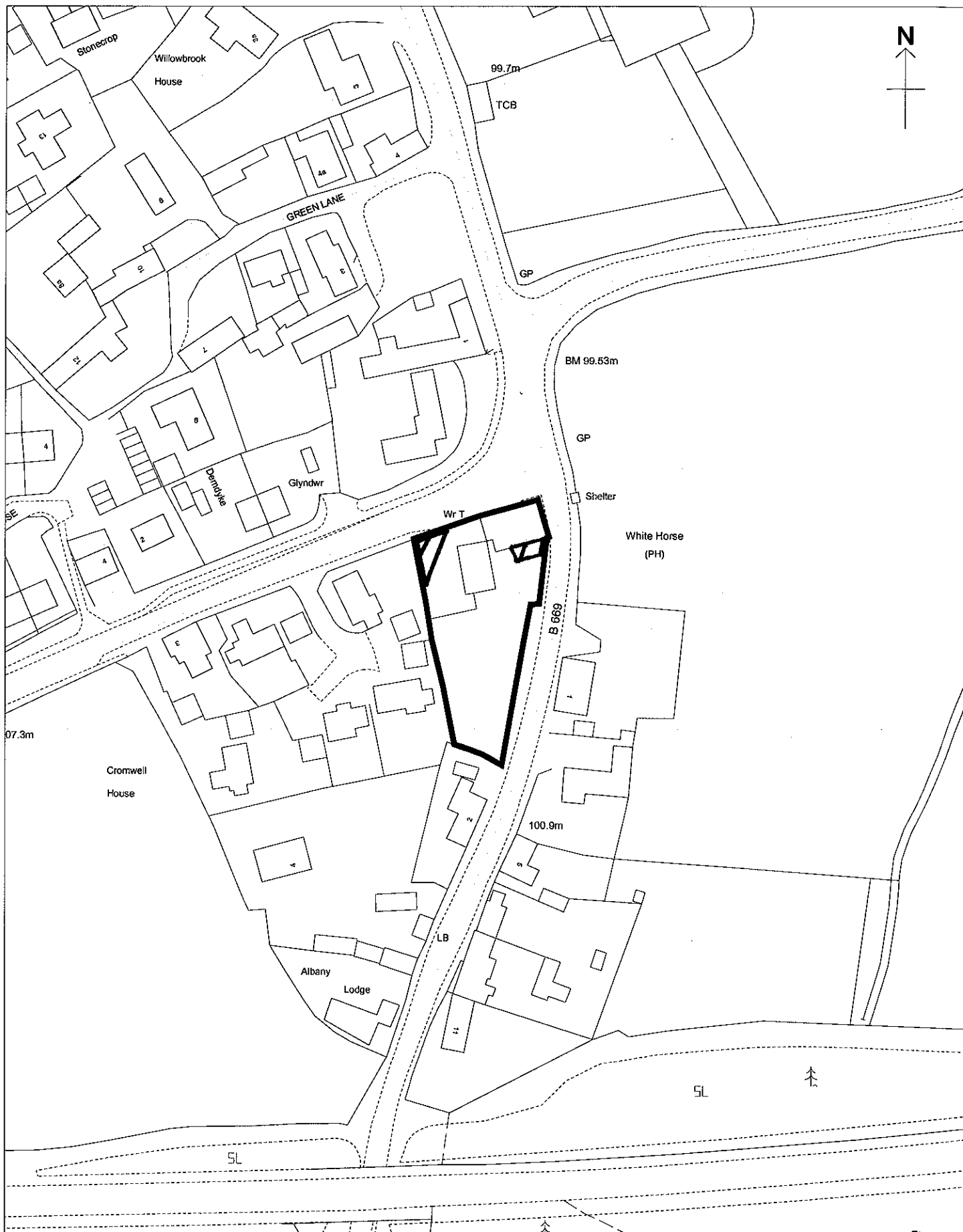
ANNEX

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 Monday 16 January 2006**. 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 **Monday 16 January 2006** 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

The White Horse Inn, 1 Harborough Rd, Stoke Albany

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Kettering
Borough Council

Date: 08:12:05

Scale: 1:1250

Drawn by: HGW