

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

EN/04/0917

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 the rear of 10 Barlows Lane, Wilbarston, 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, the erection of a brick built building measuring approximately 13.5m x 14.5m x 5m (height) in the approximate position marked with a green cross 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 four years. The building look like, and appears to have been designed as, a dwelling house but is not yet substantially completed. Planning permission KE/00/0543 was granted for a dwelling at this site on the same foot print as the unauthorised development, subject to a number of conditions precedent. The conditions precedent have not been discharged by the Council and so the development on site cannot be regarded as commencing the development authorised by planning permission KE/00/0543.

The site is within the Wilbarston Conservation Area. The Council considers that the construction of the building in a mixture of brick and stone does not preserve or enhance the character and appearance of the Conservation Area, and that if any dwelling were permitted on this site its external walls should be constructed entirely of natural local stone. Therefore, the building is not acceptable for retention in terms of granting any retrospective planning permission, and planning conditions could not overcome the Council's objection to the development. 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 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 RA3 (Rural Area: Restricted Infill Villages) of the Local Plan for Kettering Borough states that planning permission will only be granted for new development in the Restricted Infill villages where the proposal is within the defined village limits, the proposal is appropriate in size, character, form and the setting of the village, and is compatible with other policies of the Plan particularly with respect to conservation, design, density, site layout, access, drainage, landscaping and open space provision.

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.

5. WHAT YOU ARE REQUIRED TO DO

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

- (1) Cease any further operational development, engineering operations, or other works to the building other than in compliance with step (2).

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

- (2) Demolish the building and permanently remove from the land all building materials and rubble arising from the demolition.

Time for compliance: 3 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **10 February 2005** unless an appeal is made against it beforehand.

DATED: 20 December 2004

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 **10 February 2005**. 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 **10 February 2005** 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.



Extract of:

Plot 1, Land at Rear of 10 Barlows Lane, Wilbarston

Date: 20:12:04

Scale: 1:1250

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